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**MINUTES**  
City of Modesto  
**Special Economic Development Committee/  
City Council Workshop Meeting**

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

**Monday, January 9, 2012 at 5:30 p.m.**

Roll Call Present: Councilmembers Stephanie Burnside, Joe Muratore, and Dave Cogdill, Jr.  
Absent: None  
Also Present: Councilmembers Dave Geer and John Gunderson

**PUBLIC COMMENTS**

Emerson Drake spoke regarding the December 15, 2011 Economic Development Committee meeting and the appointments made to the Planning Commission.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 and 2**

**CONSENT**

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

Consent

1. Consider approving the Protected-Permissive Traffic Signals Report for 2011.  
(Funding Source: Gas Tax)  
*Community & Economic Development; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com*

**ACTION: Motion (Muratore/Cogdill;unan.)** approving the Protected-Permissive Traffic Signals Report for 2011.

Consent

2. Consider receiving status report of development projects processed by the Community and Economic Development Department. (Funding Source: Not Applicable)  
*Community & Economic Development; Brent Sinclair, 577-5228, hbsinclair@modestogov.com*

**ACTION:** **Motion (Muratore/Cogdill;unan.)** accepting status report of development projects processed by the Community and Economic Development Department.

**NEW BUSINESS**

3. Consider reviewing the proposed Zoning Code update and forwarding to the City Council. (Funding Source: Not Applicable)  
*Community & Economic Development; Paul Liu, 577-5267, pliu@modestogov.com*

**ACTION:** **Motion (Muratore/Cogdill;unan.)** approving the proposed Zoning Code update and forwarding to the City Council.

4. Consider approving amendments to Chapter 6 of Title 5 of the Modesto Municipal Code, regarding Fats, Oil, and Grease to be in compliance with the State Water Resources Control Board Order No. 2006-0003-DWQ Statewide General Waste Discharge Requirements for Wastewater Collection Systems and forwarding to Council for approval. (Funding Source: Wastewater Fund )  
*Public Works; Gary DeJesus, 577-6255, gdejesus@modestogov.com*

**ACTION:** **Motion (Muratore/Cogdill;unan.)** approving amendments to Chapter 6 of Title 5 of the Modesto Municipal Code, regarding Fats, Oil, and Grease to be in compliance with the State Water Resources Control Board Order No. 2006-0003-DWQ Statewide General Waste Discharge Requirements for Wastewater Collection Systems and forwarding to Council for approval.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 6:35 p.m.

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

## MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday January 10, 2012, at 5:30 p.m.**

Roll Call - Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,  
Mayor Ridenour  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Bob Irwin, Mill Creek Community Church

City Clerk's Announcements - Item 20 Removed from Agenda

Declaration of Conflicts of Interest - Muratore - Items 15 and 17

Reports from Closed Session - No Closed Session matters

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. StanCOG Informational Presentation on the Development of the Stanislaus Sustainable Communities Strategy under SB 375 and the San Joaquin Valley Blueprint Roadmap. (Funding Source: Not Applicable)  
*Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com*

**ACTION:** Presentation by Jaylen French, StanCOG, on the Development of the Stanislaus Sustainable Communities Strategy under SB 375 and the San Joaquin Valley Blueprint Roadmap.

2. Presentation by the Modesto Chamber of Commerce to new and growing businesses in Modesto. (Funding Source: Not Applicable)  
*Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION:** Cecil Russell, President of the Modesto Chamber of Commerce, acknowledged Modesto Reprographics and Vito's Restaurant.

### MISCELLANEOUS

Legislation

Appointments  
Other

3. Consider approving the re-appointment of Ted Brandvold to the Board of Zoning Adjustment as the 2012 Planning Commission representative. (Funding Source: Not applicable)
  - Resolution approving the re-appointment of Ted Brandvold as the 2012 Planning Commission representative to the Board of Zoning Adjustment recommended.  
*Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com*

**ACTION: Resolution 2012-01 (Lopez/Burnside; 7/0)** approving the re-appointment of Ted Brandvold as the 2012 Planning Commission representative to the Board of Zoning Adjustment.

4. Consider accepting the resignation of Amy Neumann from the City of Modesto Planning Commission. (Funding Source: Not Applicable)
  - Resolution accepting with regret the resignation of Amy Neumann from the City of Modesto Planning Commission recommended.  
*Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com*

**ACTION: Resolution 2012-02 (Lopez/Gunderson; 7/0)** accepting with regret the resignation of Amy Neumann from the City of Modesto Planning Commission.

5. Consider approving the reappointment of Chris Tyler and the appointments of Sandra Lucas and Dennis Smith to the City of Modesto Planning Commission. (Funding Source: Not Applicable)
  - Resolution reappointing Chris Tyler to the City of Modesto Planning Commission recommended.
  - Resolution appointing Sandra Lucas to the City of Modesto Planning Commission recommended.
  - Resolution appointing Dennis Smith to the City of Modesto Planning Commission recommended.  
*Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com*

**ACTION: Resolution 2012-03 (Lopez/Muratore; 7/0)** reappointing Chris Tyler to the City of Modesto Planning Commission.

**ACTION: Resolution 2012-04 (Lopez/Muratore; 7/0)** appointing Sandra Lucas to the City of Modesto Planning Commission.

**ACTION: Resolution 2012-05 (Lopez/Muratore; 7/0)** appointing Dennis Smith to the City of Modesto Planning Commission.

**PUBLIC COMMENT PERIOD**

- Athens Abell spoke regarding a video of her interview with Councilmember Lopez on October 24, 2011.
- Emerson Drake spoke regarding the Modesto City Council.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 6 through 14**  
**ACTION CONSENT ITEMS 6-14: (Cogdill/Lopez;unan.)**

**CONSENT ITEMS**

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

Consent

6. Consider approving the minutes of the City Council meetings of December 13, 2011. (Funding Source: Not Applicable)
  - Motion approving the minutes of the City Council meetings of December 13, 2011 recommended.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Cogdill/Lopez; 7/0)** approving the minutes of the City Council meeting of December 13, 2011.

Consent

7. Consider amending an Agreement related to the relocation of electric utility poles with Modesto Irrigation District in the amount of \$18,403.41 for additional expenses which occurred during the relocation of Modesto Irrigation District facilities located at the southeast corner of Briggsmore Avenue and McHenry Avenue, and authorize the City Manager, or his designee, to execute the Amendment. ((CMAQ) Management CML 5059 (168) Project. Project #100030). (Funding Source: CIP Federal Funded Congestion Mitigation and Air Quality Improvement Program (CMAQ) and Streets CFF Local Match)
  - Resolution approving an Amendment to an Agreement between the City of Modesto and Modesto Irrigation District Related to the Relocation of Electric Utility Poles in the amount of \$18,403.41 for the additional expenses which occurred during the relocation of Modesto Irrigation District facilities at the southeast corner of McHenry Avenue and Briggsmore Avenue; and authorizing the City Manager, or his designee, to execute the Amendment to Agreement recommended.  
*Community & Economic Development; Charles Covolo, 571-5537, ccovolo@modestogov.com*

**ACTION: Resolution 2012-06 (Cogdill/Lopez; 7/0)** approving an Amendment to an Agreement between the City of Modesto and Modesto Irrigation District Related to the Relocation of Electric Utility Poles in the amount of \$18,403.41 for the additional expenses which occurred during the relocation of Modesto Irrigation District facilities at the southeast corner of McHenry Avenue and Briggsmore Avenue; and authorizing the City Manager, or his

designee, to execute the Amendment to Agreement.

Consent

8. Consider authorizing the award of bids for the furnishing of pump station rejuvenation services for the Department of Public Works, Water Division and Wastewater Division, to Amerine Systems, Inc. Oakdale, CA as “primary” contractor, Don Pedro Pump, Hughson, CA as “secondary” contractor and GSE Construction Co., Inc., Livermore, CA as “third” contractor, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$185,000, and over five (5) years of \$925,000. (Funding Source: Water Fund and Wastewater Fund)

- Resolution authorizing the award of bids for the furnishing of pump station rejuvenation services for the Public Works Department, Water Division and Wastewater Division, to Amerine Systems, Inc. Oakdale, CA as “primary” contractor, Don Pedro Pump, Hughson, CA as “secondary” contractor and GSE Construction Co., Inc., Livermore, CA as “third” contractor, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue purchase agreements for an estimated annual cost of \$185,000 recommended.

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

**ACTION: Resolution 2012-07 (Cogdill/Lopez; 7/0)** authorizing the award of bids for the furnishing of pump station rejuvenation services for the Public Works Department, Water Division and Wastewater Division, to Amerine Systems, Inc. Oakdale, CA as “primary” contractor, Don Pedro Pump, Hughson, CA as “secondary” contractor and GSE Construction Co., Inc., Livermore, CA as “third” contractor, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue purchase agreements for an estimated annual cost of \$185,000.

Consent

9. Consider authorizing the award of bid for the purchase of one transfer truck with trailer, for the Department of Public Works, Streets Division, through the Fleet Services Division, to Delta Truck Center, French Camp, CA, and authorizing the Purchasing Manager to issue a purchase order for a total estimated cost of \$164,144. (Funding Source: Fleet Replacement Funds)

- Resolution authorizing the award of bid for the purchase of one transfer truck with trailer for the Public Works Department, Streets Division, through the Fleet Services Division, to Delta Truck Center, French Camp, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$164,144 recommended.

*Finance; Meagan Torres, 571-5839, mtorres@modestogov.com*

**ACTION: Resolution 2012-08 (Cogdill/Lopez; 7/0)** authorizing the award of bid for the purchase of one transfer truck with trailer for the Public Works Department, Streets Division, through the Fleet Services Division, to Delta Truck Center, French Camp, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of

\$164,144.

Consent

10. Consider accepting monthly budget adjustments. (Funding Source: Various Funds)
- Resolution amending Fiscal Year 2010 – 2011 and Fiscal Year 2011-2012 Annual Operating Budgets recommended.
- Finance; Cynthia Gale, 571-5855, cgale@modestogov.com*

**ACTION: Resolution 2012-09 (Cogdill/Lopez; 7/0)** amending Fiscal Year 2010 – 2011 and Fiscal Year 2011-2012 Annual Operating Budgets.

Consent

11. Consider revising the City's Alcohol & Drug Testing Policy and Procedure to ensure compliance with the regulations of the Department of Transportation, and renaming it the Anti-Drug/Alcohol Misuse Program. (Funding Source: Not Applicable)
- Resolution amending the City's Alcohol and Drug Testing Policy and Procedure and renaming it the Anti-Drug/Alcohol Misuse Program to ensure continued compliance with regulations of the Federal Department of Transportation recommended.
- Human Resources; Beverly Jensen, 577-5446, bjensen@modestogov.com*

**ACTION: Resolution 2012-10 (Cogdill/Lopez; 7/0)** amending the City's Alcohol and Drug Testing Policy and Procedure and renaming it the Anti-Drug/Alcohol Misuse Program to ensure continued compliance with regulations of the Federal Department of Transportation.

Consent

12. Consider approving a \$70,600 Home Repair Program/Disabled Access Program (HRP/DAP) loan for Christi Marie White and Sherry White of 3833 Honey Creek Road, Modesto. (Funding Source: CDBG and RLF funds)
- Resolution approving a \$70,600 Home Repair Program/Disabled Access Program (HRP/DAP) loan for Christie Marie White and Sherry M. White of 3833 Honey Creek Road, Modesto, and authorizing the City Manager, or his designee, to execute related documents recommended.
- Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com*

**ACTION: Resolution 2012-11 (Cogdill/Lopez; 7/0)** approving a \$70,600 Home Repair Program/Disabled Access Program (HRP/DAP) loan for Christie Marie White and Sherry M. White of 3833 Honey Creek Road, Modesto, and authorizing the City Manager, or his designee, to execute related documents.

Consent

13. Consider accepting the work by Elite Landscaping, Inc., for the Highway Planting and Irrigation State Route 99 at Briggsmore Avenue project as complete. Total construction cost is \$944,947.39, with a total project cost of \$1,347,859.63. (Funding Source: Local funds, State Highway Operation and Protection Program Transportation Enhancement (SHOPP TE) funds, Regional TE funds and Caltrans Minor B funds)

- Resolution accepting the work by Elite Landscaping, Inc., for the Highway Planting and Irrigation State Route 99 at Briggsmore Avenue project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and authorizing payment of amounts totaling \$944,947.39 recommended.

*Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION: Resolution 2012-12 (Cogdill/Lopez; 7/0)** accepting the work by Elite Landscaping, Inc., for the Highway Planting and Irrigation State Route 99 at Briggsmore Avenue project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and authorizing payment of amounts totaling \$944,947.39.

#### Consent

14. Consider accepting the work by Amerine Systems, Inc. for the Airport Irrigation Well project as complete. (Total construction cost is \$123,882, with a total project cost of \$155,000.) (Funding Source: Special Aviation Funds)
- Resolution accepting the work by Amerine Systems, Inc., for the Airport Irrigation Well project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$123,882 recommended.

*Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION: Resolution 2012-13 (Cogdill/Lopez; 7/0)** accepting the work by Amerine Systems, Inc., for the Airport Irrigation Well project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$123,882.

### COUNCIL COMMENTS & REPORTS

Councilmember Lopez spoke regarding City Council Districts and having a volunteer representative from the Districts to attend various meeting on behalf of the Councilmembers. Mayor Ridenour directed this item to Safety & Communities Committee.

### CITY MANAGER COMMENTS & REPORTS

None.

### HEARINGS

*Published in the Modesto Bee on December 21, 2011 - Councilmember Muratore absent due to conflict of interest*

15. Hearing to consider an application by Girls Scouts Heart of Central California to amend Planned Development Zone, P-D(347), to expand the uses allowed to include permitted and conditional uses allowed in the P-O, Professional Office Zone. (Funding Source: Not Applicable)
- Motion introducing an Ordinance Amending Section 2 of Ordinance No. 2236-C.S. Entitled "An Ordinance Amending Section Map 10-3-9 of the Zoning Map of the

City of Modesto, Reclassifying Certain Property Located Thereon. (Muir Trail Girl Scout Council)” property located on the south side of Sylvan Meadows Drive between Haig Way and Forest Glenn Drive, 3621 Forest Glenn Drive (Girl Scouts Heart of Central California) recommended.

- Resolution finding that the following project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (Sch No. 2007072023): Amendment to Planned Development Zone, P-D(347), property located on the south side of Sylvan Meadows Drive between Haig Way and Forest Glenn Drive, 3621 Forest Glenn Drive (Girl Scouts Heart of Central California) recommended.

*Community & Economic Development; Rita Doscher, 577-5267,  
rdoscher@modestogov.com*

**ACTION: Motion (Lopez/Gunderson; 6/0; Muratore absent due to conflict of interest)** introducing **Ordinance No. 3558-C.S.** amending Section 2 of Ordinance No. 2236-C.S. entitled “An Ordinance amending Section Map 10-3-9 of the Zoning Map of the City of Modesto, Reclassifying Certain Property Located Thereon. (Muir Trail Girl Scout Council)” property located on the south side of Sylvan Meadows Drive between Haig Way and Forest Glenn Drive, 3621 Forest Glenn Drive (Girl Scouts Heart of Central California).

**ACTION: Resolution 2012-14 (Lopez/Gunderson; 6/0; Muratore absent due to conflict of interest)** finding that the following project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (Sch No. 2007072023): Amendment to Planned Development Zone, P-D(347), property located on the south side of Sylvan Meadows Drive between Haig Way and Forest Glenn Drive, 3621 Forest Glenn Drive (Girl Scouts Heart of Central California).

## NEW BUSINESS

16. Consider approving an amendment to the City’s Labor Policy for paying and reporting the value of employer paid member contributions to CalPERS on behalf of employees represented by Modesto City Employees Association (MCEA); Modesto Police and Fire Non-Sworn Association (MPNSA); Modesto Confidential and Management Association (MCMA); Modesto City Fire Fighters' Association (MCFFA); and Unrepresented Management and Confidential Employees. (Funding Source: Future cost savings to various funds.)
  - Resolution amending a labor policy for paying and reporting the value of employer paid member contributions to the California Public Employees' Retirement System (CalPERS) on behalf of employees represented by the Modesto City Employees Association (MCEA) recommended.
  - Resolution amending a labor policy for paying and reporting the value of employer paid member contributions to the California Public Employees' Retirement System (CalPERS) on behalf of employees represented by the Modesto Police and Fire Non Sworn Association (MPNSA) recommended.
  - Resolution amending a labor policy for paying and reporting the value of employer paid member contributions to the California Public Employees' Retirement System (CalPERS) on behalf of employees represented by the Modesto Confidential and

Management Association (MCMA) recommended.

- Resolution amending a labor policy for paying and reporting the value of employer paid member contributions to the California Public Employees' Retirement System (CalPERS) on behalf of employees represented by the Modesto City Fire Fighters' Association (MCFFA) recommended.
- Resolution amending a labor policy for paying and reporting the value of employer paid member contributions to the California Public Employees' Retirement System (CalPERS) on behalf of Unrepresented Management and Confidential Employees recommended.

*Human Resources; Rosemary Harless, 577-5403, rharless@modestogov.com*

**ACTION: Resolution 2012-15 (Lopez/Burnside; 7/0)** amending a labor policy for paying and reporting the value of employer paid member contributions to the California Public Employees' Retirement System (CalPERS) on behalf of employees represented by the Modesto City Employees Association (MCEA).

**ACTION: Resolution 2012-16 (Lopez/Burnside; 7/0)** amending a labor policy for paying and reporting the value of employer paid member contributions to the California Public Employees' Retirement System (CalPERS) on behalf of employees represented by the Modesto Police and Fire Non Sworn Association (MPNSA).

**ACTION: Resolution 2012-17 (Lopez/Burnside; 7/0)** amending a labor policy for paying and reporting the value of employer paid member contributions to the California Public Employees' Retirement System (CalPERS) on behalf of employees represented by the Modesto Confidential and Management Association (MCMA).

**ACTION: Resolution 2012-18 (Lopez/Burnside; 7/0)** amending a labor policy for paying and reporting the value of employer paid member contributions to the California Public Employees' Retirement System (CalPERS) on behalf of employees represented by the Modesto City Fire Fighters' Association (MCFFA).

**ACTION: Resolution 2012-19 (Lopez/Burnside; 7/0)** amending a labor policy for paying and reporting the value of employer paid member contributions to the California Public Employees' Retirement System (CalPERS) on behalf of Unrepresented Management and Confidential Employees.

*Councilmember Muratore absent due to conflict of interest*

17. Consider approving a request from the Housing Authority of the County of Stanislaus (Housing Authority) to acquire a duplex located at 505 E. Coolidge Avenue, to provide housing units for the Emancipated Foster Youth and/or Homeless Youth Program participants. (The estimated cost of the acquisition is \$61,000) (Funding Source: Neighborhood Stabilization Program 2 (NSP2) Funds Emancipated Foster and Homeless Youth Activity)
  - Resolution approving a request from the Housing Authority of the County of Stanislaus to acquire the property located at 505 East Coolidge Avenue, for a cost not to exceed \$61,000, to provide housing for the Emancipated Foster Youth and/or Homeless Youth Program participants; and authorizing the City Manager, or his

designee, to execute the agreement and related documents recommended.  
*Parks, Recreation and Neighborhoods; Carol Averell, 577-5310,  
caverell@modestogov.com*

**ACTION: Resolution 2012-20 (Lopez/Cogdill; 6/0; Muratore absent due to conflict of interest)** approving a request from the Housing Authority of the County of Stanislaus to acquire and do the fully requested rehabilitation, at a total project cost of \$178,876 for the property located at 505 East Coolidge Avenue to provide housing units for the Emancipated Foster Youth and/or Homeless Youth Program participants and authorizing the City Manager, or his designee, to execute the agreement and related documents.

18. Consider approving a Term Sheet to be used in the development of a new Service Agreement with Covanta Stanislaus, Inc. for the Operation of the Waste-to-Energy Facility and related actions. (Funding Source: Not Applicable)
- Resolution approving the Term Sheet to be used in the development of a new Service Agreement with Covanta Stanislaus, Inc. authorizing the City Manager or designee to sign the Term Sheet so a new Service Agreement can be developed; authorizing the City Manager or designee to negotiate a new Service Agreement with Stanislaus County and Covanta Stanislaus, Inc.; and authorizing the City Manager to enter into a contract with Sidley Austin, LLP, for the development of the new Service Agreement on behalf of the contracting communities recommended.
  - Resolution directing the City Manager to Negotiate Amendment No. 3 to the Agreement between City of Modesto and County of Stanislaus relating to administration of Service Agreement for supply and acceptance of solid waste with the County of Stanislaus recommended.  
*Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417,  
jhannon@modestogov.com*

**ACTION: Resolution 2012-21 (Lopez/Burnside; 7/0)** approving the Term Sheet to be used in the development of a new Service Agreement with Covanta Stanislaus, Inc. authorizing the City Manager or designee to sign the Term Sheet so a new Service Agreement can be developed; authorizing the City Manager or designee to negotiate a new Service Agreement with Stanislaus County and Covanta Stanislaus, Inc.; and authorizing the City Manager to enter into a contract with Sidley Austin, LLP, for the development of the new Service Agreement on behalf of the contracting communities recommended.

**ACTION: Resolution 2012-22 (Lopez/Burnside; 7/0)** directing the City Manager to Negotiate Amendment No. 3 to the Agreement between City of Modesto and County of Stanislaus relating to administration of Service Agreement for supply and acceptance of solid waste with the County of Stanislaus.

19. Consider authorizing the City of Modesto Water Enterprise Fund to increase the posted collateral by \$7 million up to \$25 million with JPMorgan Chase Bank under terms of a Swap Agreement for the 2007 Modesto Irrigation District Revenue Bonds related to the Domestic Water Treatment and Delivery System. (Funding Source: Water Enterprise Fund)

- Resolution authorizing the City of Modesto Water Enterprise Fund to post collateral up to \$25 million with JPMorgan Chase Bank under terms of a Swap Agreement for the 2007 Modesto Irrigation District Revenue Bonds related to the Domestic Water Treatment and Delivery System recommended.

*Finance; Gloriette Genereux, 571-5371, ggenereux@modestogov.com*

**ACTION: Resolution 2012-23 (Lopez/Muratore; 7/0)** authorizing the City of Modesto Water Enterprise Fund to post collateral up to \$25 million with JPMorgan Chase Bank under terms of a Swap Agreement for the 2007 Modesto Irrigation District Revenue Bonds related to the Domestic Water Treatment and Delivery System.

*Removed from Agenda*

20. Consider: (i) a presentation of the Stanislaus County Library Annual Report for Fiscal Year 2010-2011; and (ii) adopting a Resolution supporting the extension of a 1/8 cent sales tax which would fund the Stanislaus County Library. (Funding Source: Not Applicable)

- Resolution supporting the extension of a 1/8 cent sales tax which would fund the Stanislaus County Library recommended.

*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** Removed from Agenda.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting was adjourned at 7:45 p.m.

## MINUTES

City of Modesto  
**SAFETY & COMMUNITIES COMMITTEE / COUNCIL**  
**WORKSHOP**  
Second Floor, Room 2005  
Tenth Street Place, 1010 10th Street  
Modesto, California

Wednesday, January 12, 2012, at 5:30 p.m.

Roll Call Present: Councilmembers Lopez, Geer, Gunderson  
Absent: None

### PUBLIC COMMENTS

Mike Moridian, La Loma Neighborhood Association, spoke regarding the opening and closing times of parks and the possibility of placing billboards near bathrooms at the older parks. Chairperson Lopez directed staff to bring this item to the February Safety & Communities meeting.

### CONSENT

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

#### Consent

1. Consider recommending City Council accept La Loma Neighborhood Association's proposal for a community funded security camera at Kewin Park. (Funding Source: Community Donations)  
*Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com*

**ACTION:** **Motion (Gunderson/Geer;unan.)** accepting La Loma Neighborhood Association's proposal for a community funded security camera at Kewin Park and forwarding to Council for approval.

### NEW BUSINESS

2. Consider the review of City Ordinances pertaining to the keeping of chickens and other animals. (Funding Source: Not Applicable)  
*Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com*

**ACTION:** No reportable action.

### MATTERS TOO LATE FOR THE AGENDA

None.

**ADJOURNMENT**

This meeting adjourned at 5:55 p.m.

# MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday January 24, 2012, at 5:30 p.m.**

Roll Call - Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,  
Mayor Ridenour  
Absent: None

Pledge of Allegiance to the Flag

Mayor Ridenour asked for a moment of silence in honor of Sandy Hopp, Field Representative for Supervisors Grover and Withrow, who passed away this morning.

Invocation: Ross Briles, Sherwood Bible Church

City Clerk's Announcements – None

City Attorney Wood requested that Item 17 be continued after LAFCO meeting on February 22, 2012 re Shackelford annexation.

Declaration of Conflicts of Interest - Items 3, 14, 21, RDA B and C – Muratore;  
Items 15 and 16 – Cogdill

Reports from Closed Session - City Attorney Wood reported on Closed Session matters

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Stephen Qualls, League of California Cities, with updates on Sacramento, local government in 2011, and expectations for 2012. (Funding Source: Not Applicable)  
*City Council; Jim Ridenour, 571-5597, jridenour@modestogov.com*

**ACTION:** Presentation was made by Stephen Qualls, League of California Cities, with updates on Sacramento, local government in 2011, and expectations for 2012.

2. Presentation by the Information Technology Department presenting the City Manager and Council with a plaque representing the City of Modesto as one of the top-ranked local governments in the nation, in the 10th annual Digital Cities Survey. (Funding Source: Not Applicable)  
*Information & Technology; Bryan Sastokas, 577-5229, BSastokas@modestogov.com*

**ACTION:** Presentation was made by Bryan Sastokas, Chief Information Officer, presenting the City Manager and Council with a plaque representing the City of Modesto as one of the top-ranked local governments in the nation, in the 10th annual Digital Cities Survey.

### MISCELLANEOUS

Legislation  
Appointments  
Other

*Councilmember Muratore absent due to conflict of interest*

3. Consider approving the appointment of Chris Tyler to the Citizens Housing and Community Development Committee as the 2012 Planning Commission Representative. (Funding Source: Not Applicable)
  - Resolution approving the appointment of Chris Tyler as the 2012 Planning Commission representative to the Citizens Housing and Community Development Committee recommended.

*Community & Economic Development; Patrick Kelly, 577-5268,  
[pkelly@modestogov.com](mailto:pkelly@modestogov.com)*

**ACTION: Resolution 2012-24 (Lopez/Burnside; 6/0; Muratore absent due to conflict of interest)** approving the appointment of Chris Tyler as the 2012 Planning Commission representative to the Citizens Housing and Community Development Committee.

### PUBLIC COMMENT PERIOD

- Lisa Vorse, Deena Elliott, Lenita Hoek and Carmen Trammel spoke regarding support for the American Cancer Research Act. Mayor Ridenour directed this item return to the February 7, 2012 Council meeting.
- Francis O'Brien spoke regarding graffiti abatement he has done near his business on Sisk Road.
- Emerson Drake asked for the resignation of Councilmember Muratore.

### CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through 16

**ACTION CONSENT ITEMS 4-13: (Lopez/Burnside;unan.)**

**ACTION CONSENT ITEM 14: (Lopez/Gunderson; unan.; Muratore absent due to conflict of interest)**

**ACTION CONSENT ITEMS 15-16: (Lopez/Geer;unan.; Cogdill absent due to conflict of interest)**

### CONSENT ITEMS

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

Consent

4. Consider approving the minutes of the City Council meetings of January 10, 2012. (Funding Source: Not Applicable)
  - Motion approving the minutes of the City Council meetings of January 10, 2012 recommended.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** approving the minutes of the City Council meetings of January 10, 2012.

Consent

5. Consider approving final adoption of Ordinance No. 3558-C.S. amending Section 2 of Ordinance No. 2236-C.S. entitled “An Ordinance amending Section Map 10-3-9 of the Zoning Map of the City of Modesto, Reclassifying Certain Property Located Thereon. (Muir Trail Girl Scout Council)” property located on the south side of Sylvan Meadows Drive between Haig Way and Forest Glenn Drive, 3621 Forest Glenn Drive (Girl Scouts Heart of Central California). (Funding Source: Not Applicable)
  - Motion approving final adoption of Ordinance No. 3558-C.S. amending Section 2 of Ordinance No. 2236-C.S. entitled “An Ordinance amending Section Map 10-3-9 of the Zoning Map of the City of Modesto, Reclassifying Certain Property Located Thereon. (Muir Trail Girl Scout Council)” property located on the south side of Sylvan Meadows Drive between Haig Way and Forest Glenn Drive, 3621 Forest Glenn Drive (Girl Scouts Heart of Central California) recommended.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** approving final adoption of **Ordinance No. 3558-C.S.** amending Section 2 of Ordinance No. 2236-C.S. entitled “An Ordinance amending Section Map 10-3-9 of the Zoning Map of the City of Modesto, Reclassifying Certain Property Located Thereon. (Muir Trail Girl Scout Council)” property located on the south side of Sylvan Meadows Drive between Haig Way and Forest Glenn Drive, 3621 Forest Glenn Drive (Girl Scouts Heart of Central California).

Consent

6. Consider accepting the Second Quarter Update of the City of Modesto Capital Improvement Program for Fiscal Year 2011-2012. (Funding Source: Not Applicable)
  - Motion accepting the Second Quarter Update of City of Modesto Capital Improvement Program for Fiscal Year 2011-2012 recommended.  
*Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** accepting the Second Quarter Update of City of Modesto Capital Improvement Program for Fiscal Year 2011-2012.

Consent

7. Consider authorizing the award of contract for the purchase of a John Deere 410J Backhoe Loader for the Public Works Department, Water Division through the Fleet

Services Division, by “accessing the terms” of a competitively bid contract with the State of California, Department of General Services, California Multiple Award Schedules to Pape Machinery, French Camp, CA, for an estimated total cost of \$108,477. (Funding Source: Water Fund)

- Resolution authorizing the award of contract for the purchase of a John Deere backhoe loader for the Water Division, through the Public Works Department, Fleet Services Division, to Pape Machinery, French Camp, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$108,477 recommended.

*Finance; Meagan M. Torres, 571-5839, mtorres@modestogov.com*

**ACTION: Resolution 2012-25 (Lopez/Burnside; 7/0)** authorizing the award of contract for the purchase of a John Deere backhoe loader for the Water Division, through the Public Works Department, Fleet Services Division, to Pape Machinery, French Camp, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$108,477.

Consent

8. Consider authorizing changes to the City of Modesto financial policies, specifically Section 11, regarding the budget adjustment authority and incorporate GASB Statement No. 54 requirements into the financial policies. (Funding Source: Not Applicable)

- Resolution amending the City of Modesto financial policies, specifically Section 11, regarding the budget adjustment authority and incorporate Governmental Accounting Standards Board Statement No. 54 requirements into the financial policies recommended.

*Finance; Cynthia Gale, 571-5855, cgale@modestogov.com*

**ACTION: Resolution 2012-26 (Lopez/Burnside; 7/0)** amending the City of Modesto financial policies, specifically Section 11, regarding the budget adjustment authority and incorporate Governmental Accounting Standards Board Statement No. 54 requirements into the financial policies.

Consent

9. Consider authorizing the award of bid for the purchase of three (3) pick-up trucks for the Public Works Department, Water Division through the Fleet Services Division, to Theodore Robins Ford, Costa Mesa, CA, for an estimated total cost of \$79,205. (Funding Source: Fleet Replacement Fund)

- Resolution authorizing the award of bid for the purchase of three (3) pick-up trucks for the Public Works Department, Water Division, through the Fleet Services Division, to Theodore Robins Ford, Costa Mesa, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$79,205 recommended.

*Finance; Meagan M. Torres, 571-5839, mtorres@modestogov.com*

**ACTION: Resolution 2012-27 (Lopez/Burnside; 7/0)** authorizing the award of bid for the purchase of three (3) pick-up trucks for the Public Works Department, Water Division,

through the Fleet Services Division, to Theodore Robins Ford, Costa Mesa, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$79,205.

Consent

10. Consider accepting the Monthly Investment Report for October, 2011. (Funding Source: Not Applicable)
- Motion accepting the Monthly Investment Report for October, 2011 recommended.  
*Finance; Deanna Espinoza, 577-5387, daespinoza@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** accepting the Monthly Investment Report for October, 2011.

Consent

11. Consider: (i) approving agreements between the City of Modesto and Kaiser Permanente, Anthem Blue Cross, United Healthcare, OptumHealth, and Stanislaus Foundation; (ii) continuing dental and vision coverage through the City's self-insured program; (iii) authorizing the Employee Benefits Manager to serve as the coordinator for the various plans; and (iv) authorizing the City Manager, or his designee, to execute all necessary agreements. (Funding Source: Not Applicable)
- Resolution approving agreements between the City of Modesto and Kaiser Permanente, Anthem Blue Cross, United Healthcare, OptumHealth, and Stanislaus Foundation; continuing dental and vision coverage through the City's self-insured programs; authorizing the Employee Benefits Manager to serve as the coordinator for the various plans; and authorizing the City Manager, or his designee, to execute all necessary agreements recommended.  
*Human Resources; Rosemary Harless, 577-5403, rharless@modestogov.com*

**ACTION: Resolution 2012-28 (Lopez/Burnside; 7/0)** approving agreements between the City of Modesto and Kaiser Permanente, Anthem Blue Cross, United Healthcare, OptumHealth, and Stanislaus Foundation; continuing dental and vision coverage through the City's self-insured programs; authorizing the Employee Benefits Manager to serve as the coordinator for the various plans; and authorizing the City Manager, or his designee, to execute all necessary agreements.

Consent

12. Consider approving an amendment to Article VII of the Modesto City-County Airport Advisory Committee Bylaws calling for regular monthly meetings. (Funding Source: Not Applicable)
- Resolution approving an amendment to Article VII of the Bylaws of the Modesto City-County Airport Advisory Committee calling for regular monthly meetings recommended.  
*Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com*

**ACTION: Resolution 2012-29 (Lopez/Burnside; 7/0)** approving an amendment to Article VII of the Bylaws of the Modesto City-County Airport Advisory Committee calling for regular

monthly meetings.

Consent

13. Consider approving extension of promotional airport hangar rental rates for calendar year 2012 in order to increase occupancy at the Modesto City/County Airport.

(Funding Source: Airport Operating Budget)

- Resolution approving extension of promotional airport hangar rental rates for calendar year 2012 in order to increase occupancy at the Modesto City/County Airport recommended.

*Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com*

**ACTION: Resolution 2012-30 (Lopez/Burnside; 7/0)** approving extension of promotional airport hangar rental rates for calendar year 2012 in order to increase occupancy at the Modesto City/County Airport.

Consent – *Councilmember Muratore absent due to conflict of interest*

14. Consider: (i) approving Caltrans invoices totaling \$119,250 for adjustment of water and sewer utility covers on State Route 132; and (ii) approving a Caltrans invoice in the amount of \$82,007.41 for adjustment of water valve covers on State Route 108.

(These invoices include costs that are in excess of cost estimates previously identified in Utility Agreements between Caltrans and the City of Modesto) (Funding Source: Water Fund-CIP & Wastewater Fund)

- Resolution approving Caltrans invoices totaling \$119,250 which exceeds the SR132 Utility Agreement with Caltrans for water and sewer by \$85,950, and authorizing the Director of Finance, or her designee, to implement the provisions of this resolution recommended.
- Resolution approving Caltrans invoice of \$82,007.41 which exceeds SR108 Utility Agreement with Caltrans for water by \$64,087, and authorizing the Director of Finance, or her designee, to implement the provisions of this resolution recommended.

*Utility Planning and Projects; Rob Christensen, 571-5869, rchristensen@modestogov.com*

**ACTION: Resolution 2012-31 (Lopez/Gunderson; 6/0; Muratore absent due to conflict of interest)** approving Caltrans invoices totaling \$119,250 which exceeds the SR132 Utility Agreement with Caltrans for water and sewer by \$85,950, and authorizing the Director of Finance, or her designee, to implement the provisions of this resolution.

**ACTION: Resolution 2012-32 (Lopez/Gunderson; 6/0; Muratore absent due to conflict of interest)** approving Caltrans invoice of \$82,007.41 which exceeds SR108 Utility Agreement with Caltrans for water by \$64,087, and authorizing the Director of Finance, or her designee, to implement the provisions of this resolution.

Consent – *Councilmember Cogdill absent due to conflict of interest*

15. Consider: (i) approving the plans and specifications for the Hickman Test Well project, accepting the bid, and approving a contract with Dan's Water Well & Pump Service Inc. of Livermore, California in the amount of \$150,096; and (ii) approving an

Agreement with Brown and Caldwell for construction oversight and analysis services for the project in an amount not to exceed \$39,355. (Total estimated cost for this portion of the project is \$259,930) (Funding Source: Water Fund-CIP)

- Resolution approving the plans and specifications for the Hickman Test Well project, accepting the bid, and approving a contract with Dan's Water Well & Pump Service Inc. of Livermore, California in the amount of \$150,096, and authorizing the City Manager, or his designee, to execute the contract recommended.
- Resolution approving an agreement with Brown and Caldwell for construction oversight and analysis services for the Hickman Test Well project in an amount not to exceed \$35,777 for the identified scope of services, plus \$3,578 for additional services (if needed), for a maximum total amount of \$39,355, and authorizing the City Manager, or his designee, to execute the agreement recommended.

*Utility Planning and Projects; Rob Christensen, 571-5869,  
rchristensen@modestogov.com*

**ACTION: Resolution 2012-33 (Lopez/Geer; 6/0; Cogdill absent due to conflict of interest)** approving the plans and specifications for the Hickman Test Well project, accepting the bid, and approving a contract with Dan's Water Well & Pump Service Inc. of Livermore, California in the amount of \$150,096, and authorizing the City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2012-34 (Lopez/Geer; 6/0; Cogdill absent due to conflict of interest)** approving an agreement with Brown and Caldwell for construction oversight and analysis services for the Hickman Test Well project in an amount not to exceed \$35,777 for the identified scope of services, plus \$3,578 for additional services (if needed), for a maximum total amount of \$39,355, and authorizing the City Manager, or his designee, to execute the agreement.

Consent – *Councilmember Cogdill absent due to conflict of interest*

16. Consider: (i) approving the plans and specifications for the Del Rio Replacement Test Well project, accepting the bid, and approving a contract with Dan's Water Well & Pump Service, Inc. of Livermore, California in the amount of \$136,935; and (ii) approving an Agreement with West Yost Associates, Inc. for construction oversight and analysis services for the project in an amount not to exceed \$28,580. (Total estimated cost for this replacement test well portion of the project is \$220,641) (Funding Source: Water Fund-CIP)

- Resolution approving the plans and specifications for the Del Rio Replacement Test Well project, accepting the bid, and approving a contract with Dan's Water Well & Pump Service, Inc. of Livermore, California in the amount of \$136,935, and authorizing the City Manager, or his designee, to execute the contract recommended.
- Resolution approving an agreement with West Yost Associates, Inc. for construction oversight and analysis services for the Del Rio Replacement Test Well project in an amount not to exceed \$25,982 for the identified scope of services, plus \$2,598 for additional services (if needed), for a maximum total amount of \$28,580, and authorizing the City Manager, or his designee, to execute the agreement

recommended.  
*Utility Planning and Projects; Rob Christensen, 571-5869,  
rchristensen@modestogov.com*

**ACTION: Resolution 2012-35 (Lopez/Geer; 6/0; Cogdill absent due to conflict of interest)** approving the plans and specifications for the Del Rio Replacement Test Well project, accepting the bid, and approving a contract with Dan's Water Well & Pump Service, Inc. of Livermore, California in the amount of \$136,935, and authorizing the City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2012-36 (Lopez/Geer; 6/0; Cogdill absent due to conflict of interest)** approving an agreement with West Yost Associates, Inc. for construction oversight and analysis services for the Del Rio Replacement Test Well project in an amount not to exceed \$25,982 for the identified scope of services, plus \$2,598 for additional services (if needed), for a maximum total amount of \$28,580, and authorizing the City Manager, or his designee, to execute the agreement.

### COUNCIL COMMENTS & REPORTS

Councilmember Lopez announced Council in the Park on February 11, 2012 at Beyer Park.

### CITY MANAGER COMMENTS & REPORTS

None.

### HEARINGS

*Published in the Modesto Bee on January 13, 2012*

17. Hearing to consider the updated Council District Map as recommended by the Citizen's Districting Commission. (Funding Source: Not Applicable)
- Resolution approving the updated Council District Map as recommended by the Citizens' Districting Commission.
- City Attorney; Susana Wood, 577-5284, swood@modestogov.com*

**ACTION: Motion (Lopez/Burnside;7/0)** continuing Item 17 until after Local Agency Formation Commission (LAFCO) meeting of February 22, 2012 regarding Shackelford annexation.

*Published in the Modesto Bee on January 4, 2012*

18. Hearing to consider an application by Hogan Investments, L.P., to rezone a 0.67-acre portion of a parcel located at 1721 Yosemite Boulevard, between Rosina Avenue and Conejo Avenue, from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2. (Funding Source: Not Applicable)
- Motion introducing an Ordinance amending Section 27-3-9 of the Zoning Map of the City of Modesto to Rezone from the Low Density Residential Zone, R-1, to the Medium Density Residential Zone, R-2, property located at 1721 Yosemite

Boulevard, between Rosina Avenue and N. Conejo Avenue. (Hogan Investments, L.P.) recommended.

- Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): Amending Section 27-3-9 of the Zoning Map of the City of Modesto to rezone from the Low Density Residential Zone, R-1, to the Medium Density Residential Zone, R-2 (Hogan Investment, L.P.) recommended.

*Community & Economic Development; Katharine Martin, 577-5267,  
kamartin@modestogov.com*

**ACTION: Motion (Cogdill/Muratore; 7/0) introducing Ordinance No. 3559-C.S.** amending Section 27-3-9 of the Zoning Map of the City of Modesto to Rezone from the Low Density Residential Zone, R-1, to the Medium Density Residential Zone, R-2, property located at 1721 Yosemite Boulevard, between Rosina Avenue and N. Conejo Avenue. (Hogan Investments, L.P.)

**ACTION: Resolution 2012-37 (Cogdill/Muratore; 7/0)** finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): Amending Section 27-3-9 of the Zoning Map of the City of Modesto to rezone from the Low Density Residential Zone, R-1, to the Medium Density Residential Zone, R-2 (Hogan Investment, L.P.)

*Published in the Modesto Bee on January 13, 2012*

19. Hearing to consider the expenditure plan for the additional funding for FY 2010/2011 State Supplemental Law Enforcement Services Fund (SLESF) allocation of \$94,678 for police equipment and technology. (Funding Source: Operating Block Grants)

- Resolution approving the expenditure plan for the additional funding from the Fiscal Year 2010/2011 State Supplemental Law Enforcement Grant in the amount of \$94,678 from the State Supplemental Law Enforcement Services Fund for police equipment and technology; and authorizing the City Manager, or his designee, to execute the necessary program documents recommended.
- Resolution amending the Fiscal Year 2010/2011 Multi-Year Operating Budget to appropriate revenues and expenditures of at least \$94,678 for the City of Modesto's allocation from the State Supplemental Law Enforcement Services Fund; and authorizing the Director of Finance, or her designee, to implement the provisions of this resolution recommended.

*Police; Michael G. Harden, 342-9501, hardenm@modestopd.com*

**ACTION: Resolution 2012-38 (Lopez/Burnside; 7/0)** approving the expenditure plan for the additional funding from the Fiscal Year 2010/2011 State Supplemental Law Enforcement Grant in the amount of \$94,678 from the State Supplemental Law Enforcement Services Fund for police equipment and technology; and authorizing the City Manager, or his designee, to execute the necessary program documents.

**ACTION: Resolution 2012-39 (Lopez/Burnside; 7/0)** amending the Fiscal Year 2010/2011

Multi-Year Operating Budget to appropriate revenues and expenditures of at least \$94,678 for the City of Modesto's allocation from the State Supplemental Law Enforcement Services Fund; and authorizing the Director of Finance, or her designee, to implement the provisions of this resolution.

### NEW BUSINESS

20. Consider: (i) unfreezing two vacant positions (Legal Secretary II and Legal Services Administrator) in the City Attorney's Office; and (ii) directing staff to re-allocate the Legal Services Administrator to a Paralegal position within the City Attorney's Office, effective January 24, 2012. (Funding Source: Existing Budgeted Funds within City Attorney's Office)
- Motion unfreezing two vacant positions (Legal Secretary II and Legal Services Administrator) in the City Attorney's Office recommended.
  - Motion directing staff to re-allocate the Legal Services Administrator to a Paralegal position within the City Attorney's Office, effective January 24, 2012 recommended.

*City Attorney; Susana Wood, 577-5284, swood@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** unfreezing two vacant positions (Legal Secretary II and Legal Services Administrator) in the City Attorney's Office.

**ACTION: Motion (Lopez/Burnside; 7/0)** directing staff to re-allocate the Legal Services Administrator to a Paralegal position within the City Attorney's Office, effective January 24, 2012.

*Councilmember Muratore absent due to conflict of interest*

21. Consider: (i) electing to serve as the successor agency to the Modesto Redevelopment Agency and approve title transfer of properties; (ii) electing to retain the Redevelopment Agency's Housing Assets and Functions, (pursuant to Part 1.85 of Division 24 of the California Health and Safety Code; (iii) establishing the Redevelopment Obligation Retirement Fund. (Funding Source: Modesto Redevelopment Agency Funds: Debt Service, Administration, Housing Set-Aside and Projects)
- Resolution Electing to Become the Successor Agency to the Redevelopment Agency of the City of Modesto Pursuant to Part 1.85 of Division 24 of the California Health and Safety Code and approve title transfer of properties recommended.
  - Resolution Electing to Retain the Housing Assets and Functions Previously Performed by the Redevelopment Agency of The City of Modesto Pursuant to Part 1.85 of Division 24 of the California Health and Safety Code recommended.
  - Resolution Establishing the Redevelopment Obligation Retirement Fund recommended.

*Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Resolution 2012-40 (Geer/Burnside; 6/0; Muratore absent due to conflict of interest)** Electing to Become the Successor Agency to the Redevelopment Agency of the City of Modesto Pursuant to Part 1.85 of Division 24 of the California Health and Safety Code and approve title transfer of properties.

**ACTION: Resolution 2012-41 (Geer/Burnside; 6/0; Muratore absent due to conflict of interest)** Electing to Retain the Housing Assets and Functions Previously Performed by the Redevelopment Agency of The City of Modesto Pursuant to Part 1.85 of Division 24 of the California Health and Safety Code.

**ACTION: Resolution 2012-42 (Geer/Burnside; 6/0; Muratore absent due to conflict of interest)** Establishing the Redevelopment Obligation Retirement Fund.

22. Consider approving City of Modesto's General Plan boundary for the Agricultural Preservation Plan 2050 and encourage other participating Cities to justify and explain their increase in their General Plan urban growth boundaries. (Funding Source: Not Applicable)

- Resolution approving City of Modesto's General Plan Area boundary for the Agricultural Preservation Plan 2050 recommended.
- Motion encouraging other participating Cities to justify and explain their increase in their General Plan urban growth boundaries recommended.

*Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com*

**ACTION: Resolution 2012-43 (Muratore/Burnside; 7/0)** approving City of Modesto's General Plan Area boundary for the Agricultural Preservation Plan 2050.

23. Consider approving a Resolution of Intention to terminate the contract between the Board of Administration of the California Public Employees' Retirement System and the City of Modesto. (Funding Source: Employee Benefits Fund)

- Resolution of Intention to terminate the contract between the Board of Administration of the California Public Employees' Retirement System and the City of Modesto recommended.

*Human Resources; Rosemary Harless, 577-5403, rharless@modestogov.com*

**ACTION: Resolution 2012-44 (Cogdill/Lopez; 7/0)** of Intention to terminate the contract between the Board of Administration of the California Public Employees' Retirement System and the City of Modesto.

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

None.

## **ADJOURNMENT**

The Mayor acknowledged tonight's Council meeting in honor of Sandy Hopp, Field Representative for Supervisors Jeff Grover and Terry Withrow, who passed away this morning.

This meeting adjourned at 7:12 p.m.

**CLOSED SESSION**

*Closed Session Matters Heard Prior to Meeting*

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code. One potential case.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR: (Pursuant to Section 54956.8 of the Government Code) Property: Transfer and sale of properties. APN: 106-42-01 APN: 106-42-02 APN: 106-42-03 APN: 106-42-04 Negotiating parties: Brent Sinclair, Director of Community & Economic Development Under negotiation: Terms and conditions of transfer and sale of properties.

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

Name of case: William Lyons v. City of Modesto, et al.

WCAB: ADJ2602259/ADJ7279477

CLAIM#: CIMY-05740/CIGG-08389

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

Agency Negotiators: Dania Torres Wong  
Employee Organization: Modesto City Employees Association

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

Agency Negotiators: Dania Torres Wong  
Employee Organization: Modesto Confidential & Management Association

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

Agency Negotiators: Dania Torres Wong  
Employee Organization: Modesto Police Officers' Association

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

Agency Negotiators: Dania Torres Wong  
Employee Organization: Modesto Police Non Sworn Association

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

Agency Negotiators: Dania Torres Wong  
Employee Organization: Modesto Police Management Association

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

Agency Negotiators: Dania Torres Wong  
Employee Organization: Modesto City Firefighters Association

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

Agency Negotiators: Greg Nyhoff, City Manager  
Employee Organization: Unrepresented Management and Confidential Employees



# MODESTO CITY COUNCIL

*www.modestogov.com*

## MINUTES

City of Modesto  
**Council Study Session**  
**Council/Workshop**  
**Neighborhood Stabilization Program**  
Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California

**Thursday, January 26, 2012**  
**3:00 PM-6:00 PM**

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour

Absent: None

Declaration of Conflicts of Interest – Muratore conflict on NSP Discussion Items.  
*Muratore left the meeting 3:04 p.m.*

Reports from Closed Session - City Attorney Wood reported on Closed Session matters

## DISCUSSION ITEMS

*Councilmember Muratore absent due to conflict of interest*

Informal Informational Presentation regarding the City of Modesto's Neighborhood Stabilization Program (NSP) including an overview of the purpose of the NSP legislation, the City's Grant Requirements, Property Selection and Rehabilitation Process and a report on future acquisition and rehabilitation and pending projects.

**ACTION:** Julie Hannon Director of Parks, Recreation and Neighborhoods gave an overview of the purpose of the City of Modesto's Neighborhood Stabilization Program (NSP) and also discussed the Background and Purpose of the NSP2 legislation; the Modesto NSP Grant and Grant Requirements; the Property Selection and Rehabilitation Process; "Cost Reasonableness" and moving forward with NSP2.

*Councilmember Gunderson left the meeting at 5:20 p.m.*

## PUBLIC COMMENT PERIOD

Cindy Yoder spoke regarding homeownership and its role in serving to stabilize neighborhoods and the City's partnership with the community.

Mack Wilson expressed his concerns regarding the selection process of residential projects. Mr. Wilson requested that he be placed on the next Council meeting to discuss his concerns. The Mayor directed Julie Hannon, Director of Parks, Recreation and Neighborhoods to contact Mr. Wilson.

Carole Collins, resident of West Modesto and program manger of West Modesto King Kennedy Neighborhood Collaborative shared her support of the staff recommendations to continue with the Housing Authority as the main provider of the NSP program.

Ron Jeske, spoke regarding the City's purchase of 505 Coolidge and rehabilitation costs.

### **ADJOURNMENT**

This meeting adjourned at 5:38 p.m.

### **CLOSED SESSION**

*Closed Session items heard prior to meeting.*

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

**One Case** (Pursuant to Section 54956.9(a) of the Government Code)

Name of case: ***Black & Veatch v. Modesto Irrigation District, et al.***  
Stanislaus County Superior Court No. 662248

# MINUTES

City of Modesto  
**SAFETY & COMMUNITIES COMMITTEE / COUNCIL**  
**WORKSHOP**  
Second Floor, Room 2005  
Tenth Street Place, 1010 10th Street  
Modesto, California

Monday, February 6, 2012, at 5:30 p.m.

Roll Call Present: Councilmembers Lopez, Geer, Gunderson  
Absent: None

## PUBLIC COMMENTS

None.

## CONSENT

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

### Consent

1. Consider approving Modesto becoming a Healthy Eating, Active Living City and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, [jhannon@modestogov.com](mailto:jhannon@modestogov.com)*

**ACTION:** **Motion (Geer/Gunderson;unan.)** approving Modesto becoming a Healthy Eating, Active Living City and forwarding to Council for approval.

## UNFINISHED BUSINESS

2. Consider recommending City Council support Senate Bill 568 (SB568) (Lowenthal), and requesting an amendment to the Bill's current language. (Funding Source: Not Applicable)  
*Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, [jreed@modestogov.com](mailto:jreed@modestogov.com)*

**ACTION:** **Motion (Geer/Gunderson;unan.)** recommending not supporting Senate Bill 586 and directing staff to continue requiring eco-friendly containers at community events and to expand outreach to the restaurant/food service industry aimed at increasing their awareness, use and diversion of compostable products.

3. Consider accepting an oral report from City staff regarding the Modesto Police Monument. (Funding Source: Not Applicable)  
*Police; Joel Broumas, 572-9821, [broumasj@modestopd.com](mailto:broumasj@modestopd.com)*

**ACTION:** **Motion (Geer/Gunderson;unan.)** accepting an oral report from City staff regarding the Modesto Police Monument.

**NEW BUSINESS**

4. Consider accepting an oral update on status of the Park System in regards to vandalism and metal theft. (Funding Source: Not Applicable)  
*Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com*

**ACTION:** No reportable action.

5. Consider accepting an oral update regarding Entertainment Commission openings. (Funding Source: Not Applicable)  
*Parks, Recreation & Neighborhoods; Mary Otten, 577-5344, motten@modestogov.com*

**ACTION:** No reportable action.

6. Consider accepting an informational report regarding Modesto's Crime Statistics for January through December 2011 as compared to January through December 2010. (Funding Source: Not Applicable)  
*Police; Gene Balentine, 572-9505, baltineg@modestopd.com*

**ACTION:** No reportable action.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 7:07 p.m.

## MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday February 07, 2012, at 5:30 p.m.**

Roll Call - Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,  
Mayor Ridenour  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Wade Estes, CrossPoint Community Church

City Clerk's Announcements - None

Declaration of Conflicts of Interest - None

Reports from Closed Session - City Attorney Wood reported on Closed Session matter

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation supporting the California Cancer Research Act of 2012,  
(Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com*

**ACTION:** Mayor Ridenour presented a Proclamation supporting the California Cancer Research Act of 2012.

2. Presentation of Proclamation to Joe and Michele Williams proclaiming February 1,  
2012 Reconciliation Day and February 2012 Reconciliation Month. (Funding Source:  
Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** Mayor Ridenour presented a Proclamation to Joe and Michele Williams  
proclaiming February 1, 2012 Reconciliation Day and February 2012 Reconciliation Month.

### PUBLIC COMMENT PERIOD

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 11**

**ACTION CONSENT ITEMS 3-11: (Lopez/Burnside;unan.)**

**CONSENT ITEMS**

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

Consent

3. Consider approving the minutes of the City Council meeting of January 24, 2012 and the minutes of the Special City Council NSP Study Session/Workshop of January 26, 2012. (Funding Source: Not Applicable)
  - Motion approving the minutes of the City Council meeting of January 24, 2012 and the January 26, 2012 Special NSP Study Session/Workshop recommended.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** approving the minutes of the City Council meeting of January 24, 2012 and the January 26, 2012 Special NSP Study Session/Workshop.

Consent

4. Consider approving final adoption of Ordinance No. 3559-C.S. amending Section 27-3-9 of the Zoning Map of the City of Modesto to Rezone from the Low Density Residential Zone, R-1, to the Medium Density Residential Zone, R-2, property located at 1721 Yosemite Boulevard, between Rosina Avenue and N. Conejo Avenue. (Hogan Investments, L.P.) (Funding Source: Not Applicable)
  - Motion approving the final adoption of Ordinance No. 3559-C.S. amending Section 27-3-9 of the Zoning Map of the City of Modesto to Rezone from the Low Density Residential Zone, R-1, to the Medium Density Residential Zone, R-2, property located at 1721 Yosemite Boulevard, between Rosina Avenue and N. Conejo Avenue. (Hogan Investments, L.P.) recommended.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** approving the final adoption of **Ordinance No. 3559-C.S.** amending Section 27-3-9 of the Zoning Map of the City of Modesto to Rezone from the Low Density Residential Zone, R-1, to the Medium Density Residential Zone, R-2, property located at 1721 Yosemite Boulevard, between Rosina Avenue and N. Conejo Avenue. (Hogan Investments, L.P.).

Consent

5. Consider accepting the Strategic Growth Council's Proposition 84 Planning Grant award, in the amount of \$59,264, on behalf of the Community & Economic Development Department, and authorizing the City Manager, or his designee, to execute any necessary grant contracts and related documents and consider amending the Fiscal Year 2011-12 Multi-Year Operating Grant Fund budget to establish a new multi-year budget for the Strategic Growth Council's Proposition 84 Planning Grant, and to appropriate \$59,264 in grant revenue and expense. (Funding Source: State of CA Strategic Growth Council Prop 84 Planning Grant and General Fund Match)
  - Resolution accepting the Strategic Growth Council's Proposition 84 SR108

Corridor Study Grant in the amount of \$59,264, on behalf of the Community & Economic Development Department; and authorizing the City Manager, or his designee, to execute any grant contracts and related documents recommended.

- Resolution amending the Fiscal Year 2011-2012 Multi-Year Operating Grant Fund budget to establish a new multi-year budget for the Strategic Growth Council's Proposition 84 SR108 Corridor Study Grant and to appropriate \$59,264 in grant revenue and expense recommended.

*Community & Economic Development; Brad Wall, 577-5267, bwall@modestogov.com*

**ACTION: Resolution 2012-45 (Lopez/Burnside; 7/0)** accepting the Strategic Growth Council's Proposition 84 SR108 Corridor Study Grant in the amount of \$59,264, on behalf of the Community & Economic Development Department; and authorizing the City Manager, or his designee, to execute any grant contracts and related documents.

**ACTION: Resolution 2012-46 (Lopez/Burnside; 7/0)** amending the Fiscal Year 2011-2012 Multi-Year Operating Grant Fund budget to establish a new multi-year budget for the Strategic Growth Council's Proposition 84 SR108 Corridor Study Grant and to appropriate \$59,264 in grant revenue and expense.

Consent

6. Consider approving an amended Letter of Understanding (LOU) between the City of Modesto and Modesto City Fire Fighters' Association (MCFFA) to modify the level of constant staffing necessary to achieve immediate overtime savings. (Funding Source: Modesto Regional Fire Authority)

- Resolution approving an amended Letter of Understanding between the City of Modesto and Modesto City Fire Fighters' Association to modify the level of constant staffing necessary to achieve immediate overtime savings recommended.

*Human Resources; Kimberly Murdaugh, 577-5409, kmurdaugh@modestogov.com*

**ACTION: Resolution 2012-47 (Lopez/Burnside; 7/0)** approving an amended Letter of Understanding between the City of Modesto and Modesto City Fire Fighters' Association to modify the level of constant staffing necessary to achieve immediate overtime savings.

Consent

7. Consider affirming the City's co-sponsorship of "Earth Day in the Park Festival 2012" on April 21, 2012 at Graceada Park, and allowing the sale of merchandise in the park during the event. (Funding Source: Solid Waste Management Enterprise Fund)

- Resolution affirming the City's co-sponsorship of "Earth Day in the Park Festival 2012" at Graceada Park, and allowing the sale of merchandise in the park during the event recommended.

*Parks, Recreation & Neighborhoods; Karin Rodriguez, 577-5453, krodriguez@modestogov.com*

**ACTION: Resolution 2012-48 (Lopez/Burnside; 7/0)** affirming the City's co-sponsorship of "Earth Day in the Park Festival 2012" at Graceada Park, and allowing the sale of merchandise in the park during the event.

Consent

8. Consider approving updates to the City of Modesto's Sanitary Sewer Management Plan. (Funding Source: Not applicable)
- Resolution approving updates to the City of Modesto Sanitary Sewer Management Plan recommended.
- Public Works; Gary DeJesus, 577-6200, gdejesus@modestogov.com*

**ACTION: Resolution 2012-49 (Lopez/Burnside; 7/0)** approving updates to the City of Modesto Sanitary Sewer Management Plan.

Consent

9. Consider amending Chapter 6 of Title 5 of the Modesto Municipal Code, regarding Fats, Oil, and Grease (FOG) to be in compliance with the State Water Resources Control Board (SWRCB) Order No. 2006-0003-DWQ Statewide General Waste Discharge Requirements (WDR) for Wastewater Collection Systems. (Funding Source: Wastewater Fund )
- Motion introducing an Ordinance Amending Chapter 6 of Title 5 of the Modesto Municipal Code; Amending Article 3 of Chapter 6 of Title 5 of the Modesto Municipal Code and adding Sections 5-6.310 through 5-6.331 thereto Relating to Wastewater Collection and Disposal recommended.
- Public Works; Gary DeJesus, 577-6255, gdejesus@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** introducing **Ordinance No. 3560-C.S.** amending Chapter 6 of Title 5 of the Modesto Municipal Code; Amending Article 3 of Chapter 6 of Title 5 of the Modesto Municipal Code and adding Sections 5-6.310 through 5-6.331 thereto Relating to Wastewater Collection and Disposal.

Consent

10. Consider accepting the work by Republic Intelligent Transportation Services, Inc. for the ARRA LED Streetlight Upgrade Project as complete. (Total construction cost is \$366,850, with a total project cost of \$412,288). (Funding Source: Federal American Recovery and Reinvestment Act – Energy Efficiency and Conservation Block Grant Fund Program (ARRA-EECBG))
- Resolution accepting the work by Republic Intelligent Transportation Services, Inc., for the ARRA LED Streetlight Upgrade Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$366,850. recommended.
- Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION: Resolution 2012-50 (Lopez/Burnside; 7/0)** accepting the work by Republic Intelligent Transportation Services, Inc., for the ARRA LED Streetlight Upgrade Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$366,850.

Consent

11. Consider accepting the work by Nor-Cal Concrete, Inc. for the HUD Curb Ramp Improvement Project as complete. (Total construction cost is \$213,835.50, with a total project cost of \$278,961.50) (Funding Source: Community Development Block Grant Fund Program (CDBG))
- Resolution accepting the work by Nor-Cal Concrete, Inc., for the HUD Curb Ramp Improvement Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder, and authorizing payment of amounts totaling \$213,835.50. recommended.
- Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION: Resolution 2012-51 (Lopez/Burnside; 7/0)** accepting the work by Nor-Cal Concrete, Inc., for the HUD Curb Ramp Improvement Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder, and authorizing payment of amounts totaling \$213,835.50.

**COUNCIL COMMENTS & REPORTS**

Councilmember Lopez announced Council in the Park next Saturday, February 11, 2012, at Beyer Park from 10:00 a.m. - 12:00 p.m.

**CITY MANAGER COMMENTS & REPORTS**

None.

**WRITTEN COMMUNICATIONS**

12. Consider written correspondence from Mr. Jacque Wilson, Global Acres regarding the Neighborhood Stabilization Project. (Funding Source: Not Applicable)
- City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** Mr. Wilson spoke regarding the Neighborhood Stabilization Program, giving back to the community, and helping properties in the west and south areas of Modesto.

**HEARINGS**

*Published in the Modesto Bee on January 4, 2012*

13. Hearing to consider approving the proposed amendments to the Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2011-12. (Funding Source: Community Development Block Grant (CDBG) and Emergency Shelter Grant (ESG))
- Resolution approving an Amendment to the Department of Housing & Urban Development Annual Action Plan for Fiscal Year 2011-12, and authorizing the City Manager, or his designee, to execute related documents recommended.
  - Resolution amending the FY 2011-12 annual operating and capital improvement budgets to reflect the approved amendment to the Annual Action Plan for Fiscal Year 2011-12, and the reallocation of carryover funds as noted in Exhibit A; and

authorizing the Finance Director, or her designee, to take the necessary steps to implement the provisions of this resolution recommended.

*Parks, Recreation & Neighborhoods; Mary Otten, 577-5351, motten@modestogov.com*

**ACTION: Resolution 2012-52 (Lopez/Burnside; 7/0)** Resolution approving an Amendment to the Department of Housing & Urban Development Annual Action Plan for Fiscal Year 2011-12, and authorizing the City Manager, or his designee, to execute related documents.

**ACTION: Resolution 2012-53 (Lopez/Burnside; 7/0)** amending the FY 2011-12 annual operating and capital improvement budgets to reflect the approved amendment to the Annual Action Plan for Fiscal Year 2011-12, and the reallocation of carryover funds as noted in Exhibit A; and authorizing the Finance Director, or her designee, to take the necessary steps to implement the provisions of this resolution.

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

None.

### **ADJOURNMENT**

This meeting adjourned at 5:57 p.m.

**CLOSED SESSION**

*Closed Session Matter Heard Prior to Meeting*

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

Agency Negotiators: Greg Nyhoff, City Manager

Employee Organization: Modesto City Firefighters Association

**MINUTES**  
City of Modesto  
**Special Economic Development Committee/  
City Council Workshop Meeting**

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

**Monday, February 13, 2012 at 5:30 p.m.**

Roll Call Present: Councilmembers Stephanie Burnside, Joe Muratore, and Dave Cogdill, Jr.  
Absent: None

**MISCELLANEOUS**

1. Consider interviewing John Bergman for re-appointment to the Board of Zoning Adjustment and forwarding to City Council for approval. (Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Muratore/Cogdill;unan.)** re-appointing John Bergman to the Board of Zoning Adjustment and forwarding to Council for approval.

**PUBLIC COMMENTS**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 3**

**CONSENT**

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

Consent

2. Consider receiving status report of development projects processed by the Community and Economic Development Department. (Funding Source: Not Applicable)  
*Community & Economic Development; Brent Sinclair, 577-5228, hbsinclair@modestogov.com*

**ACTION: Motion (Cogdill/Muratore;unan.)** accepting status report of development projects processed by the Community and Economic Development Department.

Consent

3. Consider recommending to City Council the following reappointments to boards, commissions and committees: Lee Hedgepeth with the Citizens Housing & Community Development Committee; Henrietta Sparkman on the Culture

Commission; Grace Lieberman on the Culture Commission; Ryne Condor, representing Creekside Golf Club on the Golf Course Advisory Committee; Brad Pitts on Housing Rehabilitation Loan Committee; Kent Faulkner on the Landmark Preservation Committee; and Karlha Davies with the Tuolumne River Regional Trust Citizens' Advisory Committee. (Funding Source: Not Applicable)  
*Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com*

**ACTION:** **Motion (Muratore/Cogdill;unan.)** recommending the following reappointments to boards, commissions and committees: Lee Hedgepeth with the Citizens Housing & Community Development Committee; Henrietta Sparkman on the Culture Commission; Grace Lieberman on the Culture Commission; Ryne Condor, representing Creekside Golf Club on the Golf Course Advisory Committee; Brad Pitts on Housing Rehabilitation Loan Committee; Kent Faulkner on the Landmark Preservation Committee; and Karlha Davies with the Tuolumne River Regional Trust Citizens' Advisory Committee and forwarding to Council for approval..

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

None.

#### **ADJOURNMENT**

This meeting adjourned at 5:33 p.m.

**MINUTES**  
**City of Modesto**  
**SPECIAL AUDIT COMMITTEE / COUNCIL**  
**WORKSHOP**

**Second Floor, Room 2005**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday, February 14, 2012, at 10:00 a.m.**

Roll Call Present: Mayor Ridenour, Councilmembers Muratore and Geer  
Absent: None

**PUBLIC COMMENTS**

None.

**UNFINISHED BUSINESS**

1. Consider: (i) an Internal Audit Status Report from mid-November, 2011 to February, 2012; (ii) a Progress Report on Work Performed Under the Direction of the Audit Committee; (iii) discussing Wastewater Managed Competition and options for moving forward; and (iv) an Internal Audit Services Budget Update by Moss Adams LLP. (Funding Source: Not Applicable)  
*City Manager; Dee Williams-Ridley, 571-5809, dwilliams-ridley@modestogov.com*

**ACTION:** **Motion (Geer/Muratore;unan.)** accepting reports and forwarding to Council for approval.

2. Consider: (i) accepting a report that provides both an overview of the managed competition RFP process for the management, maintenance and operations of the Modesto Centre Plaza (MCP) and also RFP evaluation committee results; and (ii) providing staff direction regarding viability of award of proposal and contract for the management, maintenance and operations of the MCP. (Funding Source: Not Applicable)  
*Finance; Mark L. Averell, 577-5412, maverell@modestogov.com*

**ACTION:** **Motion (Mayor Ridenour/Muratore;unan.)** directing the City Auditor to revisit certain portions of the report with recommendations and review by the City Manager, City Attorney and Mayor; within 60 days the City Auditor will make recommendations to the City Council regarding moving forward; the City Auditor will report directly to the Mayor.

**MATTERS TOO LATE FOR THE AGENDA**

None

**ADJOURNMENT**

This meeting adjourned at 10:36 a.m.

# MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday February 14, 2012, at 5:30 p.m.**

Roll Call - Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,  
Mayor Ridenour  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Joel Richards, La Loma Grace

1. Certification of canvass of votes from the February 7, 2012 City of Modesto Mayoral Run-Off Election. (Funding Source: Not Applicable)
  - Resolution approving certification of canvass of votes from the February 7, 2012 City of Modesto Mayoral Run-Off Election recommended.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Resolution 2012-54 (Lopez/Geer;7/0)** approving certification of canvass of votes from the February 7, 2012 City of Modesto Mayoral Run-Off Election.

2. Comments from outgoing Mayor Jim Ridenour.

**ACTION:** Comments were made by outgoing Mayor Jim Ridenour.

3. Oath of Office by newly elected Mayor Garrad Marsh.

**ACTION:** City Clerk Stephanie Lopez administered the oath of office.  
Comments were made by newly elected Mayor Garrad Marsh.

City Clerk's Announcements – Item 19 - removed from Agenda

Declaration of Conflicts of Interest – Item 18 - Cogdill

Reports from Closed Session - City Attorney Wood reported on Closed Session matters

Mayor Marsh announced a Matter to Late for the Agenda:

**Motion (Burnside/Lopez;unan.)** approving Item No. 21 under “Matters Too Late for the Agenda.”

## ACKNOWLEDGEMENTS AND PRESENTATIONS

4. Presentation by the Modesto Chamber of Commerce to new and growing businesses in Modesto. (Funding Source: Not Applicable)  
*Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION:** Cecil Russell, President of the Modesto Chamber of Commerce, acknowledged Dale Commons, Habitat for Humanity Stanislaus, Robert Hawks CPA, and AgSafe.

## MISCELLANEOUS

Legislation  
Appointments  
Other

5. Consider approving the re-appointments of Norma Reed, Susan Johnston and Tammy Maisetti to the Downtown Improvement District Advisory Board. (Funding Source: Not Applicable)
  - Resolution re-appointing Norma Reed, Susan Johnston and Tammy Maisetti to the Downtown Improvement District Advisory Board  
*City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov*

**ACTION: Resolution 2012-55 (Lopez/Burnside; 7/0)** re-appointing Norma Reed, Susan Johnston and Tammy Maisetti to the Downtown Improvement District Advisory Board.

## PUBLIC COMMENT PERIOD

- Michael Garcia spoke regarding taxpayer money for the citizens of Modesto.
- Emerson Drake spoke regarding reviewing the City of Modesto's Tin Cup Ordinance.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 6 through 16**  
**ACTION CONSENT ITEMS 6-16: (Lopez/Burnside;unan.)**

## CONSENT ITEMS

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

Consent

6. Consider approving the minutes of the City Council meeting February 7, 2012. (Funding Source: Not Applicable)
  - Motion approving the minutes of the City Council meeting February 7, 2012 recommended.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** approving the minutes of the City Council

meeting February 7, 2012.

Consent

7. Consider approving final adoption of Ordinance No. 3560-C.S. amending Chapter 6 of Title 5 of the Modesto Municipal Code; Amending Article 3 of Chapter 6 of Title 5 of the Modesto Municipal Code and adding Sections 5-6.310 through 5-6.331 thereto Relating to Wastewater Collection and Disposal. (Funding Source: Not Applicable)
- Motion approving final adoption of Ordinance No. 3560-C.S. amending Chapter 6 of Title 5 of the Modesto Municipal Code; Amending Article 3 of Chapter 6 of Title 5 of the Modesto Municipal Code and adding Sections 5-6.310 through 5-6.331 thereto Relating to Wastewater Collection and Disposal recommended.
- City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** approving final adoption of **Ordinance No. 3560-C.S.** amending Chapter 6 of Title 5 of the Modesto Municipal Code; Amending Article 3 of Chapter 6 of Title 5 of the Modesto Municipal Code and adding Sections 5-6.310 through 5-6.331 thereto Relating to Wastewater Collection and Disposal.

Consent

8. Consider approving the Protected-Permissive Traffic Signals Report for 2011. (Funding Source: Gas Tax)
- Resolution approving the Protected-Permissive Traffic Signals Report for 2011 recommended.
- Community & Economic Development; Jeffrey L. Barnes, 577-5468, jbarnes@modestogov.com*

**ACTION: Resolution 2012-56 (Lopez/Burnside; 7/0)** approving the Protected-Permissive Traffic Signals Report for 2011.

Consent

9. Consider accepting the Monthly Investment Report for November, 2011. (Funding Source: Not Applicable)
- Motion accepting the Monthly Investment Report for November, 2011 recommended.
- Finance; Deanna Espinoza, 577-5387, daespinoza@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** accepting the Monthly Investment Report for November, 2011.

Consent

10. Consider authorizing the award of bid for the purchase of two Packer Trucks for the Parks, Recreation and Neighborhoods Department, Pruned Refuse Collection Division, through the Public Works Department, Fleet Services Division, to Western Truck Center, Stockton, CA, and authorizing the Purchasing Manager to issue a purchase order for a total estimated cost of \$394,537. (Funding Source: Fleet Replacement Funds)
- Resolution authorizing the award of bid for the purchase of two (2) Packer Trucks

for the Parks, Recreation and Neighborhoods Department, Pruned Refuse Collection Division, through the Public Works Department, Fleet Services Division to Western Truck Center, Stockton, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$394,537 recommended.

*Finance; Meagan M. Torres, 571-5839, mtorres@modestogov.com*

**ACTION: Resolution 2012-57 (Lopez/Burnside; 7/0)** authorizing the award of bid for the purchase of two (2) Packer Trucks for the Parks, Recreation and Neighborhoods Department, Pruned Refuse Collection Division, through the Public Works Department, Fleet Services Division to Western Truck Center, Stockton, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$394,537.

Consent

11. Consider authorizing the award of bid for the furnishing of Ferric Chloride for the Public Works Department, Wastewater Division, to Kemira Water Solutions, Inc., Lawrence, KS, for a two year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of \$81,000 and over five years of \$405,000. (Funding Source: Wastewater Operations)

- Resolution authorizing the award of bid for the furnishing of Ferric Chloride for the Public Works Department, Wastewater Division, to Kemira Water Solutions, Inc., Lawrence, KS; and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement recommended.

*Finance; Meagan M. Torres, 571-5839, mtorres@modestogov.com*

**ACTION: Resolution 2012-58 (Lopez/Burnside; 7/0)** authorizing the award of bid for the furnishing of Ferric Chloride for the Public Works Department, Wastewater Division, to Kemira Water Solutions, Inc., Lawrence, KS; and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement.

Consent

12. Consider approving an amendment to Agreement with Biggs Cardosa Associates, Inc. to provide additional services related to the construction administration and design services for the Virginia Avenue Corridor Phase V bike trail project, in the amount of \$32,679, for a maximum total agreement of \$573,154. (Funding Source: Congestion Mitigation Air Quality (CMAQ) funds)

- Resolution approving an Amendment to Agreement with Biggs Cardosa Associates, Inc. to provide additional services related to the construction administration and design for the Virginia Avenue Corridor Phase V bike trail project, in an amount not to exceed \$32,679, and authorizing the City Manager, or his designee, to execute the Amendment to Agreement recommended.

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

**ACTION: Resolution 2012-59 (Lopez/Burnside; 7/0)** approving an Amendment to Agreement with Biggs Cardosa Associates, Inc. to provide additional services related to the construction administration and design for the Virginia Avenue Corridor Phase V bike trail project, in an amount not to exceed \$32,679, and authorizing the City Manager, or his

designee, to execute the Amendment to Agreement.

Consent

13. Consider accepting La Loma Neighborhood's proposal for a community funded security camera at Kewin Park. (Funding Source: Not Applicable)
- Motion approving La Loma Neighborhood's proposal for a community funded security camera at Kewin Park recommended.
- Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** approving La Loma Neighborhood's proposal for a community funded security camera at Kewin Park.

Consent

14. Consider approving a Subordination Agreement for the HOME loan provided to Stanislaus County Affordable Housing Corporation for the acquisition of Courtney Manor, located at 901 California Avenue, Modesto, and authorizing the City Manager, or his designee, to execute the subordination agreement and related documents. (Funding Source: HOME Entitlement Funds)
- Resolution approving a Subordination Agreement between the City of Modesto and Stanislaus County Affordable Housing Corporation for the HOME loan provided to Stanislaus County Affordable Housing Corporation for the acquisition of the property located at 901 California Avenue, also known as Courtney Manor; and authorizing the City Manager, or his designee, to execute the Subordination Agreement and any related documents recommended.
- Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com*

**ACTION: Resolution 2012-60 (Lopez/Burnside; 7/0)** approving a Subordination Agreement between the City of Modesto and Stanislaus County Affordable Housing Corporation for the HOME loan provided to Stanislaus County Affordable Housing Corporation for the acquisition of the property located at 901 California Avenue, also known as Courtney Manor; and authorizing the City Manager, or his designee, to execute the Subordination Agreement and any related documents.

Consent

15. Consider authorizing sole source procurement of Accu-Tab Powerpro Chlorination Systems with Clear Solutions West, Atwater, California, for the Department of Public Works, Water Operations Division for an estimated cost of \$20,000 per system. The purchase agreement shall be for one (1) year with four (4) one-year extension options, at the sole discretion of the City, for an estimated first year cost of \$100,000, and over five (5) years of \$500,000. (Funding Source: Water Fund)
- Resolution approving sole source procurement of Accu-Tab Powerpro Chlorination Systems to Clear Solutions West, Atwater, California, and authorizing the Purchasing Manager to issue a purchase agreement for one (1) year, with four (4) one-year extension options, at the sole discretion of the City, for an annual cost not-to-exceed \$100,000, and a total cost over five (5) years of \$500,000 recommended.

*Public Works; Allen Lagarbo, 342-2203, alagarbo@modestogov.com*

**ACTION: Resolution 2012-61 (Lopez/Burnside; 7/0)** approving sole source procurement of Accu-Tab Powerpro Chlorination Systems to Clear Solutions West, Atwater, California, and authorizing the Purchasing Manager to issue a purchase agreement for one (1) year, with four (4) one-year extension options, at the sole discretion of the City, for an annual cost not-to-exceed \$100,000, and a total cost over five (5) years of \$500,000.

Consent

16. Consider accepting the work by Advanced Industrial Services, Inc. for the Tank 8 Interior Recoating Project as complete. (Total construction cost is \$155,000, with a total project cost of \$205,933) (Funding Source: Water Fund-CIP)
- Resolution accepting the work by Advanced Industrial Services, Inc., for the Tank 8 Interior Recoating Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$155,000 recommended.

*Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION: Resolution 2012-62 (Lopez/Burnside; 7/0)** accepting the work by Advanced Industrial Services, Inc., for the Tank 8 Interior Recoating Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$155,000.

### **COUNCIL COMMENTS & REPORTS**

Councilmember Geer spoke regarding the exhibit at the Modesto Vintage Faire Mall regarding The Holocaust.

Councilmember Lopez spoke regarding Council in the Park last Saturday at Beyer Park.

Councilmember Burnside thanked Councilmember Geer for taking her place at the Holocaust Event at the Vintage Faire Mall and the Modesto Fire Department for their assistance when her car broke down.

### **CITY MANAGER COMMENTS & REPORTS**

None.

### **WRITTEN COMMUNICATIONS**

17. Consider written correspondence from Miguel Donoso in regards to the Shackelford Annexation. (Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** No reportable action.

## UNFINISHED BUSINESS

*Councilmember Cogdill absent due to conflict of interest*

18. Consider approving: (i) amendment #3 to the agreement with Dokken Engineering for preparation of the Plans Specifications and Estimates (PS&E) to include Right-of-Way engineering and acquisition services for State Route 99/Pelandale Avenue Interchange Reconstruction Project in the amount not to exceed \$338,000; and (ii) amending the Fiscal Year 2011-2012 Capital Improvement Program budget to appropriate \$338,000 from Street Capital Facility Fees Fund Balance to CIP Project No. 100046 (Funding Source: Local Capital Facilities Fees)
- Resolution approving a Third Amendment to the Agreement with Dokken Engineering for preparation of the Plans, Specifications and Estimates to include Right of Way engineering and acquisition services for State Route 99/Pelandale Avenue Interchange Reconstruction Project in an amount not to exceed \$338,000; and authorizing the City Manager, or his designee, to execute the Third Amendment recommended.
  - Resolution amending the Fiscal Year 2011-2012 Capital Improvement Program budget to appropriate \$338,000 from Street Capital Facility Fees Fund Balance to CIP Project No. 100046 and to increase the expense budget by the same amount in order to fully fund the Third Amendment to the Agreement with Dokken Engineering for preparation of the Plans, Specifications and Estimates recommended.

*Community & Economic Development; Bill Sandhu, 577-5356,  
bsandhu@modestogov.com*

**ACTION: Resolution 2012-63 (Lopez/Burnside; 6/0; Cogdill absent due to conflict of interest)** approving a Third Amendment to the Agreement with Dokken Engineering for preparation of the Plans, Specifications and Estimates to include Right of Way engineering and acquisition services for State Route 99/Pelandale Avenue Interchange Reconstruction Project in an amount not to exceed \$338,000; and authorizing the City Manager, or his designee, to execute the Third Amendment.

**ACTION: Resolution 2012-64 (Lopez/Burnside; 6/0; Cogdill absent due to conflict of interest)** amending the Fiscal Year 2011-2012 Capital Improvement Program budget to appropriate \$338,000 from Street Capital Facility Fees Fund Balance to CIP Project No. 100046 and to increase the expense budget by the same amount in order to fully fund the Third Amendment to the Agreement with Dokken Engineering for preparation of the Plans, Specifications and Estimates.

*Removed from Agenda*

19. Consider approving: (i) a Memorandum of Understanding between the City of Modesto, the Housing Authority of the County of Stanislaus and Stanislaus County Affordable Housing Corporation; (ii) a HOME loan assumption for the 605 E. Coolidge, Modesto (Meadow Glen apartments) project to transfer the 605 E. Coolidge property and the HOME loan from STANCO to HACS for the development of affordable housing units for the NSP2 Emancipated Foster and Homeless Youth Program (EFY&HYP); (iii) an NSP2 loan to the HACS in the amount of \$4.8 Million

for the construction of Meadow Glen apartments, 32 housing units for the EFY&HYP, and authorizing the City Manager, or his designee, to execute any related documents upon approval by the Housing Authority's Board of Commissioners. (Funding Source: HOME Funds and NSP2 Funds)

- Resolution approving a Memorandum of Understanding between the City of Modesto, the Housing Authority of the County of Stanislaus and Stanislaus County Affordable Housing Corporation; and authorizing the City Manager, or his designee, to execute the Memorandum of Understanding, upon approval by the Housing Authority's Board of Commissioners recommended.
- Resolution approving a HOME loan assumption for the property located at 605 E. Coolidge, Modesto, and to transfer the property and the HOME loan from Stanislaus County Affordable Housing Corporation to the Housing Authority of the County of Stanislaus for the development of affordable housing units for the NSP2 Emancipated Foster and Homeless Youth Program; and authorizing the City Manager, or his designee, to execute any related documents, upon approval by the Housing Authority's Board of Commissioners recommended.
- Resolution approving an NSP2 loan to the Housing Authority of the County of Stanislaus in the amount of \$4.8 Million for the construction of Meadow Glen Apartments, 32 housing units for the Emancipated Foster Youth and Homeless Youth Program, and authorizing the City Manager, or his designee, to execute any related documents, upon approval by the Housing Authority's Board of Commissioners recommended.

*Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com*

**ACTION:** Removed from Agenda.

20. Consider approving a new logo for the City of Modesto, reaffirming the Council's commitment to the brand anchors as developed by the Commonwealth Modesto Group, and supporting the continued partnerships with the Modesto Chamber of Commerce, the Modesto Convention and Visitors Bureau, and the Economic Development Partnership team to implement the logo in support of the brand anchors. (Funding Source: All Funds)

- Resolution approving a new logo for the City of Modesto, reaffirming the Council's commitment to the brand anchors as developed by the Commonwealth Modesto Group, and supporting the continued partnerships with the Modesto Chamber of Commerce, the Modesto Convention and Visitors Bureau, and the Economic Development Partnership team to implement the logo in support of the brand anchors recommended.

*City Manager; Greg Nyhoff, 577-5404, gnyhoff@modestogov.com*

**ACTION: Motion (Cogdill/Lopez; 7/0)** continuing item until March 27, 2012 Council meeting after receiving additional public input.

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

21. Consider approving a Second Amendment to Agreement with Dokken Engineering for

additional Permit Support Services not included in the original Agreement for the Carpenter Road Bridge Seismic Retrofit Project in an amount not to exceed \$51,660, for a maximum total Agreement amount of \$498,194.43 (Funding Source: Federal funds and Capital Facility Fees)

- Resolution approving a Second Amendment to Agreement with Dokken Engineering, Inc. for additional Permit Support Services for the Carpenter Road Bridge Seismic Retrofit Project in an amount not to exceed \$51,660, for a maximum total amount of \$498,194.43, and authorizing the City Manager, or his designee, to execute the Second Amendment to Agreement.  
*Community & Economic Development; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION: Resolution 2012-65 (Lopez/Geer; 7/0)** approving a Second Amendment to Agreement with Dokken Engineering, Inc. for additional Permit Support Services for the Carpenter Road Bridge Seismic Retrofit Project in an amount not to exceed \$51,660, for a maximum total amount of \$498,194.43, and authorizing the City Manager, or his designee, to execute the Second Amendment to Agreement.

### **ADJOURNMENT**

This meeting adjourned at 7:49 p.m.

### **CLOSED SESSION**

*All Closed Session Matters Heard Prior to Meeting*

#### **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION One Case (Pursuant to Section 54956.9(a) of the Government Code)**

Name of case: Stanislaus Food Products v. City of Modesto, et al.  
Stanislaus County Superior Court No. 670384

#### **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION One Case (Pursuant to Section 54956.9(a) of the Government Code)**

Name of case: Lea Sanchez v. City of Modesto, et al.  
Stanislaus County Superior Court No. 647014

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

1. Property: Acquisition of fee simple interest and temporary construction easement of real property for SR99/Pelandale Interchange Reconstruction Project located at:

Salida Boulevard  
Modesto, CA

APN: 135-029-040 & 135-029-041 (fee)

APN: 135-029-042 (temporary construction easement)

Ramanbhai Vanmalibhai Patel and Ushaben Ramanbhai Patel as Trustees of the Patel Living Trust, Owner

Negotiating Parties: Claudia Gorham, Esq., Meyers, Nave

Michael Lahodny, Bender, Rosenthal

Jon Yuriar, City of Modesto

Property Owner - Ramanbhai Vanmalibhai Patel

Under Negotiation: Price and terms of purchase/sale of property.

2. Property: Acquisition of fee simple interest of real property for SR99/Pelandale Interchange Reconstruction Project located at:

Sisk Rd.  
County of Stanislaus

APN: 135-029-038 (fee)

W. Blake Gibbs and Ester M. Gibbs, Owners

David Seifert and Ruth Seifert, Owners

Negotiating Parties: Claudia Gorham, Esq., Meyers, Nave

Michael Lahodny, Bender, Rosenthal

Jon Yuriar, City of Modesto

Property Owners - W. Blake Gibbs and Ester M. Gibbs,

David Seifert and Ruth Seifert

Under negotiation: Price and terms of purchase/sale of property.

3. Property: Acquisition of fee simple interest of real property for SR99/Pelandale Interchange Reconstruction Project located at:

Sisk Rd.  
County of Stanislaus

APN: 135-029-039

Okada Brothers, Inc., Owner

Negotiating Parties: Claudia Gorham, Esq., Meyers, Nave

Michael Lahodny, Bender, Rosenthal

Jon Yuriar, City of Modesto

Property Owner - Okada Brothers, Inc.

Under negotiation: Price and terms of purchase/sale of property.

4. Property: Acquisition of fee simple interest and temporary construction easement of real property for SR99/Pelandale Interchange Reconstruction Project located at:

Sisk Rd.  
County of Stanislaus

APN: 135-030-017  
Larry Bedrosian, Owner  
Negotiating Parties: Claudia Gorham, Esq., Meyers, Nave  
Michael Lahodny, Bender, Rosenthal  
Jon Yuriar, City of Modesto  
Property Owner - Larry Bedrosian  
Under negotiation: Price and terms of purchase/sale of property.

5. Property: Acquisition of fee simple interest and temporary construction easement of real property for SR99/Pelandale Interchange Reconstruction Project located at:  
Sisk Rd.  
County of Stanislaus  
APN: 135-029-018  
Kenneth Zin, Owner  
Negotiating Parties: Claudia Gorham, Esq., Meyers, Nave  
Michael Lahodny, Bender, Rosenthal  
Jon Yuriar, City of Modesto  
Property Owner - Kenneth Zin  
Under negotiation: Price and terms of purchase/sale of property.

6. Property: Acquisition of temporary construction easement interest of real property for SR99/Pelandale Interchange Reconstruction Project located at:  
Sisk Rd.  
County of Stanislaus  
APN: 135-029-019  
Bright Development, Owner  
Negotiating Parties: Claudia Gorham, Esq., Meyers, Nave  
Michael Lahodny, Bender, Rosenthal  
Jon Yuriar, City of Modesto  
Property Owner - Bright Development  
Under negotiation: Price and terms of purchase/sale of property.

Stephanie

Attest: \_\_\_\_\_  
Lopez, City Clerk

**MINUTES**  
**City of Modesto**  
**FINANCE COMMITTEE / COUNCIL**  
**WORKSHOP**  
**Second Floor, Room 2005**  
**1010 10th Street**  
**Modesto, California**  
**Monday, February 28, 2012, at 5:30 p.m.**

Roll Call - Present: Councilmembers Dave Cogdill, Jr., Stephanie Burnside and Dave Lopez  
Absent: None  
Also Present: Councilmember Dave Geer

**PUBLIC COMMENTS**

None.

**CONSENT**

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

Consent

1. Consider accepting the recommended budget adjustments for February 2012 and forwarding to Council for approval. (Funding Source: Various Funds)  
*Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

**ACTION: Motion (Lopez/Burnside;unan.)** accepting the recommended budget adjustments for February 2012 and forwarding to Council for approval.

Consent

2. Consider approving the Quarterly Water Meter Installation Program Update – Information Only. (Funding Source: Not applicable)  
*Public Works; Allen Lagarbo, 342-2203, alagarbo@modestogov.com*

**ACTION: Motion (Lopez/Burnside;unan.)** approving the Quarterly Water Meter Installation Program Update.

**NEW BUSINESS**

3. Consider accepting an informational report regarding the mid-year financial status of the General Fund, Golf Fund and Centre Plaza Fund, and forwarding to Council for approval. (Funding Source: Various Funds)  
*Finance; Cynthia Gale, 571-5855, cgale@modestogov.com*

**ACTION: Motion (Burnside/Lopez;unan.)** accepting an informational report regarding the mid-year financial status of the General Fund, Golf Fund and Centre Plaza Fund, and forwarding to Council for approval.

4. Consider allocating an additional \$112,783 to fund repairs for damages to park site facilities as a result of vandalism and forwarding to Council for approval. (Funding Source: General Fund)  
*Parks, Recreation and Neighborhoods; Debbie Fortino, 342-4579, dfortino@modestogov.com*

**ACTION: Motion (Lopez/Burnside;unan.)** allocating an additional \$112,783 to fund repairs for damages to park site facilities as a result of vandalism and forwarding to Council for approval.

5. Consider accepting the annual review of Wastewater rates, adopting a new five-year Rate Plan shown as Scenario 2 and forwarding to Council for approval. (Funding Source: Wastewater Enterprise Funds)  
*Utility Planning and Projects; Rich Ulm, 577-5261, rulm@modestogov.com*

**ACTION: Motion (Burnside/Lopez;unan.)** accepting the annual review of Wastewater rates, adopting a new five-year Rate Plan shown as **Scenario 3** and forwarding to Council for approval.

6. Consider amending and restating Resolution 2007-287 to allow a credit of \$2,915 per household for past paid unconnected sewer charges towards Wastewater Capacity Charges for existing unconnected residential properties connecting to the sewer system and forwarding to Council for approval. (Funding Source: Wastewater Fund)  
*Utility Planning and Projects; Rich Ulm, 577-5261, rulm@modestogov.com*

**ACTION: Motion (Lopez/Burnside;unan.)** amending and restating Resolution 2007-287 to allow a credit of \$2,915 per household for past paid unconnected sewer charges towards Wastewater Capacity Charges for existing unconnected residential properties connecting to the sewer system and forwarding to Council for approval.

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

None.

**ADJOURNMENT**

This meeting adjourned at 7:12 p.m.

# MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday February 28, 2012, at 5:30 p.m.**

Roll Call - Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,  
Mayor Marsh  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Michael Douglass, Advancing Vibrant Communities

City Clerk's Announcements - None

Declaration of Conflicts of Interest - None

Reports from Closed Session - City Attorney Wood reported on Closed Session matter.

## PUBLIC COMMENT PERIOD

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 8**  
**ACTION CONSENT ITEMS 1-8: (Lopez/Burnside;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 City Council meeting February 14, 2012.  
(Funding Source: Not Applicable)
  - Motion approving the minutes of the City Council meeting February 14, 2012 recommended.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** approving the minutes of the City Council meeting February 14, 2012.

Consent

2. Consider authorizing the award of bid for the purchase of a truck with service body for the Public Works Department, Water Division, through the Fleet Services Division, to Downtown Ford, Sacramento, CA, for an estimated total cost of \$138,354. (Funding Source: Water Fund CIP)

- Resolution authorizing the award of bid for the purchase of a truck with service body for the Public Works Department, Water Division, through the Fleet Services Division to Downtown Ford, Sacramento, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$138,354 recommended.

*Finance; Meagan M. Torres, 571-5839, mtorres@modestogov.com*

**ACTION: Resolution 2012-66 (Lopez/Burnside; 7/0)** authorizing the award of bid for the purchase of a truck with service body for the Public Works Department, Water Division, through the Fleet Services Division to Downtown Ford, Sacramento, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$138,354.

Consent

3. Consider authorizing the award of bid and contract for the purchase and installation of a Microwave Radio System and Tower Obstruction Light, for the Department of Public Works, Wastewater Division, to Advanced Technology Distributors, Inc., Ceres, CA, and authorizing the City Manager, or his designee, to execute an agreement for an estimated cost of \$66,983. (Funding Source: Wastewater Operations)

- Resolution authorizing the award of bid and contract for the purchase and installation of a Microwave Radio System and Tower Obstruction Light for the Department of Public Works, Wastewater Division, to Advanced Technology Distributors, Inc., Ceres, CA, and authorizing the City Manager, or his designee, to execute an agreement for an estimated cost of \$66,983 recommended.

*Finance; Meagan M. Torres, 571-5839, mtorres@modestogov.com*

**ACTION: Resolution 2012-67 (Lopez/Burnside; 7/0)** authorizing the award of bid and contract for the purchase and installation of a Microwave Radio System and Tower Obstruction Light for the Department of Public Works, Wastewater Division, to Advanced Technology Distributors, Inc., Ceres, CA, and authorizing the City Manager, or his designee, to execute an agreement for an estimated cost of \$66,983.

Consent

4. Consider approving the City of Modesto participation in the Healthy Eating Active Living Cities Campaign. (Funding Source: Not Applicable)

- Resolution approving the City of Modesto participation in the Healthy Eating Active Living Cities Campaign recommended.

*Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com*

**ACTION: Resolution 2012-68 (Lopez/Burnside; 7/0)** approving the City of Modesto participation in the Healthy Eating Active Living Cities Campaign.

Consent

5. Consider approving the plans and specifications for the Demolition Water Tower at 17th & G project, accepting the bid, and approving a contract with Pantano Excavating, Inc. dba Pantano Demolition, of Manteca, California in the amount of \$34,890. (Total estimated cost for this portion of the project is \$49,264) (Funding Source: Community Development Block Grant (CDBG))

- Resolution approving the plans and specifications for the Demolition Water Tower at 17th & G project, accepting the bid, and approving a contract with Pantano Excavating, Inc. dba Pantano Demolition, of Manteca, California in the amount of \$34,890, and authorizing the City Manager, or his designee, to execute the contract recommended.

*Parks, Recreation & Neighborhoods; Ken Horrillo, 577-5419, khorrillo@modestogov.com*

**ACTION: Resolution 2012-69 (Lopez/Burnside; 7/0)** approving the plans and specifications for the Demolition Water Tower at 17th & G project, accepting the bid, and approving a contract with Pantano Excavating, Inc. dba Pantano Demolition, of Manteca, California in the amount of \$34,890, and authorizing the City Manager, or his designee, to execute the contract.

Consent

6. Consider accepting the work by Rolfe Construction for the John Thurman Field Storm Drain Outfall Project as complete. (Total construction cost is \$111,112.50, with a total project cost of \$114,730.50) (Funding Source: Storm Drain & Wastewater Funds)

- Resolution accepting the work by to Rolfe Construction for the John Thurman Field Storm Drain Outfall Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$111,112.50 recommended.

*Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION: Resolution 2012-70 (Lopez/Burnside; 7/0)** accepting the work by to Rolfe Construction for the John Thurman Field Storm Drain Outfall Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$111,112.50.

Consent

7. Consider accepting the work by Innovative Construction Solutions - Norcal for the Kansas-Needham Soil Remediation Project as complete. (Total construction cost is \$260,585.94, with a total project cost of \$355,045.94.) (Funding Source: Water Fund-CIP)

- Resolution accepting the work by to Innovative Construction Solutions - Norcal for the Kansas-Needham Soil Remediation Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$260,585.94 recommended.

*Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION: Resolution 2012-71 (Lopez/Burnside; 7/0)** accepting the work by to Innovative Construction Solutions - Norcal for the Kansas-Needham Soil Remediation Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$260,585.94.

Consent

8. Consider approving a ten-year Lease Agreement between Elizabeth J. Britt, property owner, and the City of Modesto, in the amount of \$1,395.56 per year for the North Pointe Basin Reconstruction Project. (Total estimated cost is \$13,955.60) (Funding Source: Community Facilities District)

- Resolution approving a ten-year Lease Agreement with Elizabeth J. Britt, for a 16,835 square feet (0.39 acres) parcel of land (APN 078-013-033), in the amount of \$1,395.56 per year, with a total estimated cost of \$13,955.60, for the North Pointe Basin Reconstruction Project, and authorizing the City Manager, or his designee, to execute the Lease Agreement and all related documents recommended.
- Resolution authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Memorandum of Lease, for the property located at 4506 Chapman Road, owned by Elizabeth J. Britt, (APN 078-013-033) to be leased by the City of Modesto for the North Pointe Basin Reconstruction Project recommended.

*Utility Planning and Projects; Jon Yuriar, 577-5399, jyuriar@modestogov.com*

**ACTION: Resolution 2012-72 (Lopez/Burnside; 7/0)** approving a ten-year Lease Agreement with Elizabeth J. Britt, for a 16,835 square feet (0.39 acres) parcel of land (APN 078-013-033), in the amount of \$1,395.56 per year, with a total estimated cost of \$13,955.60, for the North Pointe Basin Reconstruction Project, and authorizing the City Manager, or his designee, to execute the Lease Agreement and all related documents.

**ACTION: Resolution 2012-73 (Lopez/Burnside; 7/0)** authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Memorandum of Lease, for the property located at 4506 Chapman Road, owned by Elizabeth J. Britt, (APN 078-013-033) to be leased by the City of Modesto for the North Pointe Basin Reconstruction Project.

**COUNCIL COMMENTS & REPORTS**

None.

**CITY MANAGER COMMENTS & REPORTS**

None.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 5:35 p.m.

**CLOSED SESSION**

*Closed Session Matter Heard Prior to Meeting*

**CONFERENCE WITH LABOR NEGOTIATOR:**

**(Pursuant to Section 54957.6 of the Government Code) – MPMA**

Agency Negotiators: Renne Sloan Holtzman, Charles Sakai and Geneieve Ng

Employee Organization: Modesto Police Management Association

## MINUTES

City of Modesto  
**SAFETY & COMMUNITIES COMMITTEE / COUNCIL**  
**WORKSHOP**  
Second Floor, Room 2005  
Tenth Street Place, 1010 10th Street  
Modesto, California

Monday, March 5, 2012, at 5:30 p.m.

Roll Call Present: Councilmembers Lopez, Geer, Gunderson  
Absent: None

### PUBLIC COMMENTS

David Wright, Jr. requested that the Final Report prepared by the Blue Ribbon Commission on Homelessness be forwarded to Council. Chairperson Lopez directed staff to bring this item to Council.

### CONSENT

None.

### NEW BUSINESS

1. Consider approving an agreement for the purchase of retired City of Modesto Police equestrian horse, Shawn, by his handler, retired Detective Martinez and forwarding to Council for approval. (Funding Source: General Fund Revenue)  
*Police; Jolene Gonzales, 652-1832, gonzalesj@modestopd.com*

**ACTION:** **Motion (Geer/Gunderson;unan.)** approving an agreement for the purchase of retired City of Modesto Police equestrian horse, Shawn, by his handler, retired Detective Martinez and forwarding to Council for approval.

2. Consider discussing Intern Representatives for Mayor and Council and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Council; Dave Lopez, 571-5597, dlopez@modestogov.com*

**ACTION:** **Motion (Gunderson/Geer;unan.)** approving Intern Representatives for Mayor and Council and forwarding to Council for approval.

### MATTERS TOO LATE FOR THE AGENDA

None.

**ADJOURNMENT**

This meeting adjourned at 5:57 p.m.

# MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday March 06, 2012, at 5:30 p.m.**

Roll Call - Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,  
Mayor Marsh  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Marvin Jacobo, Youth for Christ

City Clerk's Announcements - None

Declaration of Conflicts of Interest - Cogdill - Items 4 and 11

Reports from Closed Session - City Attorney Wood reported on Closed Session matters

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Julie Hannon thanking ShadowChase Running Club for the efforts in regards to the 2nd Annual Spirit of Giving Run. (Funding Source: Not Applicable)  
*Parks, Recreation and Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com*

**ACTION:** Presentation was made by Julie Hannon thanking ShadowChase Running Club for the efforts in regards to the 2nd Annual Spirit of Giving Run.

2. Presentation of Proclamation to the American Red Cross proclaiming March as the American Red Cross Month in the City of Modesto. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com*

**ACTION:** Mayor Marsh presented a Proclamation to the American Red Cross proclaiming March as the American Red Cross Month in the City of Modesto.

## PUBLIC COMMENT PERIOD

- Ray Pefferini spoke regarding maintaining the trees in the City of Modesto.
- Steve Madison, on behalf of STANCO, spoke regarding the project at 901 California Street which serves people with special needs.

- Emerson Drake spoke regarding over-watering at the McDonald's Restaurant on Prescott Road and graffiti.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 12**  
**ACTION CONSENT ITEMS 3; 5-10; 12: (Lopez/Burnside;unan.)**  
**ACTION CONSENT ITEMS 4; 11: (Lopez/Muratore; unan.; Cogdill absent due to conflict of interest)**

### CONSENT ITEMS

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

Consent

3. Consider approving the minutes from the February 28, 2012 Council meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the February 28, 2012 Council meeting recommended.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** approving the minutes from the February 28, 2012 Council meeting.

Consent – *Councilmember Cogdill absent due to conflict of interest*

4. Consider approving an Agreement Related to the Relocation of Electric Utility Poles with Modesto Irrigation District in the amount of \$51,800, for the relocation of Modesto Irrigation District facilities for the project "Sylvan and Litt Intersection Control and Road Widening Project" located at Sylvan Avenue between Millbrook Avenue and Claus Road, and for Litt Road from Sylvan Avenue to the north end of the Grogan Park site. (Funding Source: Village One #2 CFD 2004-1 and Parks Capital Facility Fees)
  - Resolution approving an Agreement Related to Relocation of Electric Utility Poles with Modesto Irrigation District, in the amount of \$51,800, for the relocation of Modesto Irrigation District facilities for the "Sylvan and Litt Intersection Control and Road Widening Project" and authorizing to City Manager, or his designee, to execute the contract recommended.  
*Community & Economic Development; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION: Resolution 2012-74 (Lopez/Muratore; 6/0; Cogdill absent due to conflict of interest)** approving an Agreement Related to Relocation of Electric Utility Poles with Modesto Irrigation District, in the amount of \$51,800, for the relocation of Modesto Irrigation District facilities for the "Sylvan and Litt Intersection Control and Road Widening Project" and authorizing to City Manager, or his designee, to execute the contract.

Consent

5. Consider accepting the Monthly Investment Report for December, 2011. (Funding

Source: Not Applicable)

- Motion accepting the Monthly Investment Report for December, 2011 recommended.

*Finance; Deanna Espinoza, 577-5387, daespinoza@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** accepting the Monthly Investment Report for December, 2011.

Consent

6. Consider authorizing the award of bid for the purchase of six (6) trucks with utility bodies for the Public Works Department, Water Division, through the Fleet Services Division, to the following companies: Albany Ford, Albany, CA for four (4) extended cab trucks with utility bodies for an estimated total cost of \$118,847, and Fritts Ford, Riverside, CA, for two (2) regular cab trucks with utility bodies for an estimated total cost of \$54,550, and authorizing the Purchasing Manager to issue purchase orders for a total estimated cost of \$173,397. (Funding Source: Fleet Replacement Fund)

- Resolution authorizing the award of bid for the purchase of six (6) trucks with utility bodies for the Public Works Department, Water Division, through the Fleet Services Division, to the following companies: Albany Ford, Albany, CA, for four (4) extended cab trucks with utility bodies for an estimated total cost of \$118,847, and Fritts Ford, Riverside, CA, for two (2) regular cab trucks with utility bodies for an estimated total cost of \$54,550, and authorizing the Purchasing Manager or his designee to issue purchase orders for a total estimated cost of \$173,397 recommended.

*Finance; Meagan M. Torres, 571-5839, mtorres@modestogov.com*

**ACTION: Resolution 2012-75 (Lopez/Burnside; 7/0)** authorizing the award of bid for the purchase of six (6) trucks with utility bodies for the Public Works Department, Water Division, through the Fleet Services Division, to the following companies: Albany Ford, Albany, CA, for four (4) extended cab trucks with utility bodies for an estimated total cost of \$118,847, and Fritts Ford, Riverside, CA, for two (2) regular cab trucks with utility bodies for an estimated total cost of \$54,550, and authorizing the Purchasing Manager or his designee to issue purchase orders for a total estimated cost of \$173,397.

Consent

7. Consider: (i) amending the Fleet Manager class specification; and (ii) changing the class salary range from Salary Range 441 (\$6,141 to \$7,482 per month) to Salary Range 444 (\$6,613 to \$8,057 per month). (Funding Source: Fleet Management Fund)

- Resolution amending the Position Classification Plan for the City of Modesto to amend the classification of Fleet Manager recommended.
- Resolution amending Exhibit "A" Resolution No. 2008-683 to revise the Class Range Table for Represented Management and Confidential Non-Sworn Classes to change the salary range for Fleet Manager from Salary Range 441 to Salary Range 444 recommended.

*Human Resources; Cherree Platt, 577-5490, cplatt@modestogov.com*

**ACTION: Resolution 2012-76 (Lopez/Burnside; 7/0)** amending the Position Classification

Plan for the City of Modesto to amend the classification of Fleet Manager.

**ACTION: Resolution 2012-77 (Lopez/Burnside; 7/0)** amending Exhibit “A” Resolution No. 2008-683 to revise the Class Range Table for Represented Management and Confidential Non-Sworn Classes to change the salary range for Fleet Manager from Salary Range 441 to Salary Range 444.

Consent

8. Consider approving a lease between the City of Modesto and Metro PCS for the placement of a cellular tower at Robertson Road Park. (Funding Source: Cell Tower Rent)
- Resolution approving a five (5) year lease agreement between the City of Modesto and MetroPCS for a cellular tower site located on a portion of Robertson Road Park with three (3) five (5)-year options to extend the lease, and authorizing the city manager, or his designee, to execute the lease agreement recommended.  
*Parks, Recreation & Neighborhoods; Andy Johnson, 571-5582, [ajohnson@modestogov.com](mailto:ajohnson@modestogov.com)*

**ACTION: Resolution 2012-78 (Lopez/Burnside; 7/0)** approving a five (5) year lease agreement between the City of Modesto and MetroPCS for a cellular tower site located on a portion of Robertson Road Park with three (3) five (5)-year options to extend the lease, and authorizing the city manager, or his designee, to execute the lease agreement.

Consent

9. Consider approving the plans and specifications for the Jet-Vac Dump Site Rehabilitation Project, accepting the bid, and approving a contract with Rolfe Construction of Atwater, California in the amount of \$198,475. (Total estimated cost for this portion of the project is \$238,170.) (Funding Source: Wastewater Fund )
- Resolution approving the plans and specifications for the Jet-Vac Dump Site Rehabilitation Project, accepting the bid, and approving a contract with Rolfe Construction of Atwater, California in the amount of \$198,475, and authorizing the City Manager, or his designee, to execute the contract recommended.  
*Public Works; Robert Englent, 577-6222, [renglent@modestogov.com](mailto:renglent@modestogov.com)*

**ACTION: Resolution 2012-79 (Lopez/Burnside; 7/0)** approving the plans and specifications for the Jet-Vac Dump Site Rehabilitation Project, accepting the bid, and approving a contract with Rolfe Construction of Atwater, California in the amount of \$198,475, and authorizing the City Manager, or his designee, to execute the contract.

Consent

10. Consider authorizing the sole source procurement for a service agreement for the Automated Parking Attendant software and host computer components for the Public Works Department, Parking Services Division, to Amano McGann, Inc., for a five (5) year agreement and authorizing the City Manager, or his designee, to execute an agreement for an estimated annual cost of \$15,600. (Funding Source: Parking Operational Professional Services Fund)
- Resolution authorizing sole source procurement for a service agreement for the

Automated Parking Attendant software and host computer components for the Public Works Department, Parking Services Division, to Amano McGann, Inc., Minneapolis, MN, for a five (5) year agreement and authorizing the City Manager, or his designee, to issue an agreement for an estimated annual cost of \$15,600 recommended.

*Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com*

**ACTION: Resolution 2012-80 (Lopez/Burnside; 7/0)** authorizing sole source procurement for a service agreement for the Automated Parking Attendant software and host computer components for the Public Works Department, Parking Services Division, to Amano McGann, Inc., Minneapolis, MN, for a five (5) year agreement and authorizing the City Manager, or his designee, to issue an agreement for an estimated annual cost of \$15,600.

Consent – *Councilmember Cogdill absent due to conflict of interest*

11. Consider (i) adopting a Finding of Conformance for the Hickman Water Tank & Well, and (ii) approving a Purchase and Sale Agreement with Francisco Javier Marquez, Jr., in the amount of \$86,750, for the project. (Total estimated costs for land expenditures for the project are \$87,805.61) (Funding Source: Water Fund-CIP)
- Resolution finding that the following project is within the scope of the project covered by the Water System Engineer’s Report Program Environmental Impact Report (PEIR) (SCH#2008092095): Proposed Tank and Well in the Hickman area recommended.
  - Resolution approving the Purchase and Sale Agreement with Francisco Javier Marquez, Jr., for a 1.37-acre (59,677 sq. ft.) parcel of land (APN 019-042-064), in the amount of \$86,750.00, for the Hickman Water Tank & Well project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow recommended.
  - Resolution authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed, for the acquisition of property located at 910 Hickman Road, owned by Francisco Javier Marquez, Jr., (APN 019-042-064) to be purchased by the City of Modesto for the Hickman Water Tank & Well project recommended.

*Utility Planning and Projects; Jon Yuriar, 577-5399, jyuriar@modestogov.com*

**ACTION: Resolution 2012-81 (Lopez/Muratore; 6/0; Cogdill absent due to conflict of interest)** finding that the following project is within the scope of the project covered by the Water System Engineer’s Report Program Environmental Impact Report (PEIR) (SCH#2008092095): Proposed Tank and Well in the Hickman area.

**ACTION: Resolution 2012-82 (Lopez/Muratore; 6/0; Cogdill absent due to conflict of interest)** approving the Purchase and Sale Agreement with Francisco Javier Marquez, Jr., for a 1.37-acre (59,677 sq. ft.) parcel of land (APN 019-042-064), in the amount of \$86,750.00, for the Hickman Water Tank & Well project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.

**ACTION: Resolution 2012-83 (Lopez/Muratore; 6/0; Cogdill absent due to conflict of interest)** authorizing the City Manager, or his designee, to sign the Certificate of Acceptance

for the Grant Deed, for the acquisition of property located at 910 Hickman Road, owned by Francisco Javier Marquez, Jr., (APN 019-042-064) to be purchased by the City of Modesto for the Hickman Water Tank & Well project.

Consent

12. Consider approving the plans and specifications for the Modesto West Basin Improvements project, accepting the bid, and approving a contract with Haskell & Haskell Engineering & Construction Services, Inc. of Knights Ferry, California in the amount of \$394,731.06. (Total estimated cost for this portion of the project is \$478,094.65) (Funding Source: Community Facilities District No. 2004-1 (Village One #2))

- Resolution approving the plans and specifications for the Modesto West Basin Improvements project, accepting the bid, and approving a contract with Haskell & Haskell Engineering & Construction Services, Inc. of Knights Ferry, California in the amount of \$394,731.06, and authorizing the City Manager, or his designee, to execute the contract recommended.

*Utility Planning and Projects; William Wong, 571-5801, WWong@modestogov.com*

**ACTION: Resolution 2012-84 (Lopez/Muratore; 7/0)** approving the plans and specifications for the Modesto West Basin Improvements project, accepting the bid, and approving a contract with Haskell & Haskell Engineering & Construction Services, Inc. of Knights Ferry, California in the amount of \$394,731.06, and authorizing the City Manager, or his designee, to execute the contract.

**COUNCIL COMMENTS & REPORTS**

Councilmember Lopez wished his mother a happy birthday today and thanked her for all her support.

**CITY MANAGER COMMENTS & REPORTS**

None.

**UNFINISHED BUSINESS**

13. Consider approving the plans and specifications for the Carpenter Road Bridge Seismic Retrofit Project, accepting the bid, and approving a contract with Flatiron West, Inc. of Benicia, California in the amount of \$8,195,135. (Total estimated cost of the project is \$10,812,446.) (Funding Source: Federal funds, State Bond Funds, Water Fund-CIP)

- Resolution approving the plans and specifications for the Carpenter Road Bridge Seismic Retrofit project, accepting the bid, and approving a contract with Flatiron West, Inc. of Benicia, California in the amount of \$8,195,135, and authorizing the City Manager, or his designee, to execute the contract recommended.

*Community & Economic Development; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION: Resolution 2012-85 (Geer/Gunderson; 7/0)** approving the plans and

specifications for the Carpenter Road Bridge Seismic Retrofit project, accepting the bid, and approving a contract with Flatiron West, Inc. of Benicia, California in the amount of \$8,195,135, and authorizing the City Manager, or his designee, to execute the contract.

## HEARINGS

*Published in the Modesto Bee on February 18, 2012*

14. Hearing to consider: (i) rescinding only that portion of Exhibit A to Resolution No. 2000-206, relating to Copies of Any Official City Documents, (other than maps or plats); and (ii) adding new charges of \$.10 per copy for black & white copies and \$.20 per copy for color copies of any public records to Exhibit A to Resolution No. 2000-206. (Funding Source: Not Applicable)
- Resolution rescinding only that portion of Exhibit A to Resolution No. 2000-206, relating to copies of Any Official City Documents (other than maps or plats), and adding a new charge of \$.10 per page for black & white copies and \$.20 per page for color copies of any public records to Exhibit A to Resolution No. 2000-206 recommended.

*Finance; Mark L. Averell, 577-5412, maverell@modestogov.com*

**ACTION: Resolution 2012-86 (Lopez/Cogdill; 7/0)** rescinding only that portion of Exhibit A to Resolution No. 2000-206, relating to copies of Any Official City Documents (other than maps or plats), and adding a new charge of \$.10 per page for black & white copies and \$.20 per page for color copies of any public records to Exhibit A to Resolution No. 2000-206.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 6:18 p.m.

## CLOSED SESSION

*All Closed Session Matters Heard Prior to Meeting*

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

1. Property: Acquisition of fee interest (partial), temporary construction easement and utility easement of real property for the Sylvan Litt Intersection Project located at:

Northeast corner of Sylvan Ave., and Litt Rd.  
APN: 084-003-004 (partial fee of 57,885 square feet;  
Temporary construction easement of 15,852 square feet;  
Utility easement of 48,352 square feet)  
Estate of John R. Martins, Owner

Negotiating Parties: Brent Sinclair, Director of C&ED  
Jon Yurjar, Property Agent  
Mark Jensen, Esq., Attorney for Estate of John R. Martins  
Under Negotiation: Price and terms of purchase/sale of property.

2. Property: Acquisition of fee interest (partial) and temporary construction easement of real property for the Sylvan Litt Intersection Project located at:

Sylvan Ave., between Claus Rd., and Litt Rd.  
APN: 084-003-010 (partial fee of 1,291 square feet and  
temporary construction easement of 1,492 square feet)  
APN: 084-003-008 (temporary construction easement of 2,869  
square feet)

Roland Katakis, William Katakis and California Equity Management Group, Inc., Owner  
Negotiating Parties: Brent Sinclair, Director of C&ED  
Jon Yurjar, Property Agent  
Roland Katakis, Property Owner  
Under Negotiation: Price and terms of purchase/sale of property.

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

Agency Negotiators: Dania Torres Wong  
Employee Organization: Modesto City Employees Association

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

Agency Negotiators: Dania Torres Wong  
Employee Organization: Modesto Confidential & Management Association

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

Agency Negotiators: Dania Torres Wong  
Employee Organization: Modesto Police Officers' Association

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

Agency Negotiators: Dania Torres Wong

Employee Organization: Modesto Police Non Sworn Association

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

Agency Negotiators: Dania Torres Wong

Employee Organization: Modesto Police Management Association

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

Agency Negotiators: Dania Torres Wong

Employee Organization: Modesto City Firefighters Association

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

Agency Negotiators: Greg Nyhoff, City Manager

Employee Organization: Unrepresented Management and Confidential Employees

**MINUTES**  
City of Modesto  
**Special Economic Development Committee/  
City Council Workshop Meeting**

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

**Monday, March 12, 2012 at 5:30 p.m.**

Roll Call Present: Councilmembers Stephanie Burnside, Joe Muratore, and Dave Cogdill, Jr.  
Absent: None  
Also Present: Councilmembers Geer and Gunderson

**PUBLIC COMMENTS**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1**

**CONSENT**

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

Consent

1. Consider accepting status report of development projects processed by the Community and Economic Development Department. (Funding Source: Not Applicable)  
*Community & Economic Development; H. Brent Sinclair, 577-5228,  
hbsinclair@modestogov.com*

**ACTION:** **Motion (Muratore/Cogdill;unan.)** accepting the status report of development projects processed by the Community and Economic Development Department.

**NEW BUSINESS**

2. Consider accepting staff's report on railroad "quiet zones" and providing direction to staff regarding continued work on this effort. (Funding Source: Not Applicable)  
*Community & Economic Development; Cindy van Empel, 577-5280,  
cvanempel@modestogov.com*

**ACTION:** The Committee directed staff to return to the Economic Development Committee in sixty (60) days with more information as discussed during the meeting.

3. Consider approving and recommending to City Council the revised House Sewer Line Repair Cost Share Program for the City of Modesto. (Funding Source: Wastewater

Fund and C & ED)

*Public Works; Gary DeJesus, 577-6200, gdejesus@modestogov.com*

**ACTION:** **Motion (Muratore/Cogdill;unan.)** approving and recommending: (i) streamline current Cost Share Program; (ii) implementation of loan program for property owner's 50% share of work in public right-of-way; and (iii) continued study of mandatory sewer lateral inspection policy and forwarding to Council for approval.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 7:02 p.m.

# MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday March 13, 2012, at 5:30 p.m.**

Roll Call - Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,  
Mayor Marsh  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Jeff Pishney, Big Valley Grace

City Clerk's Announcements: Item 12 - Removed from Agenda

Declaration of Conflicts of Interest: Cogdill - Item 13  
Muratore - Item 15

Reports from Closed Session: City Attorney Wood reported on Closed Session matters

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by the Modesto Chamber of Commerce to new and growing businesses in Modesto. (Funding Source: Not Applicable)  
*Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION:** Cecil Russell, President of the Modesto Chamber of Commerce, acknowledged Acacia Park Nursing & Rehabilitation Center, Lodi Realtors Association.

2. Presentation by Julie Hannon thanking the North Modesto Kiwanis Club for the efforts in regards to the 3rd Annual Breakfast with Santa. (Funding Source: Not Applicable)  
*Parks, Recreation and Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com*

**ACTION:** Presentation by Julie Hannon thanking the North Modesto Kiwanis Club for the efforts in regards to the 3rd Annual Breakfast with Santa.

3. Presentation of a status report on the Modesto Historic American Graffiti Cruise Route. (Funding Source: Not Applicable)  
*Community & Economic Development; Laurie Smith, 577-5347,*

*lsmith@modestogov.com*

**ACTION:** Presentation of a status report on the Modesto Historic American Graffiti Cruise Route was made by Laurie Smith of the Community & Economic Development Department and Chris Murphy.

**MISCELLANEOUS**

Legislation  
Appointments  
Other

4. Consider approving the reappointment of John Bergman to the City of Modesto Board of Zoning Adjustment. (Funding Source: Not applicable)
- Resolution reappointing John Bergman to the City of Modesto Board of Zoning Adjustment recommended.
- Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com*

**ACTION: Resolution 2012-87 (Lopez/Burnside; 7/0)** reappointing John Bergman to the City of Modesto Board of Zoning Adjustment.

5. Consider approving the following reappointments to Boards, Commissions and Committees: Lee Hedgepeth on the Citizen's Housing and Community Development Committee; Henrietta Sparkman on the Culture Commission; Grace Lieberman on the Culture Commission; Ryne Conder, representing Creekside Golf Club on the Golf Course Advisory Committee; Brad Pitts on the Housing Rehabilitation Loan Committee; Kent Faulkner on the Landmark Preservation Committee; and Karlha Davies representing the City of Modesto with the Tuolumne River Regional Trust Citizens' Advisory Committee. (Funding Source: Not Applicable)
- Resolution reappointing Lee Hedgepeth to the Citizen's Housing and Community Development Committee recommended.
  - Resolution reappointing Henrietta Sparkman and Grace Leiberman to the City of Modesto Culture Commission recommended.
  - Resolution reappointing Ryne Conder to represent Creekside Golf Club on the City of Modesto Golf Course Advisory Committee recommended.
  - Resolution reappointing Brad Pitts to the City of Modesto Housing Rehabilitation Loan Committee recommended.
  - Resolution reappointing Kent Faulkner as the Culture Commission representative on the City of Modesto Landmark Preservation Committee recommended.
  - Resolution reappointing Karlha Davies to the City of Modesto Tuolumne River Regional Park Citizens Advisory Committee recommended.
- Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com*

**ACTION: Resolution 2012-88 (Lopez/Burnside; 7/0)** reappointing Lee Hedgepeth to the Citizen's Housing and Community Development Committee recommended.

**ACTION: Resolution 2012-89 (Lopez/Burnside; 7/0)** reappointing Henrietta Sparkman and race Leiberman to the City of Modesto Culture Commission.

**ACTION: Resolution 2012-90 (Lopez/Burnside; 7/0)** reappointing Ryne Conder to represent Creekside Golf Club on the City of Modesto Golf Course Advisory Committee.

**ACTION: Resolution 2012-91 (Lopez/Burnside; 7/0)** reappointing Brad Pitts to the City of Modesto Housing Rehabilitation Loan Committee.

**ACTION: Resolution 2012-92 (Lopez/Burnside; 7/0)** reappointing Kent Faulkner as the Culture Commission representative on the City of Modesto Landmark Preservation Committee.

**ACTION: Resolution 2012-93 (Lopez/Burnside; 7/0)** reappointing Karlha Davies to the City of Modesto Tuolumne River Regional Park Citizens Advisory.

### **PUBLIC COMMENT PERIOD**

- Ray Pefferini spoke regarding the trees in the City of Modesto.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 6 through 14**  
**ACTION CONSENT ITEMS 6-11; 14: (Lopez/Cogdill;unan.)**  
**ACTION CONSENT ITEM 13: (Lopez/Muratore; unan.; Cogdill absent due to conflict of interest)**

### **CONSENT ITEMS**

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

Consent

6. Consider approving the minutes from the March 6, 2012 Council meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the March 6, 2012 Council meeting recommended.

*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Cogdill; 7/0 )** approving the minutes from the March 6, 2012 Council meeting.

Consent

7. Consider recommending City Council support of Assembly Bill 2131 (Olsen/Cannella). (Funding Source: Not Applicable)
  - Resolution of the City Council of the City of Modesto, Supporting Assembly Bill(AB) 2131-Local Government Investments in Property Assessed Clean Energy (PACE) bonds recommended.

*City Manager; Greg Nyhoff, 577-5224, gnyhoff@modestogov.com*

**ACTION: Resolution 2012-94 (Lopez/Cogdill; 7/0)** supporting Assembly Bill(AB) 2131-Local Government Investments in Property Assessed Clean Energy (PACE) bonds.

Consent

8. Consider: (i) rescinding Resolution Number 2011-483; and (ii) adopting the Economic Development Incentive Program as recommended by the Comprehensive Fees Task Force; and (iii) introducing an Ordinance repealing Chapter 7 of Title VIII of the Modesto Municipal Code relating to Enterprise Incentives. (Funding Source: General Fund)

- Resolution rescinding Resolution No. 2011-483 recommended.
- Resolution approving the Economic Development Incentive Program as recommended by the Comprehensive Fees Task Force recommended.
- Motion introducing an Ordinance repealing Chapter 7 of Title 8 of the Modesto Municipal Code recommended.

*Community & Economic Development; Laurie A. Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Resolution 2012-95 (Lopez/Cogdill; 7/0)** rescinding Resolution No. 2011-483.

**ACTION: Resolution 2012-96 (Lopez/Cogdill; 7/0)** approving the Economic Development Incentive Program as recommended by the Comprehensive Fees Task Force.

**ACTION: Motion (Lopez/Cogdill; 7/0)** introducing **Ordinance No. 3561-C.S.** repealing Chapter 7 of Title 8 of the Modesto Municipal Code.

Consent

9. Consider adopting the Recognized Obligation Payment Schedule per AB 1X 26. (Funding Source: Redevelopment Obligation Retirement Fund and Property Tax Allocation from Stanislaus County Auditor/Controller)

- Resolution adopting the Recognized Obligation Payment Schedule for the period of January 1, 2012 through June 30, 2012, as provided for in Assembly Bill AB 1X 26 recommended.

*Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Resolution 2012-97 (Lopez/Cogdill; 7/0)** adopting the Recognized Obligation Payment Schedule for the period of January 1, 2012 through June 30, 2012, as provided for in Assembly Bill AB 1X 26.

Consent

10. Consider amending Fiscal Year 2011-2012 Annual Operating Budget. (Funding Source: Various Funds)

- Resolution amending Fiscal Year 2011-2012 Annual Operating Budget recommended.

*Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

**ACTION: Resolution 2012-98 (Lopez/Cogdill; 7/0)** amending Fiscal Year 2011-2012 Annual Operating Budget.

Consent

11. Consider approving an Agreement for the purchase of retired City of Modesto Police equestrian horse, Shawn, by its handler, retired Detective Martinez. (Funding Source: Not Applicable)

- Resolution approving an Agreement between the City of Modesto and retired Detective Gary Martinez for the purchase of retired City of Modesto Police equestrian horse, Shawn, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

*Police; Rick Armendariz, 652-1820, armendarizr@modestopd.com*

**ACTION: Resolution 2012-99 (Lopez/Cogdill; 7/0)** approving an Agreement between the City of Modesto and retired Detective Gary Martinez for the purchase of retired City of Modesto Police equestrian horse, Shawn, and authorizing the City Manager, or his designee, to execute the Agreement.

*Removed from Agenda*

12. Consider approving: (i) an Administrative Addendum to Second Amended and Restated Disposition and Development Agreement for the housing project known as “Archway Commons” which will result in 76 rental units of affordable housing; (ii) an Affordable Housing Covenant; Notice of Affordability Restrictions; a Note, Grant Deed and Deed of Trust for the Archway Commons project, and authorizing the City Manager or his designee to execute all documents necessary to carry out the obligations of the City, as the Successor Agency (Successor Agency). (Funding Source: RDA Housing Set-Aside)

- Resolution approving (i) an Administrative Addendum to Second Amended and Restated Disposition and Development Agreement for the project known as “Archway Commons”; (ii) an Affordable Housing Covenant; Notice of Affordability Restrictions; a Note, Grant Deed and Deed of Trust for the Archway Commons project, and authorizing the City Manager, or his designee, to execute all documents necessary to carry out the obligations of the City, as the Successor Agency recommended.

*Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com*

**ACTION:** Removed from Agenda.

Consent – *Councilmember Cogdill absent due to conflict of interest*

13. Consider: (i) adopting a Finding of Conformance for the Del Rio Water Tank & Well project; and (ii) approving a Purchase Agreement with Maria E. Crawshaw and Sandra L. Meagher, in the amount of \$275,000, for the project. (Total estimated costs for land expenditures for the project are \$277,361) (Funding Source: Water Fund-CIP)

- Resolution finding that the following project is within the scope of the project covered by the Water System Engineer’s Report Program Environmental Impact Report (PEIR) (SCH#2008092095): Proposed Tank and Well in Del Rio Area

recommended.

- Resolution approving a Purchase Agreement between the City of Modesto and Maria E. Crawshaw and Sandra L. Meagher, trustee of the Sandra L. Meagher 2006 Trust, for a 2.021-acre parcel and a 1.942-acre parcel, totaling 3.96 acres of land (APN 004-077-018 & 004-077-019), in the amount of \$275,000, for the Del Rio Water Tank & Well project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow recommended.
- Resolution authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed, for the acquisition of property located at 718 Ladd Road, owned by Maria E. Crawshaw and Sandra L. Meagher, trustee of the Sandra L. Meagher 2006 Trust, (APN 004-077-018 & 004-077-019) to be purchased by the City of Modesto for the Del Rio Water Tank & Well project recommended.

*Utility Planning and Projects; Jon Yuriar, 577-5399, jyuriar@modestogov.com*

**ACTION: Resolution 2012-100 (Lopez/Muratore;6/0; Cogdill absent due to conflict of interest)** finding that the following project is within the scope of the project covered by the Water System Engineer's Report Program Environmental Impact Report (PEIR) (SCH#2008092095): Proposed Tank and Well in Del Rio Area.

**ACTION: Resolution 2012-101 (Lopez/Muratore;6/0; Cogdill absent due to conflict of interest)** approving a Purchase Agreement between the City of Modesto and Maria E. Crawshaw and Sandra L. Meagher, trustee of the Sandra L. Meagher 2006 Trust, for a 2.021-acre parcel and a 1.942-acre parcel, totaling 3.96 acres of land (APN 004-077-018 & 004-077-019), in the amount of \$275,000, for the Del Rio Water Tank & Well project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.

**ACTION: Resolution 2012-102 (Lopez/Muratore;6/0; Cogdill absent due to conflict of interest)** authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed, for the acquisition of property located at 718 Ladd Road, owned by Maria E. Crawshaw and Sandra L. Meagher, trustee of the Sandra L. Meagher 2006 Trust, (APN 004-077-018 & 004-077-019) to be purchased by the City of Modesto for the Del Rio Water Tank & Well project.

#### Consent

14. Consider approving an Amendment to Agreement with Krazan & Associates, Inc. for Construction Material Testing Services on various City of Modesto Projects for Fiscal Year (FY) 2011/2012 in the amount of \$38,911, increasing the total contract to an amount not to exceed \$107,251 for FY 2011/2012 (Funding Source: Project-Specific CIP accounts )
  - Resolution approving an Amendment to Agreement with Krazan & Associates, Inc. for Construction Materials Testing services for various City of Modesto Projects for Fiscal Year 2011/2012 in an amount not to exceed \$107,251, and authorizing the City Manager, or his designee, to execute the Amendment to Agreement recommended.

*Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION: Resolution 2012-103 (Lopez/Cogdill;7/0)** approving an Amendment to Agreement with Krazan & Associates, Inc. for Construction Materials Testing services for various City of Modesto Projects for Fiscal Year 2011/2012 in an amount not to exceed \$107,251, and authorizing the City Manager, or his designee, to execute the Amendment to Agreement.

### **COUNCIL COMMENTS & REPORTS**

Councilmember Gunderson spoke regarding the downtown area and trying to make it look nicer; also suggested murals in alleyways.

### **CITY MANAGER COMMENTS & REPORTS**

None.

### **UNFINISHED BUSINESS**

*Councilmember Muratore absent due to conflict of interest*

15. Consider approving an updated Neighborhood Stabilization Program II (NSP2) loan terms and program guidelines which will require: (i) City Council approval of all property acquisition and rehabilitation loans made utilizing NSP2 funds; (ii) the Housing Authority of the County of Stanislaus (HACS) as the sub-recipient for the remaining Acquisition and Rehabilitation NSP2 funds; (iii) review of all appraisals done on multi-unit properties of more than four units by a certified review appraiser; and, (vi) set maximum compensation rates for real estate commissions earned for home sales. (Funding Source: Neighborhood Stabilization II)

- Resolution approving updated Neighborhood Stabilization Program 2 (NSP2) loan terms and program guidelines recommended.

*Parks, Recreation & Neighborhoods; Mary Otten, 571-5863, motten@modestogov.com*

**ACTION: Resolution 2012-104 (Lopez/Burnside;6/0; Muratore absent due to conflict of interest)** approving updated Neighborhood Stabilization Program 2 (NSP2) loan terms and program **guidelines (with exception of funding of \$178,000 for Special Needs Housing - SCAP).**

**ACTION: Motion (Geer/Gunderson; Gunderson, Geer, Lopez, Burnside, Cogdill, Mayor Marsh - no; Muratore absent due to conflict of interest)** approving funding of \$178,000 for Special Needs Housing - SCAP. **(Motion did not carry; staff to return to Council with other options.)**

### **NEW BUSINESS**

16. Consider: (i) Presentation of the Stanislaus County Library Annual Report for Fiscal Year 2010-2011; and (ii) adopting a Resolution supporting the extension of a 1/8 cent sales tax which would fund the Stanislaus County Library. (Funding Source: Not Applicable)

- Resolution supporting the extension of a 1/8 cent sales tax which would fund the Stanislaus County Library recommended.

*City Clerk; Stephanie Lopez, 577-5396, [slopez@modestogov.com](mailto:slopez@modestogov.com)*

**ACTION: Resolution 2012-105 (Lopez/Gunderson; 7/0)** supporting the extension of a 1/8 cent sales tax which would fund the Stanislaus County Library.

17. Receive a Presentation by Allen Short, General Manager for MID on the Proposed MID Water Transfer to the City and County of San Francisco. (Funding Source: Not Applicable)

*Utility Planning & Projects ; Rich Ulm, 577-5261, [rulm@modestogov.com](mailto:rulm@modestogov.com)*

**ACTION:** Presentation was made by Allen Short, General Manager for MID on the proposed MID Water Transfer to the City and County of San Francisco

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

None.

### **ADJOURNMENT**

This meeting adjourned at 8:55 p.m.

### **CLOSED SESSION**

*All Closed Session Matters Heard Prior to Meeting*

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

1. Property: Acquisition of fee interest (partial), temporary construction easement and utility easement of real property for the Sylvan Litt Intersection Project located at:

Northeast corner of Sylvan Ave., and Litt Rd.  
APN: 084-003-004 (partial fee of 57,885 square feet;  
Temporary construction easement of 15,852 square feet;  
Utility easement of 48,352 square feet)  
Estate of John R. Martins, Owner

Negotiating Parties: Brent Sinclair, Director of C&ED

Jon Yuriar, Property Agent

Mark Jensen, Esq., Attorney for Estate of John R. Martins

Under Negotiation: Price and terms of purchase/sale of property.

2. Property: Acquisition of fee interest (partial) and temporary construction easement of real property for the Sylvan Litt Intersection Project located at:

Sylvan Ave., between Claus Rd., and Litt Rd.  
APN: 084-003-010 (partial fee of 1,291 square feet and  
temporary construction easement of 1,492 square feet)

APN: 084-003-008 (temporary construction easement of 2,869  
square feet)

Roland Katakis, William Katakis and California Equity Management Group, Inc., Owner

Negotiating Parties: Brent Sinclair, Director of C&ED

Jon Yuriar, Property Agent

Roland Katakis, Property Owner

Under Negotiation: Price and terms of purchase/sale of property.

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code. One potential case.

**MINUTES**  
**City of Modesto**  
**SPECIAL AUDIT COMMITTEE / COUNCIL**  
**WORKSHOP**

**Second Floor, Room 2005**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday March 20, 2012, at 10:00 a.m.**

Roll Call Present: Garrad Marsh, Chair, Joe Muratore, Vice-Chair and  
Dave Geer, Member

Absent: None

**PUBLIC COMMENTS**

None.

**NEW BUSINESS**

1. Consider accepting the Auditor's report on compliance with requirements applicable to the Federal Aviation Passenger Facility Charge (PFC) program and on internal control over compliance, prepared by external auditors Brown and Armstrong, for fiscal year ended June 30, 2011. (Funding Source: Not Applicable)  
*Finance; DeAnna Espinoza, 577-5387, daespinoza@modestogov.com*

**ACTION:** **Motion (Muratore/Geer;unan.)** accepting the Auditor's report on compliance with requirements applicable to the Federal Aviation Passenger Facility Charge (PFC) program and on internal control over compliance, prepared by external auditors Brown and Armstrong, for fiscal year ended June 30, 2011 and forwarding to Council for approval.

2. Consider accepting: (i) the City's Fiscal Year 2010-2011 Comprehensive Annual Financial Report (CAFR), Single Audit Report, and the City's audit report on Internal Controls and Required Communications from external auditors Brown and Armstrong; (ii) the Fiscal Year 2010-2011 audited financial statements and audit reports for nine Community Facilities Districts; and (iii) the Fiscal Year 2010-2011 audit reports for various Joint Powers Agencies and other audits as attached to this staff report (Funding Source: Not Applicable)  
*Finance; DeAnna Espinoza, 577-5387, despinoza@modestogov.com*

**ACTION:** **Motion (Muratore/Geer;unan.)** accepting: (i) the City's Fiscal Year 2010-2011 Comprehensive Annual Financial Report (CAFR), Single Audit Report, and the City's audit report on Internal Controls and Required Communications from external auditors Brown and Armstrong; (ii) the Fiscal Year 2010-2011 audited financial statements and audit reports for nine Community Facilities Districts; and

(iii) the Fiscal Year 2010-2011 audit reports for various Joint Powers Agencies and other audits and forwarding to Council for approval.

**COMMITTEE MEMBERS COMMENTS & REPORTS**

None.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 10:32 a.m.

# MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday March 27, 2012, at 5:30 p.m.**

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,  
Mayor Marsh  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Ken Sylvia, Youth for Christ

City Clerk's Announcements - Item 25 - Removed from Agenda

Declaration of Conflicts of Interest: Cogdill - Items 12 and 26  
Muratore - Items 22, 23 and 26

Reports from Closed Session: City Attorney Wood reported on Closed Session matters

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation declaring April 5, 2012 as Arbor Day in the City of Modesto. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com*

**ACTION:** Mayor Marsh presented a proclamation declaring April 5, 2012 as Arbor Day in the City of Modesto.

2. Presentation of an appreciation certificate by the Modesto Police Department and the Modesto City Council to Shane McLafferty for his assistance in apprehending a burglary suspect. (Funding Source: Not Applicable)  
*Police; Mike Harden, 342-6122, hardenm@modestogov.com*

**ACTION:** Mayor Marsh and Captain Balentine presented a Certificate of Appreciation to Shane McLafferty for his assistance to the Modesto Police Department in apprehending a burglary suspect.

3. Presentation by Julie Hannon thanking SaveMart Supermarkets for their donation to the Maddux Youth Center. (Funding Source: Not Applicable)  
*Parks, Recreation and Neighborhoods; Julie Hannon, 577-5417,*

*jhannon@modestogov.com*

**ACTION:** Julie Hannon, Director of Parks, Recreation & Neighborhoods thanked SaveMart Cares Program for their donation to the Maddux Youth Center.

- 4. Presentation by Michael Gorrasi regarding the Modesto Nuts upcoming season and Opening Day on April 5, 2012. (Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** Michael Gorrasi, Modesto Nuts Vice-President spoke regarding the Modesto Nuts upcoming season and Opening Day on April 5, 2012.

**MISCELLANEOUS**

- Legislation
- Appointments
- Other

*Councilmember Cogdill absent due to conflict of interest*

- 5. Consider approving appointments to fill two (2) positions on the Modesto Redevelopment Successor Agency Oversight Board and one (1) appointment to the Stanislaus County Redevelopment Agency Oversight Board. (Funding Source: Not Applicable)

*Community & Economic Development; Brent Sinclair, 577-5228, hbsinclair@modestogov.com*

- Resolution appointing Councilmember Dave Cogdill and Laurie A. Smith, MCMA President, to the Modesto Redevelopment Successor Agency Oversight Board and Councilmember Dave Cogdill to the Stanislaus County Redevelopment Successor Agency Oversight Board recommended.

**ACTION: Resolution 2012-106 (Lopez/Burnside; 6/0; Cogdill absent due to conflict of interest)** appointing Councilmember Dave Cogdill and Laurie A. Smith, MCMA President, to the Modesto Redevelopment Successor Agency Oversight Board and Councilmember Dave Cogdill to the Stanislaus County Redevelopment Successor Agency Oversight Board.

**PUBLIC COMMENT PERIOD**

- Ray Pefferrini spoke regarding trees in the City of Modesto. Mayor Marsh announced an increased service of tree pruning in the City of Modesto.
- Emerson Drake spoke regarding freedom of speech in the City of Modesto.
- Ronald Jeske spoke regarding freedom of speech in the City of Modesto.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 6 through 19 ACTION CONSENT ITEMS 6-11; 13-19: (Lopez/Gunderson; unan.)**

**ACTION CONSENT ITEM 12: (Lopez/Burnside; unan.; Cogdill absent due to conflict of interest)**

**CONSENT ITEMS**

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

Consent

6. Consider approving the minutes of the City Council meeting of March 13, 2012.  
(Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*
- Motion approving the minutes of the City Council meeting of March 13, 2012 recommended.

**ACTION: Motion (Lopez/Gunderson; 7/0)** approving the minutes of the City Council meeting of March 13, 2012.

Consent

7. Consider approving final adoption of Ordinance No. 3561-C.S. repealing Chapter 7 of Title VIII of the Modesto Municipal Code relating to Enterprise Incentives. (Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*
- Motion approving final adoption of Ordinance No. 3561-C.S. repealing Chapter 7 of Title VIII of the Modesto Municipal Code relating to Enterprise Incentives recommended.

**ACTION: Motion (Lopez/Gunderson; 7/0)** approving final adoption of Ordinance No. 3561-C.S. repealing Chapter 7 of Title VIII of the Modesto Municipal Code relating to Enterprise Incentives.

Consent

8. Consider approving: (i) amendments to the City of Modesto Policy Against Harassment and Discrimination and the Complaint Procedure; and (ii) adopting the City of Modesto Anti-Retaliation Policy. (Funding Source: Not Applicable)  
*City Attorney; Dawn Perez, 577-5284, dperez@modestogov.com*
- Resolution approving amendments to the City of Modesto Policy Against Harassment and Discrimination and the Complaint Procedure, and adoption of the City's Anti-Retaliation Policy recommended.

**ACTION: Resolution 2012-107 (Lopez/Gunderson; 7/0)** approving amendments to the City of Modesto Policy Against Harassment and Discrimination and the Complaint Procedure, and adoption of the City's Anti-Retaliation Policy.

Consent

9. Consider approving the extension of the prequalified consultant list for right of way (ROW) acquisition services for various Capital Improvement Program (CIP) projects

for a period of one (1) year. (Funding Source: Various CIP)  
*Community & Economic Development; Charles Covolo, 571-5537,  
ccovolo@modestogov.com*

- Resolution approving the extension of the prequalified consultant list for right of way acquisition services for various Capital Improvement Program projects for a period of one (1) year recommended.

**ACTION: Resolution 2012-108 (Lopez/Gunderson; 7/0)** approving the extension of the prequalified consultant list for right of way acquisition services for various Capital Improvement Program projects for a period of one (1) year.

#### Consent

10. Consider approving an Agreement Related to Relocation of Electric Utility Poles with Modesto Irrigation District in the amount of \$24,575.18 for the relocation of Modesto Irrigation District facilities located at the southwest corner of Bangs Avenue and Prescott Road required for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (176) - Right Turn Lane Eastbound Bangs Ave to Southbound Prescott Road Project. (Funding Source: CIP - Right Turn Lane Eastbound Bangs Ave to Southbound Prescott Road Project)

*Community & Economic Development; Charles Covolo, 571-5537,  
ccovolo@modestogov.com*

- Resolution approving an Agreement Related to Relocation of Electric Utility Poles in the amount of \$24,575.18 between the City of Modesto and Modesto Irrigation District for the relocation of Modesto Irrigation District facilities at the southwest corner of Bangs Avenue and Prescott Road and authorizing the City Manager, or his designee, to execute the agreement for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (176) – Right Turn Lane Eastbound Bangs Ave to Southbound Prescott Road project recommended.

**ACTION: Resolution 2012-109 (Lopez/Gunderson; 7/0)** approving an Agreement Related to Relocation of Electric Utility Poles in the amount of \$24,575.18 between the City of Modesto and Modesto Irrigation District for the relocation of Modesto Irrigation District facilities at the southwest corner of Bangs Avenue and Prescott Road and authorizing the City Manager, or his designee, to execute the agreement for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (176) – Right Turn Lane Eastbound Bangs Ave to Southbound Prescott Road project.

#### Consent

11. Consider approving an Agreement Related to Relocation of Electric Utility Poles with Modesto Irrigation District in the amount of \$112,000, for the relocation of Modesto Irrigation District facilities located within the limits of the State Route 99/Pelandale Avenue Interchange Reconstruction Project. (Funding Source: Local Capital Facilities Fees)

*Community & Economic Development; Bill Sandhu, 577-5356,  
bsandhu@modestogov.com*

- Resolution approving an Agreement Related to Relocation of Electric Utility Poles with Modesto Irrigation District in the amount of \$112,000, for the relocation of

Modesto Irrigation District facilities located within the limits of the State Route 99 / Pelandale Avenue Interchange Reconstruction Project; and authorizing the City Manager, or his designee, to execute the Agreement recommended.

**ACTION: Resolution 2012-110 (Lopez/Gunderson; 7/0)** approving an Agreement Related to Relocation of Electric Utility Poles with Modesto Irrigation District in the amount of \$112,000, for the relocation of Modesto Irrigation District facilities located within the limits of the State Route 99 / Pelandale Avenue Interchange Reconstruction Project; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent – *Councilmember Cogdill absent due to conflict of interest*

12. Consider approving a Second Amendment to Agreement with AECOM Technical Services, Inc. (formerly Boyle Engineering Corporation) for additional scope of work not included in the Original Agreement for the Design of Sylvan Avenue between Millbrook Avenue and Claus Road, and the Design of Litt Road from Sylvan Avenue to the north end of the Grogan Park site in an amount not to exceed \$48,360, for a maximum total agreement amount of \$532,975. (Funding Source: Village One #2 CFD Tax, Wastewater Fund, and Water Fund - CIP)

*Community & Economic Development and Utility Planning and Projects; Vickey Dion, 571-5542, vdion@modestogov.com*

- Resolution approving a Second Amendment to Agreement with AECOM Technical Services, Inc. (formerly Boyle Engineering Corporation) for additional scope of work not included in the original agreement for Consultant Services for the Design of Sylvan Avenue between Millbrook Avenue and Claus Road, and the Design of Litt Road between Sylvan Avenue to the north end of the Grogan Park site in an amount not to exceed \$27,861 for the identified scope of services, plus \$20,499 for additional services (if needed), for a maximum total amount of \$48,360, and authorizing the District Administrator, or his designee, to execute the Second Amendment to Agreement recommended.

**ACTION: Resolution 2012-111 (Lopez/Burnside; 6/0; Cogdill absent due to conflict of interest)** approving a Second Amendment to Agreement with AECOM Technical Services, Inc. (formerly Boyle Engineering Corporation) for additional scope of work not included in the original agreement for Consultant Services for the Design of Sylvan Avenue between Millbrook Avenue and Claus Road, and the Design of Litt Road between Sylvan Avenue to the north end of the Grogan Park site in an amount not to exceed \$27,861 for the identified scope of services, plus \$20,499 for additional services (if needed), for a maximum total amount of \$48,360, and authorizing the District Administrator, or his designee, to execute the Second Amendment to Agreement.

Consent

13. Consider approving the City Council of the City of Modesto's intent to establish City of Modesto Community Facilities District No. 2012-1 (Kiernan Business Park South) ("CFD No. 2012-1") and to authorize the levy of special taxes within CFD No. 2012-1. (Funding Source: Developer Deposits)

*Community & Economic Development; Tina Rocha, 577-5211,*

*trocha@modestogov.com*

- Resolution declaring the City Council's intention to establish City of Modesto Community Facilities District No. 2012-1 (Kiernan Business Park South) and to authorize the levy of a special tax within said Community Facilities District recommended.

**ACTION: Resolution 2012-112 (Lopez/Gunderson; 7/0)** declaring the City Council's intention to establish City of Modesto Community Facilities District No. 2012-1 (Kiernan Business Park South) and to authorize the levy of a special tax within said Community Facilities District.

Consent

14. Consider accepting the Monthly Investment Report for January, 2012. (Funding Source: Not Applicable)  
*Finance; Deanna Espinoza, 577-5387, daespinoza@modestogov.com*
- Motion accepting the Monthly Investment Report for January, 2012 recommended.

**ACTION: Motion (Lopez/Gunderson; 7/0)** accepting the Monthly Investment Report for January, 2012.

Consent

15. Consider amending the Position Allocation for the Public Works Department as adopted by the City Council as part of the FY 2011-2012 budget to eliminate one Deputy Director of Public Works position, and one Senior Administrative Office Assistant (Confidential) position in Cost Center 53010, Public Works Transportation, and add one Executive Assistant position in Cost Center 51010, Public Works Administration. (Funding Source: Sewer Fund/Fleet Fund)  
*Public Works; Dennis Turner, 341-2906, dturner@modestogov.com*
- Resolution amending the Position Allocation for the Public Works Department as adopted by the City Council as part of the FY 2011-2012 budget to eliminate one Deputy Director of Public Works position, and one Senior Administrative Office Assistant (Confidential) position in Cost Center 53010, Public Works Transportation, and add one Executive Assistant position in Cost Center 51010, Public Works Administration recommended.

**ACTION: Resolution 2012-113 (Lopez/Gunderson; 7/0)** amending the Position Allocation for the Public Works Department as adopted by the City Council as part of the FY 2011-2012 budget to eliminate one Deputy Director of Public Works position, and one Senior Administrative Office Assistant (Confidential) position in Cost Center 53010, Public Works Transportation, and add one Executive Assistant position in Cost Center 51010, Public Works Administration.

Consent

16. Consider authorizing submission of the Fiscal Year 2011-2012 Transportation Development Act (TDA) Transit Claim – Revision #1 to the Stanislaus Council of Governments (StanCOG) in the amount of \$8,268,602. (Funding Source: TDA Revenues)

*Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com*

- Resolution authorizing submission of the Fiscal Year 2011-2012 Transportation Development Act Transit Claim – Revision #1 to StanCOG in the amount of \$8,268,602 recommended.

**ACTION: Resolution 2012-114 (Lopez/Gunderson; 7/0)** authorizing submission of the Fiscal Year 2011-2012 Transportation Development Act Transit Claim – Revision #1 to StanCOG in the amount of \$8,268,602.

Consent

17. Consider approving: (i) the submittal of three grant applications under Proposition 1B to Caltrans for Public Transit Modernization, Improvement and Service Enhancements Account (PTMISEA) funds in the amount of \$5,838,246 for transit capital projects; and (ii) the submittal of two grant applications to the California Emergency Management Agency for California Transit Security Grant Program (CTSGP) funds in the amount of \$876,064 for transit security projects. (Funding Source: State Transit Revenue)

*Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com*

- Resolution authorizing submittal of three (3) grant applications to Caltrans requesting \$5,838,246 in Fiscal Year 2010-11 PTMISEA funds for transit capital projects recommended.
- Resolution authorizing submittal of two (2) grant applications to California Emergency Management Agency requesting California Transit Assistance Funds for transit security projects – one (1) application for \$438,032 in Fiscal Year 2010-11 and one (1) application for \$438,032 in Fiscal Year 2011-12 funds recommended.

**ACTION: Resolution 2012-115 (Lopez/Gunderson; 7/0)** authorizing submittal of three (3) grant applications to Caltrans requesting \$5,838,246 in Fiscal Year 2010-11 PTMISEA funds for transit capital projects.

**ACTION: Resolution 2012-116 (Lopez/Gunderson; 7/0)** authorizing submittal of two (2) grant applications to California Emergency Management Agency requesting California Transit Assistance Funds for transit security projects – one (1) application for \$438,032 in Fiscal Year 2010-11 and one (1) application for \$438,032 in Fiscal Year 2011-12 funds.

Consent

18. Consider accepting the Annual Report for the City's Economic Incentive Wastewater Treatment Capacity Banking (Bank), as required by the Modesto Municipal Code 5-6.910. (Funding Source: Not Applicable)

*Public Works; Gary DeJesus, 577-6255, gdejesus@modestogov.com*

- Motion accepting the Annual Report for the City's Economic Incentive Wastewater Treatment Capacity Banking recommended.

**ACTION: Motion (Lopez/Gunderson; 7/0)** accepting the Annual Report for the City's Economic Incentive Wastewater Treatment Capacity Banking.

Consent

19. Consider approving a Second Amendment to the final design services Agreement with Carollo Engineers, Inc. (formerly Carollo Engineers, P.C.) to advance a portion of the construction period engineering services work for the Phase 2 Biological Nutrient Removal/Tertiary Treatment Facility project in the amount of \$64,465, for a maximum total agreement amount of \$6,065,486. (Funding Source: Wastewater Fund)  
*Utility Planning and Projects; William Wong, 571-5801, WWong@modestogov.com*
- Resolution approving a Second Amendment to Agreement with Carollo Engineers, Inc. (formerly Carollo Engineers, P.C.) for final design services for the Phase 2 Biological Nutrient Removal/Tertiary Treatment Facility project in the amount of \$64,465, for a maximum total agreement amount of \$6,065,486, and authorizing the City Manager, or his designee, to execute the Second Amendment to Agreement recommended.

**ACTION: Resolution 2012-117 (Lopez/Gunderson; 7/0)** approving a Second Amendment to Agreement with Carollo Engineers, Inc. (formerly Carollo Engineers, P.C.) for final design services for the Phase 2 Biological Nutrient Removal/Tertiary Treatment Facility project in the amount of \$64,465, for a maximum total agreement amount of \$6,065,486, and authorizing the City Manager, or his designee, to execute the Second Amendment to Agreement.

**COUNCIL COMMENTS & REPORTS**

Councilmember Geer announced Jeff Jardine's column in today's Modesto Bee regarding children coming from Oregon to help clean up Modesto.

**CITY MANAGER COMMENTS & REPORTS**

None.

**UNFINISHED BUSINESS**

20. Consider approving Amendment Number One to the Master Agreement for auditing services between the City of Modesto and Moss-Adams, LLP in an amount not to exceed \$150,000. (Funding Source: General Fund)  
*City Council; Garrad Marsh, 571-5597, gmarsh@modestogov.com*
- Resolution approving Amendment Number One to the Master Agreement for auditing services between the City of Modesto and Moss-Adams, LLP recommended.

**ACTION: Resolution 2012-118 (Lopez/Gunderson; 5/2; Geer, Muratore no)** approving Amendment Number One to the Master Agreement for auditing services between the City of Modesto and Moss-Adams, LLP.

21. Consider a new logo for the City of Modesto and make a motion that provides direction for moving forward to staff. (Funding Source: All Funds)  
*City Manager; Greg Nyhoff, 577-5404, gnyhoff@modestogov.com*
- Motion providing direction to staff on moving forward with a new logo

recommended.

**ACTION: Motion (Cogdill/Burnside; 7/0) directing staff to moving forward with the new logo.**

*Councilmember Muratore absent due to conflict of interest*

22. Consider approving the updated guidelines to the City's NSP2 Homebuyer's Program. (Funding Source: NSP2)

*Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com*

- Resolution approving the updated guidelines to the City' of Modesto's Neighborhood Stabilization Program 2 Homebuyer's Program recommended.

**ACTION: Resolution 2012-119 (Lopez/Gunderson; 6/0; Muratore absent due to conflict of interest) approving the updated guidelines to the City' of Modesto's Neighborhood Stabilization Program 2 Homebuyer's Program.**

*Councilmember Muratore absent due to conflict of interest*

23. Consider approving: (i) a Memorandum of Understanding (MOU) between the City of Modesto, the Housing Authority of the County of Stanislaus (HACS) and Stanislaus County Affordable Housing Corporation (STANCO); (ii) a HOME loan assumption for the 605 E. Coolidge, Modesto (Meadow Glen Apartments) project to transfer the 605 E. Coolidge property and the HOME loan from STANCO to HACS for the construction of affordable housing units for the NSP2 Emancipated Foster and Homeless Youth Program (EFY&HYP); and (iii) an NSP2 loan to the HACS in the amount of \$4.8 million dollars for the construction of Meadow Glen Apartments a 32 housing units for the EFY&HYP. (Funding Source: HOME Funds and NSP2 Funds)

*Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com*

- Resolution approving a Memorandum of Understanding between the City of Modesto, the Housing Authority of the County of Stanislaus and Stanislaus County Affordable Housing Corporation; and authorizing the City Manager, or his designee, to execute the Memorandum of Understanding recommended.
- Resolution approving a HOME loan assumption for the 605 E. Coolidge Avenue, Modesto project to transfer the 605 E. Coolidge Avenue property and the HOME loan from STANCO to Housing Authority of the County of Stanislaus for the construction of affordable housing units for the NSP2 Emancipated Foster and Homeless Youth Program; and authorizing the City Manager, or his designee, to execute the agreements and related documents recommended.
- Resolution approving a NSP2 loan to the Housing Authority of the County of Stanislaus in the amount of \$4.8 million for the construction of a 32 unit housing project for Emancipated Foster Youth and Homeless Youth Program, also known as Meadow Glen Apartments; and authorizing the City Manager, or his designee, to execute the agreements and related documents recommended.

**ACTION: Resolution 2012-120 (Burnside/Cogdill; 6/0; Muratore absent due to conflict of interest) approving a Memorandum of Understanding between the City of Modesto, the**

Housing Authority of the County of Stanislaus and Stanislaus County Affordable Housing Corporation; and authorizing the City Manager, or his designee, to execute the Memorandum of Understanding.

**ACTION: Resolution 2012-121 (Burnside/Cogdill; 6/0; Muratore absent due to conflict of interest)** approving a HOME loan assumption for the 605 E. Coolidge Avenue, Modesto project to transfer the 605 E. Coolidge Avenue property and the HOME loan from STANCO to Housing Authority of the County of Stanislaus for the construction of affordable housing units for the NSP2 Emancipated Foster and Homeless Youth Program; and authorizing the City Manager, or his designee, to execute the agreements and related documents.

**ACTION: Resolution 2012-122 (Burnside/Cogdill; 6/0; Muratore absent due to conflict of interest)** approving a NSP2 loan to the Housing Authority of the County of Stanislaus in the amount of \$4.8 million for the construction of a 32 unit housing project for Emancipated Foster Youth and Homeless Youth Program, also known as Meadow Glen Apartments; and authorizing the City Manager, or his designee, to execute the agreements and related documents.

24. Consider approving an Agreement with Harris & Associates, Inc. for construction management services for the Carpenter Road Bridge Seismic Retrofit project in an amount not to exceed \$1,086,406. (Funding Source: Capital Grants, Streets Capital Facility Fees)

*Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

- Resolution approving an Agreement with Harris & Associates, Inc. for construction management services for the Carpenter Road Bridge Seismic Retrofit project in an amount not to exceed \$1,086,406 for the identified scope of services and authorizing the City Manager, or his designee, to execute the Agreement recommended.

**ACTION: Resolution 2012-123 (Lopez/Geer;7/0)** approving an Agreement with Harris & Associates, Inc. for construction management services for the Carpenter Road Bridge Seismic Retrofit project in an amount not to exceed \$1,086,406 for the identified scope of services and authorizing the City Manager, or his designee, to execute the Agreement.

## HEARINGS

*Removed from Agenda*

*Published in the Modesto Bee on March 15, 2012*

25. Hearing to consider approving an amendment to the Substantial Amendment to the Homelessness Prevention and Rapid Re-Housing Program (HPRP) in preparation for grant close-out. (Funding Source: HPRP)

*Parks, Recreation & Neighborhoods; Hugo Ramirez, 577-5368,*

*HRamirez@modestogov.com*

**ACTION:** This item was removed from the Agenda.

*Published in the Modesto Bee on March 10, 2012 – Councilmembers Cogdill and Muratore*

*absent due to conflict of interest*

26. Hearing to consider approving a substantial amendment to the Community Development Block Grant - Recovery (CDBG-R Plan) to allocate funding to the Airport Neighborhood Community Center Project in preparation for grant close-out. (Funding Source: CDBG-R Grant)

*Parks, Recreation & Neighborhoods; Hugo Ramirez, 577-5368, hramirez@modestogov.com*

- Resolution approving a Substantial Amendment to the Community Development Block Grant – Recovery Plan to reallocate funding to the Airport Neighborhood Community Center Project in preparation for grant close-out; and authorizing the City Manager, or his designee, to execute the Substantial Amendment all related documents recommended.
- Resolution amending the FY 2011/2012 Capital Improvement Program budget in the amount of \$50,000 for the Airport Neighborhood Community Center, CIP #100698 to appropriate reallocated CDBG-R revenue received for this project; and authorizing the Finance Director, or her designee, to take the necessary steps to implement the provisions of this resolution recommended.

**ACTION: Resolution 2012-124 (Lopez/Burnside; 5/0; Cogdill, Muratore absent due to conflict of interest)** approving a Substantial Amendment to the Community Development Block Grant – Recovery Plan to reallocate funding to the Airport Neighborhood Community Center Project in preparation for grant close-out; and authorizing the City Manager, or his designee, to execute the Substantial Amendment all related documents.

**ACTION: Resolution 2012-125 (Lopez/Burnside; 5/0; Cogdill, Muratore absent due to conflict of interest)** amending the FY 2011/2012 Capital Improvement Program budget in the amount of \$50,000 for the Airport Neighborhood Community Center, CIP #100698 to appropriate reallocated CDBG-R revenue received for this project; and authorizing the Finance Director, or her designee, to take the necessary steps to implement the provisions of this resolution.

## NEW BUSINESS

27. Consider authorizing submittal of grant applications to the State of California Department of Transportation, Division of Transportation Planning (CalTrans), in the combined total amount of \$550,000 from the Community-Based Transportation Planning (CBTP) Grant Program, and committing a local match of approximately \$55,000 to devote to grant-eligible work. (Funding Source: CalTrans Community-Based Transportation Planning Grant Program; General Fund match of approximately \$55,000)

*Community & Economic Development; Brad Wall, 577-5267, bwall@modestogov.com*

- Resolution approving submittal of grant applications to the California Department of Transportation, Division of Transportation Planning, in the amount of \$550,000 from the Community-Based Transportation Planning Grant program; and authorizing the City Manager, or his designee, to execute all necessary grant documents recommended.

**ACTION: Resolution 2012-126 (Geer/Lopez;7/0)** approving submittal of grant applications to the California Department of Transportation, Division of Transportation Planning, in the amount of \$550,000 from the Community-Based Transportation Planning Grant program; and authorizing the City Manager, or his designee, to execute all necessary grant documents.

28. Consider accepting the Comprehensive Annual Financial Report (CAFR) and other audit reports for the City of Modesto, its Community Facilities Districts, and various Joint Powers Agencies and grant programs. (Funding Source: Not Applicable)

*Finance; DeAnna Espinoza, 577-5387, daespinoza@modestogov.com*

- Resolution accepting the Fiscal Year 2010-2011 annual audit reports for the City of Modesto, its Community Facilities Districts, and various Joint Powers Agencies and grant programs recommended.

**ACTION: Resolution 2012-127 (Muratore/Geer;7/0)** accepting the Fiscal Year 2010-2011 annual audit reports for the City of Modesto, its Community Facilities Districts, and various Joint Powers Agencies and grant programs.

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

None.

### **ADJOURNMENT**

This meeting adjourned at 7:45 p.m.

### **CLOSED SESSION**

*Closed Session Matters Heard Prior to Meeting*

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

Agency Negotiators: Joseph Lopez, Human Resources Director  
Employee Organization: Modesto City Employees Association

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

Agency Negotiators: Joseph Lopez, Human Resources Director  
Employee Organization: Modesto Confidential & Management Association

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

Agency Negotiators: Joseph Lopez, Human Resources Director  
Employee Organization: Modesto Police Officers' Association

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

Agency Negotiators: Joseph Lopez, Human Resources Director

Employee Organization: Modesto Police Non Sworn Association

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

Agency Negotiators: Joseph Lopez, Human Resources Director  
Employee Organization: Modesto Police Management Association

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

Agency Negotiators: Joseph Lopez, Human Resources Director  
Employee Organization: Modesto City Firefighters Association

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

Agency Negotiators: Greg Nyhoff, City Manager  
Employee Organization: Unrepresented Management and Confidential Employees

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code. *One potential case.*

# MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday April 03, 2012, at 5:30 p.m.**

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,  
Mayor Marsh  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Darryl Fair, Renaissance Christian Center

City Clerk's Announcements: Item 1 - Removed from Agenda  
Item 8 – Removed from Consent

Declaration of Conflicts of Interest : Muratore - Items 8 and 9  
Burnside - Item 12

Reports from Closed Session: City Attorney Wood reported on Closed Session matters

## ACKNOWLEDGEMENTS AND PRESENTATIONS

### *Removed from Agenda*

1. Presentation by the Modesto Chamber of Commerce to new and growing businesses in Modesto. (Funding Source: Not Applicable)  
*Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION:** Item was removed from Agenda.

2. Presentation of the Outcome of Year 1 and Plans for Year 2 of the Choose Civility Campaign by Tom Changnon, Stanislaus County Superintendent of Schools. (Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** Presentation of the Outcome of Year 1 and Plans for Year 2 of the Choose Civility Campaign by Tom Changnon, Stanislaus County Superintendent of Schools.

3. Presentation of Proclamation to United Cerebral Palsy proclaiming May 19, 2012 as Lemonade Day Modesto. (Funding Source: Not Applicable)

*City Council; Kathy Espinoza, 577-5396, kespinoza@modestogov.com*

**ACTION:** Presentation of Proclamation by Mayor Marsh to United Cerebral Palsy proclaiming May 19, 2012 as Lemonade Day Modesto.

- 4. Presentation of Proclamation declaring April 8-14, 2012 as National Library Week. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com*

**ACTION:** Presentation of Proclamation by Mayor Marsh declaring April 8-14, 2012 as National Library Week.

**PUBLIC COMMENT PERIOD**

- Ronald Jeske spoke regarding being civil, respecting each other and stopping graffiti in the City of Modesto.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 5 through 12**  
**ACTION CONSENT ITEMS 5-7; 11: (Lopez/Cogdill;unan.)**  
**ACTION CONSENT ITEM 9: (Lopez/Burnside;unan.; Muratore absent due to conflict of interest)**  
**ACTION CONSENT ITEM 12: (Lopez/Cogdill;unan.; Burnside absent due to conflict of interest)**

**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 from the March 27, 2012 Council meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the March 27, 2012 Council meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Cogdill; 7/0)** approving the minutes from the March 27, 2012 Council meeting.

Consent

- 6. Consider: (i) approving a new Capital Improvement Program (CIP) account for the project titled, “Village One Central Basin Erosion Control,” with a total estimated project cost of \$125,000; and (ii) amending the Fiscal Year 2011-12 Capital Improvement Program budget for the Village One Central Basin Erosion Control project and appropriating \$125,000 from CFD No. 2004-1 (Village One #2) Fund 3290-14719 to CIP Project # 100700. (Funding Source: CFD No. 2004-1 (Village One #2) Annual Maintenance Tax)
  - Resolution approving a new Capital Improvement Program (CIP) account for the

project titled, "Village One Central Basin Erosion Control," with a total estimated project cost of \$125,000 recommended.

- Resolution amending the Fiscal Year 2011-12 Capital Improvement Program budget for the Village One Central Basin Erosion Control project and appropriating \$125,000 from CFD No. 2004-1 (Village One #2) Fund 3290-14719 to CIP Project # 100700 recommended.

*Community & Economic Development; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION: Resolution 2012-128 (Lopez/Cogdill; 7/0)** approving a new Capital Improvement Program (CIP) account for the project titled, "Village One Central Basin Erosion Control," with a total estimated project cost of \$125,000.

**ACTION: Resolution 2012-129 (Lopez/Cogdill; 7/0)** amending the Fiscal Year 2011-12 Capital Improvement Program budget for the Village One Central Basin Erosion Control project and appropriating \$125,000 from CFD No. 2004-1 (Village One #2) Fund 3290-14719 to CIP Project # 100700 recommended.

#### Consent

7. Consider declaring as surplus from March 1, 2012 through February 28, 2013 the following items: lost, stolen, unclaimed and /or seized property from the Police Department, excess property accumulated by the City, and surplus City vehicles and equipment and authorizing the Purchasing Division to sell same by sealed bid, consignment, public auction, online auction, as scrap, or donate to an eligible non-profit 501(c)(3) organization (Funding Source: Various Funds)
  - Resolution declaring as surplus from March 1, 2012 through February 28, 2013 the following items: lost, stolen, unclaimed and/or seized property from the Police Department, excess property accumulated by the City, and surplus City vehicles and equipment and authorizing the Purchasing Division to sell same by sealed bid, consignment, public auction, online auction, as scrap, or donate to an eligible non-profit 501(c)(3) organization recommended.

*Finance; Mark L. Averell, 577-5412, maverell@modestogov.com*

**ACTION: Resolution 2012-130 (Lopez/Cogdill; 7/0)** declaring as surplus from March 1, 2012 through February 28, 2013 the following items: lost, stolen, unclaimed and/or seized property from the Police Department, excess property accumulated by the City, and surplus City vehicles and equipment and authorizing the Purchasing Division to sell same by sealed bid, consignment, public auction, online auction, as scrap, or donate to an eligible non-profit 501(c)(3) organization.

*Removed from Consent; Councilmember Muratore absent due to conflict of interest*

8. Consider approving (i) an Administrative Addendum to Second Amended and Restated Disposition and Development Agreement for the housing project known as "Archway Commons"; and (ii) an Affordable Housing Covenant; Notice of Affordability Restrictions; a Note, Grant Deed and Deed of Trust for the Archway Commons project, iii) Third Amendment to the HOME Loan Agreement, Amendment to Promissory Note and First Amended Regulatory Agreement for the housing project known as "Archway

Commons, (iv) and an Assignment, Assumption and Estoppel Agreement, and authorizing the City Manager, or his designee, to prepare and execute all documents necessary to carry out the obligations of the City, and the City as the Successor Housing Agency (Successor Agency). (Funding Source: RDA Housing Set-Aside and HOME funds)

- Resolution approving (i) an Administrative Addendum to Second Amended and Restated Disposition and Development Agreement for the project known as “Archway Commons”; (ii) an Affordable Housing Covenant; Notice of Affordability Restrictions; a Note, Grant Deed and Deed of Trust for the Archway Commons project, (iii) Third Amendment to the HOME Loan Agreement, Amendment to Promissory Note and First Amended Regulatory Agreement for the housing project known as “Archway Commons, and authorizing the City Manager, or his designee, to prepare and execute all documents necessary to carry out the obligations of the City, and the City as the Successor Housing Agency recommended.
- Resolution approving an Assignment, Assumption and Estoppel Agreement, and authorizing the City Manager or his designee to prepare and execute any and all related documents necessary to implement the assignment, assumption and estoppel of the HOME Loan documents and obligations recommended.

*Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com*

**ACTION:** This item to be continued to a future Council meeting.

Consent - *Councilmember Muratore absent due to conflict of interest*

9. Consider approving an Official Map for the Archway Commons Development. (Funding Source: RDA Housing Set-Aside)

- Resolution approving an Official Map for the Archway Commons Project recommended.

*Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com*

**ACTION: Resolution 2012-131 (Lopez/Burnside; 6/0; Muratore absent due to conflict of interest)** approving an Official Map for the Archway Commons Project.

Consent

10. Consider approving an amendment to the Fiscal Year 2011-2012 Capital Improvement Program budget in order to fund the TRRP Gateway Phase 1.3 Trails project in the amount of \$550,000 (Funding Source: Federal High Priority Projects and Habitat Conservation Fund)

- Resolution approving an amendment to the Fiscal Year 2011-2012 Capital Improvement Program budget in order to fund the TRRP Gateway Phase 1.3 Trails project in the amount of \$550,000; and authorizing the Finance Director, or her designee, to amend the Capital Improvement Program budget recommended.

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

**ACTION: Resolution 2012-132 (Lopez/Cogdill; 7/0)** approving an amendment to the Fiscal

Year 2011-2012 Capital Improvement Program budget in order to fund the TRRP Gateway Phase 1.3 Trails project in the amount of \$550,000; and authorizing the Finance Director, or her designee, to amend the Capital Improvement Program budget.

Consent

11. Consider approving Stanislaus County Regional Apprehension Team Memorandum of Understanding for participation in the Post Release Community Supervision, along with other county-wide law enforcement agencies, to locate non-compliant, non-serious, non-violent offenders upon their release from state prison and authorizing the City Manager, or his designee, to sign the Memorandum of Understanding. (Funding Source: General Fund-Outside Services )

- Resolution approving Stanislaus County Regional Apprehension Team Memorandum of Understanding for participation in the Post Release Community Supervision, along with other county-wide law enforcement agencies, to locate non-compliant, non-serious, non-violent offenders upon their release from state prison; and authorizing the City Manager, or his designee, to sign the Memorandum of Understanding recommended.

*Police; Joel Broumas, 572-9821, broumasj@modestopd.com*

**ACTION: Resolution 2012-133 (Lopez/Cogdill; 7/0)** approving Stanislaus County Regional Apprehension Team Memorandum of Understanding for participation in the Post Release Community Supervision, along with other county-wide law enforcement agencies, to locate non-compliant, non-serious, non-violent offenders upon their release from state prison; and authorizing the City Manager, or his designee, to sign the Memorandum of Understanding.

Consent – *Councilmember Burnside absent due to conflict of interest*

12. Consider approving an Amendment to Agreement with VBN Architects for Architectural and Final Design Services for the Bus Maintenance Facility Project in the amount of \$63,896, increasing the total contract to an amount not to exceed \$780,008 (Funding Source: Federal Transit Administration and Local Transportation Funds)

- Resolution approving an Amendment to Agreement with VBN Architects for Architectural and Final Design Services for the Bus Maintenance Facility Project in an amount not to exceed \$780,008 for the identified scope of services; and authorizing the City Manager, or his designee, to execute the Amendment recommended.

*Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION: Resolution 2012-134 (Lopez/Cogdill; 6/0; Burnside absent due to conflict of interest)** approving an Amendment to Agreement with VBN Architects for Architectural and Final Design Services for the Bus Maintenance Facility Project in an amount not to exceed \$780,008 for the identified scope of services; and authorizing the City Manager, or his designee, to execute the Amendment.

**COUNCIL COMMENTS & REPORTS**

None.

## CITY MANAGER COMMENTS & REPORTS

None.

### UNFINISHED BUSINESS

13. Consider accepting the Final Report of the Blue Ribbon Commission on Homelessness. (Funding Source: Not Applicable)
- Motion accepting the Final Report of the Blue Ribbon Commission on Homelessness recommended.
- City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Gunderson; 7/0)** accepting the Final Report of the Blue Ribbon Commission on Homelessness **and return to Safety & Communities Committee.**

14. Consider accepting the report titled "Evaluation of Wastewater Rates" dated February 2012 and adopting a new five-year Wastewater Rate Plan beginning in Fiscal Year 2012/13. (Funding Source: Wastewater Enterprise Funds)
- Motion accepting the report titled "Evaluation of Wastewater Rates" dated February 2012 recommended.
  - Resolution rescinding Resolution No. 2010-222, and establishing fees for the provision of sewer service for Fiscal Years 2013 through 2017 recommended.
- Utility Planning and Projects; Richard Ulm, 577-5261, rulm@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** accepting the report titled "Evaluation of Wastewater Rates" dated February 2012.

**ACTION: Resolution 2012-135 (Lopez/Burnside; 7/0)** rescinding Resolution No. 2010-222, and establishing fees for the provision of sewer service for Fiscal Years 2013 through 2017.

### HEARINGS

*Published in the Modesto Bee on March 24, 2012*

15. Hearing to consider the Citizens' Salary Setting Commission 2012 Recommendations for the Mayor and Councilmembers' salaries. (Funding Source: Not Applicable)
- Motion approving the Citizens' Salary Setting Commission 2012 Recommendations for the Mayor and Councilmembers' salaries to remain at the same level as recommended in 2008 and 2010 recommended.
- City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Cogdill; 7/0)** approving the Citizens' Salary Setting Commission 2012 Recommendations for the Mayor and Councilmembers' salaries to remain at the same level as recommended in 2008 and 2010.

*Published in the Modesto Bee on March 14, 2012*

16. Hearing to consider repealing Title 10 of the Modesto Municipal Code (Zoning Regulations) in its entirety and reenacting a new Title 10 for a Comprehensive Maintenance Update (CODE-10-003). (City of Modesto Initiated) (Funding Source: Not Applicable)
- Motion introducing an ordinance repealing Title 10 of the Modesto Municipal Code relating to the Zoning Regulations in its entirety and reenacting a new Title 10 for a comprehensive maintenance update recommended.
  - Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): Repealing Title 10 of the Modesto Municipal Code relating to the Zoning Regulations in its entirety and reenacting a new Title 10 for a comprehensive maintenance update. (City of Modesto) recommended.
- Community & Economic Development; Paul Liu, 577-5282, pliu@modestogov.com*

**ACTION: Motion (Cogdill/Burnside; 7/0)** introducing **Ordinance No. 3562-C.S.** repealing Title 10 of the Modesto Municipal Code relating to the Zoning Regulations in its entirety and reenacting a new Title 10 for a comprehensive maintenance update.

**ACTION: Resolution 2012-136 (Cogdill/Burnside; 7/0)** finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): Repealing Title 10 of the Modesto Municipal Code relating to the Zoning Regulations in its entirety and reenacting a new Title 10 for a comprehensive maintenance update. (City of Modesto).

### **NEW BUSINESS**

17. Consider accepting staff's progress report regarding the work plan for the amendments to the Land Use and Circulation Elements of the General Plan. (Funding Source: \$200,000 US HUD-EPA-DOT Smart Valley Places grant and \$48,000 General Fund Match in staff-time equivalent)
- Motion accepting staff's report regarding the US HUD-EPA-DOT grant-funded General Plan Amendment project, and confirming the land use amendments/scope of work recommended.
- Community & Economic Development; Brad Wall, 577-5273, bwall@modestogov.com*

**ACTION: Motion (Muratore/Burnside; 7/0)** accepting staff's report regarding the US HUD-EPA-DOT grant-funded General Plan Amendment project, and confirming the land use amendments/scope of work.

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

None.

### **ADJOURNMENT**

This meeting adjourned at 8:22 p.m.

**CLOSED SESSION**

*All Closed Session Matters Heard Prior to Meeting*

**CONFERENCE WITH LABOR NEGOTIATOR:**

**(Pursuant to Section 54957.6 of the Government Code) - MCEA**

Agency Negotiators: Joseph Lopez, Human Resources Director

Employee Organization: Modesto City Employees Association

**CONFERENCE WITH LABOR NEGOTIATOR:**

**(Pursuant to Section 54957.6 of the Government Code) – MCMA**

Agency Negotiators: Joseph Lopez, Human Resources Director

Employee Organization: Modesto Confidential & Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**

**(Pursuant to Section 54957.6 of the Government Code) – MPOA**

Agency Negotiators: Joseph Lopez, Human Resources Director

Employee Organization: Modesto Police Officers' Association

**CONFERENCE WITH LABOR NEGOTIATOR:**

**(Pursuant to Section 54957.6 of the Government Code) – MPNSA**

Agency Negotiators: Joseph Lopez, Human Resources Director

Employee Organization: Modesto Police Non Sworn Association

**CONFERENCE WITH LABOR NEGOTIATOR:**

**(Pursuant to Section 54957.6 of the Government Code) –MPMA**

Agency Negotiators: Joseph Lopez, Human Resources Director

Employee Organization: Modesto Police Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**

**(Pursuant to Section 54957.6 of the Government Code) - MCFFA**

Agency Negotiators: Joseph Lopez, Human Resources Director

Employee Organization: Modesto City Firefighters Association

**CONFERENCE WITH LABOR NEGOTIATOR:**

**(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**

Agency Negotiators: Greg Nyhoff, City Manager

Employee Organization: Unrepresented Management and Confidential Employees

**MINUTES**  
City of Modesto  
**Special Economic Development Committee/  
City Council Workshop Meeting**

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

**Monday, April 9, 2012 at 5:30 p.m.**

Roll Call Present: Councilmembers Stephanie Burnside, Joe Muratore, and Dave Cogdill, Jr.  
Absent: None

**PUBLIC COMMENTS**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1**

**CONSENT**

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

Consent

1. Consider accepting status report of development projects processed by the Community and Economic Development Department. (Funding Source: Not Applicable)  
*Community & Economic Development; H. Brent Sinclair, 577-5228,  
hbsinclair@modestogov.com*

**ACTION: Motion (Cogdill/Muratore;unan.)** accepting the status report of development projects processed by the Community and Economic Development Department.

**NEW BUSINESS**

2. Consider: (i) affirming Council Policy with regard to Outside Sewer Service Agreements for the Beard Industrial District; and (ii) requesting that Stanislaus Local Agency Formation Commission amend Policy 15 and provide an exception to Resolution 2011-11, Condition 1.B as it relates to new sewer users consent to annexation of their property. (Funding Source: Not Applicable)  
*Community & Economic Development; H. Brent Sinclair, 577-5228,  
hbsinclair@modestogov.com*

**ACTION: Motion (Cogdill/Burnside;unan.)** affirming Council Policy with regard to Outside Sewer Service Agreements for the Beard Industrial District; and requesting that Stanislaus Local Agency Formation Commission amend Policy 15

and provide an exception to Resolution 2011-11, Condition 1.B as it relates to new sewer users consent to annexation of their property.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 6:25 p.m.

**MINUTES**  
City of Modesto  
**SPECIAL AUDIT COMMITTEE / COUNCIL**  
**WORKSHOP**

Second Floor, Room 2005  
Tenth Street Place, 1010 10th Street  
Modesto, California  
Tuesday, April 17, 2012, at 9:00 a.m.

Roll Call Present: Mayor Marsh, Councilmembers Muratore and Geer  
Absent: None

**PUBLIC COMMENTS**

None.

**UNFINISHED BUSINESS**

1. Consider an Internal Audit Status Report (mid-February 2012 to mid-April 2012) from Moss-Adams, LLP. (Funding Source: Not Applicable)  
*City Manager, Greg Nhyoff, 577-5404, gnyhoff@modestogov.com*

**ACTION:** **Motion (Muratore/Geer;unan.)** directing the Internal Auditors Moss-Adams, LLP to move forward with: (i) Citywide Performance Improvement Assessment; (ii) Double Tree Concessionaire Agreement Payment Review (including analysis of Center Plaza Options: consisting of status quo; reorganization; renting out facilities with City control; shutting down facilities; or moving forward with RFP results); (iii) Regional Fire Authority Overtime Review; and (iv) Regional Fire Authority Purchasing Review.

**MATTERS TOO LATE FOR THE AGENDA**

None

**ADJOURNMENT**

This meeting adjourned at 10:01 a.m.

**MINUTES**  
**City of Modesto**  
**FINANCE COMMITTEE / COUNCIL**  
**WORKSHOP**  
**Second Floor, Room 2005**  
**1010 10th Street**  
**Modesto, California**  
**Monday, April 23, 2012, at 5:30 p.m.**

Roll Call - Present: Councilmembers Dave Cogdill, Jr., Stephanie Burnside and Dave Lopez  
Absent: None

**PUBLIC COMMENTS**

None.

**CONSENT**

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

Consent

1. Consider accepting the monthly budget adjustment for April 2012 and forwarding to Council for approval. (Funding Source: Various Funds)  
*Finance; Terri Swearingen, 577-5378, [tswearingen@modestogov.com](mailto:tswearingen@modestogov.com)*

**ACTION: Motion (Lopez/Burnside;unan.)** accepting the monthly budget adjustment for April 2012 and forwarding to Council for approval.

Consent

2. Consider accepting an informational reprot regarding the Quarterly Water Meter Installation Program Update. (Funding Source: Not Applicable)  
*Public Works; Allen Lagarbo, 342-2203, [alagarbo@modestogov.com](mailto:alagarbo@modestogov.com)*

**ACTION: Motion (Lopez/Burnside;unan.)** accepting an informational reprot regarding the Quarterly Water Meter Installation Program Update.

**NEW BUSINESS**

3. Consider accepting an informational report concerning the authority to apply a water rate inflator index based on the Consumer Price Index (CPI), and forwarding to Council for approval. (Funding Source: Water Fund)  
*Finance; Emma Loethen, 577-5395, [eloethen@modestogov.com](mailto:eloethen@modestogov.com)*

**ACTION: Motion (Lopez/Burnside;unan.)** accepting an informational report concerning the authority to apply a water rate inflator index based on the Consumer Price Index (CPI), and forwarding to Council for approval.

4. Consider accepting an informational report related to the Modesto Public Authority Lease Revenue Refunding Bonds, Series 2008, and the direct pay letter of credit which supports the bonds. (Funding Source: General Fund)  
*Finance; Emma Loethen, 577-5395, [eloethen@modestogov.com](mailto:eloethen@modestogov.com)*

**ACTION: Motion (Lopez/Burnside;unan.)** accepting an informational report related to the Modesto Public Authority Lease Revenue Refunding Bonds, Series 2008, and the direct pay letter of credit which supports the bonds.

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

None.

#### **ADJOURNMENT**

This meeting adjourned at 6:00 p.m.

# MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday April 24, 2012, at 5:30 p.m.**

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,  
Mayor Marsh  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Wade Estes, CrossPoint Community Church

City Clerk's Announcements: None

Declaration of Conflicts of Interest: Muratore - Item 15

Reports from Closed Session - City Attorney Wood reported on Closed Session matters;  
Closed Session to reconvene after Council meeting

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation declaring April 29, 2012 as McHenry Library/McHenry Museum and Historical Society Day. (Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** Mayor Marsh presented a Proclamation declaring April 29, 2012 as McHenry Library/McHenry Museum and Historical Society Day.

2. Presentation of Proclamation declaring April 22-28, 2012 as Youth Temperance Education Week. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov*

**ACTION:** Mayor Marsh presented a Proclamation declaring April 22-28, 2012 as Youth Temperance Education Week.

3. Presentation by the Modesto Chamber of Commerce to new and growing businesses in Modesto. (Funding Source: Not Applicable)  
*Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION:** Cecil Russell, President of the Modesto Chamber of Commerce, acknowledged Valley Hearing Aid, Studio V Pilates, Village Baking Company, and Warren Kirk, CEO of Doctor's Medical Center.

- 4. Presentation by the Community and Economic Development Department on the proposed amendment to the Downtown Form Based Code. (Funding Source: Not Applicable)  
*Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com*

**ACTION:** Presentation was made by the Community and Economic Development Department on the proposed amendment to the Downtown Form Based Code.

**MISCELLANEOUS**

- Legislation
- Appointments
- Other

- 5. Consider accepting the resignation of Duke Leffler from the Board of Building Appeals, effective immediately. (Funding Source: Not Applicable)
  - Resolution accepting with regret the resignation of Duke Leffler from the City of Modesto Board of Building Appeals recommended.  
*Community & Economic Development; William Crew, 577-5231, wcrew@modestogov.com*

**ACTION: Resolution 2012-137 (Lopez/Cogdill; 7/0)** accepting with regret the resignation of Duke Leffler from the City of Modesto Board of Building Appeals.

**PUBLIC COMMENT PERIOD**

- Doug Estes spoke regarding speed limits in construction zones in the City of Modesto.
- Richard Salter, Curt Able, Reagan Warner, Jerry Hutt, Jerry Cunningham, Ed Sineski, Greg Miranda, and other citizens spoke regarding golf in the City of Modesto and elimination of the annual golf pass.
- Emerson Drake spoke regarding elections in City of Modesto and changing the Tin Cup Ordinance contribution limits.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 6 through 17**  
**ACTION CONSENT ITEMS 6-14; 16; 17: (Lopez/Burnside;unan.)**  
**ACTION CONSENT ITEM 15: (Lopez/Burnside; Muratore absent due to conflict of interest)**

**CONSENT ITEMS**

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

Consent

6. Consider approving the minutes from the April 3, 2012 Council meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the April 3, 2012 Council meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** approving the minutes from the April 3, 2012 Council meeting.

Consent

7. Consider approving final adoption of Ordinance No. 3562-C.S. repealing Title 10 of the Modesto Municipal Code relating to the Zoning Regulations in its entirety and reenacting a new Title 10 for a comprehensive maintenance update. (Funding Source: Not Applicable)
  - Motion approving final adoption of Ordinance No. 3562-C.S. repealing Title 10 of the Modesto Municipal Code relating to the Zoning Regulations in its entirety and reenacting a new Title 10 for a comprehensive maintenance update recommended.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** approving final adoption of **Ordinance No. 3562-C.S.** repealing Title 10 of the Modesto Municipal Code relating to the Zoning Regulations in its entirety and reenacting a new Title 10 for a comprehensive maintenance update.

Consent

8. Consider initiating proceedings for the formation of Landscape Maintenance Assessment District No. 2012-1 and directing the preparation and filing of an Engineer's Report. (Funding Source: Landscape Maintenance Assessment District No. 1 and No. 2)
  - Resolution Initiating Proceedings for the Formation of Landscape Maintenance Assessment District No. 2012-1 and Directing the Preparation and Filing of an Engineer's Report recommended.  
*Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

**ACTION: Resolution 2012-138 (Lopez/Burnside; 7/0)** initiating Proceedings for the Formation of Landscape Maintenance Assessment District No. 2012-1 and Directing the Preparation and Filing of an Engineer's Report.

Consent

9. Consider directing staff to prepare and file the 2012-2013 Annual Engineer's Report for Landscape Maintenance Assessment District No. 1. (Funding Source: Landscape Maintenance Assessment District No. 1)
  - Resolution directing staff to prepare and file the 2012-2013 Annual Engineer's Report for Landscape Maintenance Assessment District No. 1 recommended.  
*Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

**ACTION: Resolution 2012-139 (Lopez/Burnside; 7/0)** directing staff to prepare and file the 2012-2013 Annual Engineer's Report for Landscape Maintenance Assessment District No. 1.

Consent

10. Consider directing staff to prepare and file the 2012-2013 Annual Engineer's Report for Landscape Maintenance Assessment District No. 2. (Funding Source: Landscape Maintenance Assessment District No. 2)
- Resolution directing staff to prepare and file the 2012-2013 Annual Engineer's Report for Landscape Maintenance Assessment District No. 2 recommended.  
*Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

**ACTION: Resolution 2012-140 (Lopez/Burnside; 7/0)** directing staff to prepare and file the 2012-2013 Annual Engineer's Report for Landscape Maintenance Assessment District No. 2.

Consent

11. Consider retaining land values for the 2011 Capital Facilities Fees Program at \$150,000 per acre and waiving the Capital Facilities Fees annual inflationary adjustment for Fiscal Year 2012-2013. (Funding Source: Capital Facilities Fees Revenues)
- Motion retaining the land values for the 2011 Capital Facilities Fees Program at \$150,000 per acre recommended.
  - Resolution waiving the Capital Facilities Fees annual inflationary adjustment for Fiscal Year 2012-2013 recommended.  
*Community & Economic Development; Amy Gedney, 577-5211, agedney@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** retaining the land values for the 2011 Capital Facilities Fees Program at \$150,000 per acre.

**ACTION: Resolution 2012-141 (Lopez/Burnside; 7/0)** waiving the Capital Facilities Fees annual inflationary adjustment for Fiscal Year 2012-2013.

Consent

12. Consider: (i) approving the Shackelford Landscape and Lighting District Transfer Agreement.; (ii) approving the creation of an operating fund and budget for the Shackelford Landscape and Lighting District for Fiscal Year 2011-2012; (iii) amending the Fiscal Year 2011-2012 operating budget, and appropriating \$5,100 in expense and revenue to the Shackelford Landscape and Lighting District fund, for the administration and maintenance of the Shackelford Landscape and Lighting District; and (iv) directing staff to prepare and file the 2012-2013 Annual Engineer's Report for the Shackelford Landscape and Lighting District. (Funding Source: Shackelford Landscape and Lighting District)
- Resolution approving the Shackelford Landscape and Lighting District Transfer Agreement between the County of Stanislaus and the City of Modesto, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

- Resolution approving the creation of an operating fund and budget for the Shackelford Landscape and Lighting District for Fiscal Year 2011-2012 recommended.
- Resolution amending the Fiscal Year 2011-2012 operating budget and appropriating \$5,100 in expense and revenue to the new Shackelford Landscape and Lighting District fund for the administration and maintenance of the Shackelford Landscape and Lighting District recommended.
- Resolution directing staff to prepare and file the 2012-2013 Annual Engineer's Report for the Shackelford Landscape and Lighting District recommended.  
*Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

**ACTION: Resolution 2012-142 (Lopez/Burnside; 7/0)** approving the Shackelford Landscape and Lighting District Transfer Agreement between the County of Stanislaus and the City of Modesto, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2012-143 (Lopez/Burnside; 7/0)** approving the creation of an operating fund and budget for the Shackelford Landscape and Lighting District for Fiscal Year 2011-2012.

**ACTION: Resolution 2012-144 (Lopez/Burnside; 7/0)** amending the Fiscal Year 2011-2012 operating budget and appropriating \$5,100 in expense and revenue to the new Shackelford Landscape and Lighting District fund for the administration and maintenance of the Shackelford Landscape and Lighting District.

**ACTION: Resolution 2012-145 (Lopez/Burnside; 7/0)** directing staff to prepare and file the 2012-2013 Annual Engineer's Report for the Shackelford Landscape and Lighting District.

Consent

13. Consider accepting the Third Quarter Update of the City of Modesto Capital Improvement Program for Fiscal Year 2011-2012. (Funding Source: Not Applicable)
- Motion accepting the Third Quarter Update of City of Modesto Capital Improvement Program for Fiscal Year 2011-2012 recommended.  
*Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** accepting the Third Quarter Update of City of Modesto Capital Improvement Program for Fiscal Year 2011-2012.

Consent

14. Consider accepting the Monthly Investment Report for February, 2012. (Funding Source: Not Applicable)
- Motion accepting the Monthly Investment Report for February, 2012 recommended.  
*Finance; Deanna Espinoza, 577-5387, daespinoza@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** accepting the Monthly Investment Report for

February, 2012.

Consent – *Councilmember Muratore absent due to conflict of interest*

15. Consider approving: (i) an Administrative Addendum to Second Amended and Restated Disposition and Development Agreement for the housing project known as “Archway Commons;” (ii) an Affordable Housing Covenant; Notice of Affordability Restrictions; a Note, Grant Deed and Deed of Trust for the Archway Commons project; (iii) a Third Amendment to the HOME Loan Agreement, Amendment to Promissory Note and First Amended Regulatory Agreement for the housing project known as “Archway Commons; (iv) an Assignment, Assumption and Estoppel Agreement; and (v) a Subordination Agreement, and authorizing the City Manager, or his designee, to prepare and execute all documents necessary to carry out the obligations of the City, and the City as the Successor Housing Agency (Successor Agency). (Funding Source: RDA Housing Set-Aside and HOME funds)
- Resolution approving (i) an Administrative Addendum to Second Amended and Restated Disposition and Development Agreement for the project known as “Archway Commons;” (ii) an Affordable Housing Covenant; Notice of Affordability Restrictions; a Note, Grant Deed and Deed of Trust for the Archway Commons project; (iii) Third Amendment to the HOME Loan Agreement, Amendment to Promissory Note and First Amended Regulatory Agreement for the housing project known as “Archway Commons, and authorizing the City Manager, or his designee, to prepare and execute all documents necessary to carry out the obligations of the City, and the City as the Successor Housing Agency recommended.
  - Resolution approving an Assignment, Assumption and Estoppel Agreement, and authorizing the City Manager or his designee to prepare and execute any and all related documents necessary to implement the assignment, assumption and estoppel of the HOME Loan documents and obligations recommended.
  - Resolution approving a Subordination Agreement, and authorizing the City Manager or his designee to prepare and execute any and all related documents necessary to implement the Subordination Agreement recommended.

*Parks, Recreation & Neighborhoods; Carol Averell, 577-5310,  
caverell@modestogov.com*

**ACTION: Resolution 2012-146 (Lopez/Burnside; 6/0; Muratore absent due to conflict of interest)** approving (i) an Administrative Addendum to Second Amended and Restated Disposition and Development Agreement for the project known as “Archway Commons;” (ii) an Affordable Housing Covenant; Notice of Affordability Restrictions; a Note, Grant Deed and Deed of Trust for the Archway Commons project; (iii) Third Amendment to the HOME Loan Agreement, Amendment to Promissory Note and First Amended Regulatory Agreement for the housing project known as “Archway Commons, and authorizing the City Manager, or his designee, to prepare and execute all documents necessary to carry out the obligations of the City, and the City as the Successor Housing Agency.

**ACTION: Resolution 2012-147 (Lopez/Burnside; 6/0; Muratore absent due to conflict of**

**interest)** approving an Assignment, Assumption and Estoppel Agreement, and authorizing the City Manager or his designee to prepare and execute any and all related documents necessary to implement the assignment, assumption and estoppel of the HOME Loan documents and obligations.

**ACTION: Resolution 2012-148 (Lopez/Burnside; 6/0; Muratore absent due to conflict of interest)** approving a Subordination Agreement, and authorizing the City Manager or his designee to prepare and execute any and all related documents necessary to implement the Subordination Agreement.

Consent

16. Consider accepting the work by Ross F. Carroll, Inc. for the Construction of Right Turn Lane Street Improvements Project as complete. (Total construction cost is \$731,852, with a total project cost of \$1,181,423) (Funding Source: CMAQ Grant and CFF Fees)

- Resolution accepting the work by Ross F. Carroll, Inc., for the Construction of Right Turn Lane Street Improvements Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$731,852 recommended.

*Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION: Resolution 2012-149 (Lopez/Burnside; 7/0)** accepting the work by Ross F. Carroll, Inc., for the Construction of Right Turn Lane Street Improvements Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$731,852.

Consent

17. Consider accepting the work by S.R.P. Company for Communications Tower Construction for Jennings Road Wastewater Treatment Facilities Project as complete. (Total construction cost is \$122,922.43, with a total project cost of \$193,768.43) (Funding Source: Wastewater)

- Resolution accepting the work by to S.R.P. Company for the Communications Tower Construction for Jennings Road Wastewater Treatment Facilities Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$122,922.43 recommended.

*Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION: Resolution 2012-150 (Lopez/Burnside; 7/0)** accepting the work by to S.R.P. Company for the Communications Tower Construction for Jennings Road Wastewater Treatment Facilities Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$122,922.43.

## COUNCIL COMMENTS & REPORTS

Councilmember Lopez announced that graffiti in all public areas in the City of Modesto has been removed; Love Modesto on Saturday, April 29, 2012, and Modesto Regional Fire Authority Interim Chief Gary Hinshaw.

Councilmember Gunderson spoke regarding murals in the City of Modesto and ideas for art in the community - Modesto Urban Art Project.

Councilmember Geer spoke regarding pickle ball for older citizens.

Mayor Marsh regarding a dinner at his house two weeks ago with some of the other Mayors in Stanislaus County.

## CITY MANAGER COMMENTS & REPORTS

None.

## UNFINISHED BUSINESS

18. Consider: (i) approving the installation of 25 Historic Graffiti Cruise Route markers in designated locations along the Modesto Historic Graffiti Cruise Route; and (ii) amending Resolution 2011-066 to correct the route name from Historic American Graffiti Cruise Route to Modesto Historic Graffiti Cruise Route. (Funding Source: General Fund and Private Business Donations)
- Resolution approving the installation of twenty five (25) Historic Graffiti Cruise Route markers in designated locations along the Modesto Historic Graffiti Cruise Route recommended.
  - Resolution amending Resolution No. 2011-066 to correct the route name from Historic American Graffiti Cruise Route to Modesto Historic Graffiti Cruise Route recommended.
- Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Resolution 2012-151 (Lopez/Geer; 7/0)** approving the installation of twenty five (25) Historic Graffiti Cruise Route markers in designated locations along the Modesto Historic Graffiti Cruise Route.

**ACTION: Resolution 2012-152 (Lopez/Geer; 7/0)** amending Resolution No. 2011-066 to correct the route name from Historic American Graffiti Cruise Route to Modesto Historic Graffiti Cruise Route.

19. Consider: (i) approving plans and specifications for the Mary E. Grogan Community Park – Phase I project, (ii) accepting the bid, (iii) approving an Agreement with Goodland Landscape Construction, Inc., of Tracy, CA, in the amount of \$7,915,100.00; (iv) amending the Fiscal Year 2011-2012 Capital Improvement Program Budget in order to fully fund the project. (Total estimated project cost is \$10,961,610.00, which

includes Design/Construction Documents, Construction, Construction Contingency and Construction Administration) (Funding Source: Village One Community Facilities District (Village One CFD), Parks Capital Facilities Fee (Parks CFF) and Parks Fund)

- Resolution (i) approving the Plans and Specifications for the Mary E. Grogan Community Park – Phase I project, (ii) accepting the bid, (iii) approving an Agreement with Goodland Landscape Construction, Inc., of Tracy, CA, in the amount of \$7,915,100.00 for the Mary E. Grogan Community Park – Phase I project, and authorizing the City Manager, or his designee, to execute the contract recommended.
- Resolution amending the Fiscal Year 2011-2012 Capital Improvement Program Budget in order to fully fund the Mary E. Grogan Community Park – Phase I project, and authorizing the Finance Director, or her designee, to implement the provision of this resolution recommended.

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

**ACTION: Resolution 2012-153 (Lopez/Burnside; 7/0)** approving the Plans and Specifications for the Mary E. Grogan Community Park – Phase I project, (ii) accepting the bid, (iii) approving an Agreement with Goodland Landscape Construction, Inc., of Tracy, CA, in the amount of \$7,915,100.00 for the Mary E. Grogan Community Park – Phase I project, and authorizing the City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2012-154 (Lopez/Burnside; 7/0)** amending the Fiscal Year 2011-2012 Capital Improvement Program Budget in order to fully fund the Mary E. Grogan Community Park – Phase I project, and authorizing the Finance Director, or her designee, to implement the provision of this resolution.

20. Consider: (i) approving implementation of improvements for the City of Modesto Cost Share Program; and (ii) amending the Fiscal Year 2011-12 Wastewater Operating Budget in the amount of \$68,000 in order to fully fund the one-time improvements to the Cost Share Program. (Funding Source: Wastewater Fund )
- Resolution approving the implementation of improvements for the City of Modesto Cost Share Program recommended.
  - Resolution amending the Fiscal Year 2011-12 Wastewater Operating Budget in the amount of \$68,000 in order to fully fund the one-time improvements to the Cost Share Program recommended.

*Public Works; Gary DeJesus, 577-6255, gdejesus@modestogov.com*

**ACTION: Resolution 2012-155 (Burnside/Cogdill; 7/0)** approving the implementation of improvements for the City of Modesto Cost Share Program.

**ACTION: Resolution 2012-156 (Burnside/Cogdill; 7/0)** amending the Fiscal Year 2011-12 Wastewater Operating Budget in the amount of \$68,000 in order to fully fund the one-time improvements to the Cost Share Program.

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

None.

## ADJOURNMENT

This meeting adjourned at 7:38 pm and adjourned to Closed Session.

## CLOSED SESSION

### *All Closed Session Matters Heard Prior to and After Council Meeting*

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

1. Property: Acquisition of fee simple interest of real property for SR99/Pelandale Interchange Reconstruction Project located at: Salida Boulevard Modesto, CA APN: 135-029-040 (fee) – full take .63 acres Ramanbhai Vanmalibhai Patel and Ushaben Ramanbhai Patel as Trustees of the Patel Living Trust, Owner Negotiating Parties: Claudia Gorham, Esq., Meyers, Nave Michael Lahodny & Deryl Neal, Bender, Rosenthal Jon Yuriar, City of Modesto Property Owner - Ramanbhai Vanmalibhai Patel Under Negotiation: Price and terms of purchase/sale of property.

2. Property: Acquisition of fee simple interest of real property for SR99/Pelandale Interchange Reconstruction Project located at: Salida Boulevard Modesto, CA APN: 135-029-041 (fee) – full take .54 acres Ramanbhai Vanmalibhai Patel and Ushaben Ramanbhai Patel as Trustees of the Patel Living Trust, Owner Negotiating Parties: Claudia Gorham, Esq., Meyers, Nave Michael Lahodny & Deryl Neal, Bender, Rosenthal Jon Yuriar, City of Modesto Property Owner - Ramanbhai Vanmalibhai Patel Under Negotiation: Price and terms of purchase/sale of property.

3. Property: Acquisition of fee simple interest of real property for SR99/Pelandale Interchange Reconstruction Project located at: Sisk Rd. County of Stanislaus APN: 135-029-038 (fee) – full take .40 acres W. Blake Gibbs and Ester M. Gibbs, Owners David Seifert and Ruth Seifert, Owners Negotiating Parties: Claudia Gorham, Esq., Meyers, Nave Michael Lahodny & Deryl Neal, Bender, Rosenthal Jon Yuriar, City of Modesto Property Owners - W. Blake Gibbs and Ester M. Gibbs, David Seifert and Ruth Seifert Under negotiation: Price and terms of purchase/sale of property.

4. Property: Acquisition of fee simple interest of real property for SR99/Pelandale Interchange Reconstruction Project located at: Sisk Rd. County of Stanislaus APN: 135-029-039, fee (full take .44 acres) Okada Brothers, Inc., Owner Negotiating Parties: Claudia Gorham, Esq., Meyers, Nave Michael Lahodny & Deryl Neal, Bender, Rosenthal Jon Yuriar, City of Modesto Property Owner - Okada Brothers, Inc. Under negotiation: Price and terms of purchase/sale of property.

5. Property: Acquisition of temporary construction easement interest of real property for SR 99/Pelandale Interchange Reconstruction Project located at: 4300 Salida Blvd. Salida, CA APN: 135-029-051 (temporary construction easement - 2240 SF) Roger A. Flores & Carol E. Flores as Trustees of Roger A. Flores or Carol E. Flores Trust, Owner Negotiating Parties: Claudia Gorham, Esq., Meyers Nave Michael Lahodny & Deryl Neal, Bender, Rosenthal Jon

Yuriar, City of Modesto Property Owner: Roger Flores or Carol Flores Under Negotiations: Price and terms of purchase/sale of property.

6. Property: Acquisition of temporary construction easement interest of real property for SR 99/Pelandale Interchange Reconstruction Project located at: 4324 Salida Blvd. Salida, CA APN: 135-029-049 (temporary construction easement - 907 SF) Mohammed S. Hussain, Khairul Hussain, Owner Negotiating Parties: Claudia Gorham, Esq., Meyers Nave Michael Lahodny & Deryl Neal, Bender, Rosenthal Jon Yuriar, City of Modesto Property Owner: Mohammed S. Hussain Under Negotiations: Price and terms of purchase/sale of property.

7. Property: Acquisition of temporary construction easement interest of real property for SR 99/Pelandale Interchange Reconstruction Project located at: 4320 Salida Blvd. Salida, CA APN: 135-029-037 (temporary construction easement - 2513 SF) McDonald=s Corporation - Owner Negotiating Parties: Claudia Gorham, Esq., Meyers Nave Michael Lahodny & Deryl Neal, Bender, Rosenthal Jon Yuriar, City of Modesto Property Owner: Dennis Graspointner Under Negotiations: Price and terms of purchase/sale of property.

8. Property: Acquisition of temporary construction easement interest of real property for SR 99/Pelandale Interchange Reconstruction Project located at: 4224 Salida Blvd. Salida, CA APN: 135-029-036 (temporary construction easement - 1619 SF) Joga Minhas, Surinda Minhas, Owner Negotiating Parties: Claudia Gorham, Esq., Meyers Nave Michael Lahodny & Deryl Neal, Bender, Rosenthal Jon Yuriar, City of Modesto Property Owner: Joga Minhas Under Negotiations: Price and terms of purchase/sale of property.

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) - MCEA Agency Negotiators: Dania Torres Wong; Tom Morrison Employee Organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MCMA Agency Negotiators: Dania Torres Wong; Tom Morrison Employee Organization: Modesto Confidential & Management Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MPOA Agency Negotiators: Dania Torres Wong; Tom Morrison Employee Organization: Modesto Police Officers’ Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MPNSA Agency Negotiators: Dania Torres Wong; Tom Morrison Employee Organization: Modesto Police Non Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –MPMA Agency Negotiators: Dania Torres Wong; Tom Morrison Employee Organization: Modesto Police Management Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) - MCFFA Agency Negotiators: Dania Torres; Tom Morrison Wong Employee Organization: Modesto City Firefighters Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – Unrepresented Agency Negotiators: Greg Nyhoff, City Manager  
Employee Organization: Unrepresented Management and Confidential Employees

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION One Case (Pursuant to Section 54956.9(a) of the Government Code)  
Name of case: Ussery v. County of Stanislaus, Stanislaus County Superior Court No. 662273

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code. One potential case.

Stephanie

Attest: \_\_\_\_\_  
Lopez, City Clerk

# MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday May 01, 2012, at 5:30 p.m.**

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,  
Mayor Marsh  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Ken Sylvia, Youth for Christ

City Clerk's Announcements - Items 7 and 10 - Removed from Consent

Declaration of Conflicts of Interest : Item 12 - Lopez and Muratore  
Item 13 - Mayor Marsh

Reports from Closed Session: Assistant City Attorney Stevens reported on Closed Session matters

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to the Stanislaus County Asthma Coalition proclaiming May 2012 Asthma Awareness Month. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com*

**ACTION:** Mayor Marsh presented a Proclamation to the Stanislaus County Asthma Coalition proclaiming May 2012 Asthma Awareness Month.

2. Presentation of Proclamation to the Stanislaus County Area Agency on Aging and the Commission on Aging declaring May 2012 as Older Americans Month in the City of Modesto. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com*

**ACTION:** Mayor Marsh presented a Proclamation to the Stanislaus County Area Agency on Aging and the Commission on Aging declaring May 2012 as Older Americans Month in the City of Modesto.

3. Presentation of 2012 Certificates of Merit for Environmental Compliance to: E. & J. Gallo Winery, EnviroTech, Georgia Pacific, International Paper – Riverside, and

SunOpta Aseptic, Inc. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com*

**ACTION:** Certificates of Merit for Environmental Compliance were presented to E. & J. Gallo Winery, EnviroTech, Georgia Pacific, International Paper – Riverside, and SunOpta Aseptic, Inc.

4. Presentation by the Stanislaus Economic Development & Workforce Alliance of the StanTogether Campaign to create 1,000 new job opportunities in Stanislaus County. (Funding Source: Not Applicable)  
*Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION:** Presentation by the Stanislaus Economic Development & Workforce Alliance of the StanTogether Campaign to create 1,000 new job opportunities in Stanislaus County.

### **PUBLIC COMMENT PERIOD**

- Ray Pefferini spoke regarding trees in the City of Modesto.
- Jenny Kenoyer spoke regarding California Dental Association CARES Free Dental Clinic to be held on May 18 and 19, 2012 and need for non-medical volunteers:  
[www.cdafoundation.org/cdacares](http://www.cdafoundation.org/cdacares).
- Gerald Brunn spoke regarding the proposed water transfer by Modesto Irrigation District to the City and County of San Francisco and the Water Agreement between the City of Modesto and Modesto Irrigation District.
- Reed Smith is concerned about proposed water sale by Modesto Irrigation District to the City and County of San Francisco.
- Ronda Lucas spoke regarding the proposed water sale between Modesto Irrigation District to the City and County of San Francisco.
- John Duarte spoke regarding the proposed water sale by Modesto Irrigation District to the City and County of San Francisco.
- Linda Hodges spoke regarding the water sale by Modesto Irrigation District to the City and County of San Francisco.
- Curt Able, Tom Johnson, Carmen Sabatino, and several citizens spoke regarding elimination of the annual golf passes in the City of Modesto.
- Emerson Drake thanked the City Attorney's Office, the City Clerk's Office and to support Measure T.
- Analisa, Tuolumne River Regional Trust, opposes the water sale by Modesto Irrigation District to the City and County of San Francisco.

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

**ACTION CONSENT ITEMS 5,6, 8,9, 11: (Lopez/Burnside;unan.)**

**ACTION ITEM 7: (Lopez/Gunderson; unan.)**

**CONSENT ITEM 10: (Lopez/Burnside;unan.)**

**ACTION CONSENT ITEMS 12: (Burnside/Cogdill;unan.; Lopez, Muratore absent due to conflict of interest)**

**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 from the April 24, 2012 Council meeting (Funding Source: Not Applicable)
  - Motion approving the minutes from the April 24, 2012 Council meeting recommended.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** approving the minutes from the April 24, 2012 Council meeting.

Consent

6. Consider authorizing the award of bid for the purchase of three (3) Regenerative-Air High-Dump Street Sweepers for the Public Works Department, Street Sweeping Division, through the Fleet Services Division, to Municipal Maintenance Equipment, Inc., Sacramento, CA, for an estimated total cost of \$626,000. (Funding Source: Fleet Replacement)
  - Resolution authorizing the award of bid for the purchase of three (3) Regenerative-Air High-Dump Street Sweepers for the Public Works Department, Street Sweeping Division, through the Fleet Services Division to Municipal Maintenance Equipment, Inc., Sacramento, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$626,000 recommended.  
*Finance; Meagan M. Torres, 571-5839, mtorres@modestogov.com*

**ACTION: Resolution 2012-157 (Lopez/Burnside; 7/0)** authorizing the award of bid for the purchase of three (3) Regenerative-Air High-Dump Street Sweepers for the Public Works Department, Street Sweeping Division, through the Fleet Services Division to Municipal Maintenance Equipment, Inc., Sacramento, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$626,000.

*Removed from Consent*

7. Consider authorizing the award of bids for the purchase of concrete and cast iron boxes covers and frames for the Department of Public Works, Water Division, to Ferguson Waterworks, Modesto, CA and Pace Supply Corp., Stockton, CA, for a one-year agreement with four (4) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$175,000 and over five (5) years of \$875,000. (Funding Source: Water Fund)

- Resolution authorizing the award of bids for the purchase of concrete and cast iron boxes covers and frames for the Department of Public Works, Water Division, to Ferguson Waterworks, Modesto, CA and Pace Supply Corp., Stockton, CA, for a one-year agreement with four (4) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue purchase agreements for an estimated annual cost of \$175,000 recommended.

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

**ACTION: Resolution 2012-158 (Lopez/Gunderson; 7/0)** authorizing the award of bids for the purchase of concrete and cast iron boxes covers and frames for the Department of Public Works, Water Division, to Ferguson Waterworks, Modesto, CA and Pace Supply Corp., Stockton, CA, for a one-year agreement with four (4) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue purchase agreements for an estimated annual cost of \$175,000.

Consent

8. Consider approving the Agreement for Participation in the Stanislaus Operational Area Organization and authorize the City Manager to sign the agreement. (Funding Source: Not Applicable)
  - Resolution approving of the Agreement for Participation in the Stanislaus Operational Area Organization, and authorizing the City Manager, or his designee, to sign the Agreement recommended.

*Fire; Jeff Adney, 552-3868, jadney@modestogov.com*

**ACTION: Resolution 2012-159 (Lopez/Burnside; 7/0)** approving of the Agreement for Participation in the Stanislaus Operational Area Organization, and authorizing the City Manager, or his designee, to sign the Agreement.

Consent

9. Consider approving a Memorandum of Agreement between the County of Stanislaus and the City of Modesto for a joint application for funding in the amount of \$145,713 through the Edward Byrne Justice Assistance Grant (JAG) Formula Program. (Funding Source: Special Revenue Grant)
  - Resolution approving a Memorandum of Agreement between the County of Stanislaus and the City of Modesto for the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program Fiscal Year 2012 Local Solicitation authorizing a joint application with the County of Stanislaus; and authorizing the City Manager, or his designee, to execute the Memorandum of Agreement recommended.

*Police; Michael G. Harden, 572-9501, hardenm@modestopd.com*

**ACTION: Resolution 2012-160 (Lopez/Burnside; 7/0)** approving a Memorandum of Agreement between the County of Stanislaus and the City of Modesto for the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program Fiscal Year 2012 Local Solicitation authorizing a joint application with the County of Stanislaus; and authorizing the City Manager, or his designee, to execute the Memorandum of Agreement.

*Removed from Consent*

10. Consider approving a Second Amendment to the design services Agreement with Stantec Consulting Services Inc. (formerly Stantec Consulting Inc.) to perform additions or modifications to the original scope of work for the Scenic Lift Station project in the amount of \$6,123, for a maximum total agreement amount of \$179,367. (Funding Source: Wastewater Fund)

- Resolution approving a Second Amendment to Agreement with Stantec Consulting Services Inc. (formerly Stantec Consulting Inc.) for design services for the Scenic Lift Station project in the amount of \$6,123, for a maximum total agreement amount of \$179,367, and authorizing the City Manager, or his designee, to execute the Second Amendment to Agreement recommended.

*Utility Planning and Projects; William Wong, 571-5801, WWong@modestogov.com*

**ACTION: Resolution 2012-161 (Lopez/Burnside; 7/0)** approving a Second Amendment to Agreement with Stantec Consulting Services Inc. (formerly Stantec Consulting Inc.) for design services for the Scenic Lift Station project in the amount of \$6,123, for a maximum total agreement amount of \$179,367, and authorizing the City Manager, or his designee, to execute the Second Amendment to Agreement.

*Consent*

11. Consider approving the plans and specifications for the Water Quality Control Facility Office Remodel project, accepting the bid, and approving a contract with Netbuilds of Marysville, California in the amount of \$86,814. (Total estimated cost for this portion of the project is \$118,315.50) (Funding Source: Wastewater Fund)

- Resolution approving the plans and specifications for the Water Quality Control Facility Office Remodel project, accepting the bid, and approving a contract with Netbuilds of Marysville, California in the amount of \$86,814, and authorizing the City Manager, or his designee, to execute the contract recommended.

*Utility Planning and Projects; William Wong, 571-5801, WWong@modestogov.com*

**ACTION: Resolution 2012-162 (Lopez/Burnside; 7/0)** approving the plans and specifications for the Water Quality Control Facility Office Remodel project, accepting the bid, and approving a contract with Netbuilds of Marysville, California in the amount of \$86,814, and authorizing the City Manager, or his designee, to execute the contract.

*Consent – Councilmembers Lopez and Muratore absent due to conflict of interest*

12. Consider accepting the work by Bond Blacktop, Inc., for the 2011 Microsurfacing Project as complete. (Total construction cost is \$953,119.73, with a total project cost of \$1,016,265.11) (Funding Source: Prop. 42 Gas Tax)

- Resolution accepting the work by to Bond Blacktop, Inc., for the 2011 Microsurfacing Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$953,119.73 recommended.

*Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION: Resolution 2012-163 (Burnside/Cogdill; 5/0; Lopez, Muratore absent due to conflict of interest)** accepting the work by to Bond Blacktop, Inc., for the 2011 Microsurfacing Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$953,119.73.

### COUNCIL COMMENTS & REPORTS

None.

### CITY MANAGER COMMENTS & REPORTS

None.

### UNFINISHED BUSINESS

*Mayor Marsh absent due to conflict of interest*

13. Consider approving a resolution amending and restating Resolution No. 2007-287 to allow a credit of \$2,915 for past paid unconnected sewer charges towards Wastewater Capacity Charges for existing unconnected residential properties connecting to the sewer system, rescinding Resolution No. 2007-287, Item 5 of Resolution No. 2011-106, and Resolution No. 2011-231. (Funding Source: Wastewater Fund)
  - Resolution amending and restating Resolution No. 2007-287 to allow a credit of \$2,915 for past paid unconnected sewer charges toward wastewater capacity charges for existing unconnected residential properties connecting to the sewer system, rescinding Resolution No. 2007-287, item 5 of Resolution No. 2011-106, and Resolution No. 2011-231 recommended.

*Utility Planning and Projects; Richard Ulm, 577-5261, rulm@modestogov.com*

**ACTION: Resolution 2012-164 (Lopez/Gunderson; 6/0; Mayor Marsh absent due to conflict of interest)** amending and restating Resolution No. 2007-287 to allow a credit of \$2,915 for past paid unconnected sewer charges toward wastewater capacity charges for existing unconnected residential properties connecting to the sewer system, rescinding Resolution No. 2007-287, item 5 of Resolution No. 2011-106, and Resolution No. 2011-231.

### HEARINGS

*Published in the Modesto Bee on April 21, 2012*

14. Hearing to consider: (i) establishing City of Modesto Community Facilities District No. 2012-1 (Kiernan Business Park South), authorizing the levy of special taxes therein, and establishing an annual appropriations limit; (ii) calling a special election for the City of Modesto Community Facilities District No. 2012-1 (Kiernan Business Park South); (iii) declaring the results of the May 1, 2012 special election and approving certain related actions pertaining to City of Modesto Community Facilities District No. 2012-1 (Kiernan Business Park South); and (iv) introducing an ordinance

authorizing the levy of special taxes within the City of Modesto Community Facilities District No. 2012-1 (Kiernan Business Park South). (Funding Source: CFD No. 2012-1 Formation Deposit)

- Resolution establishing City of Modesto Community Facilities District No. 2012-1 (Kiernan Business Park South), authorizing the levy of special taxes therein, and establishing an annual appropriations limit recommended.
- Resolution calling a special election for the City of Modesto Community Facilities District No. 2012-1 (Kiernan Business Park South) recommended.
- Resolution declaring the results of the May 1, 2012, special election and approving certain related actions pertaining to City of Modesto Community Facilities District No. 2012-1 (Kiernan Business Park South) recommended.
- Motion introducing an Ordinance authorizing the levy of special taxes within the City of Modesto held within City of Modesto Community Facilities District No. 2012-1 (Kiernan Business Park South) recommended.

*Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

**ACTION: Resolution 2012-165 (Lopez/Muratore; 7/0)** establishing City of Modesto Community Facilities District No. 2012-1 (Kiernan Business Park South), authorizing the levy of special taxes therein, and establishing an annual appropriations limit recommended. Resolution calling a special election for the City of Modesto Community Facilities District No. 2012-1 (Kiernan Business Park South).

**ACTION: Resolution 2012-166 (Lopez/Muratore; 7/0)** calling a special election for the City of Modesto Community Facilities District No. 2012-1 (Kiernan Business Park South).

**ACTION: Resolution 2012-167 (Lopez/Muratore; 7/0)** declaring the results of the May 1, 2012, special election and approving certain related actions pertaining to City of Modesto Community Facilities District No. 2012-1 (Kiernan Business Park South).

**ACTION: Motion (Lopez/Burnside; 7/0)** introducing **Ordinance No. 3563-C.S.** authorizing the levy of special taxes within the City of Modesto held within City of Modesto Community Facilities District No. 2012-1 (Kiernan Business Park South).

## **NEW BUSINESS**

15. Consider approving the Letter of Agreement between the City and the Modesto Police Management Association modifying benefits and extending the contract until September 30, 2013. (Funding Source: General Fund)
  - Resolution approving an amended Letter of Agreement between the City of Modesto and Modesto Police Manager's Association for a term ending September 30, 2013 and authorizing the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreement recommended.

*Human Resources; Joe Lopez, 571-5126, joelopez@modestogov.com*

**ACTION: Resolution 2012-168 (Cogdill/Lopez; 7/0)** approving an amended Letter of Agreement between the City of Modesto and Modesto Police Manager's Association for a term ending September 30, 2013 and authorizing the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreement.

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

None.

### **ADJOURNMENT**

This meeting was adjourned at 7:32 p.m.

### **CLOSED SESSION**

*All Closed Session matters heard prior to meeting*

**CONFERENCE WITH LABOR NEGOTIATOR:** (Pursuant to Section 54957.6 of the Government Code) - MCEA Agency Negotiators: Dania Torres Wong, Allyson Hauk Employee Organization: Modesto City Employees Association

**CONFERENCE WITH LABOR NEGOTIATOR:** (Pursuant to Section 54957.6 of the Government Code) – MCMA Agency Negotiators: Dania Torres Wong, Allyson Hauk Employee Organization: Modesto Confidential & Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:** (Pursuant to Section 54957.6 of the Government Code) – MPOA Agency Negotiators: Dania Torres Wong, Allyson Hauk Employee Organization: Modesto Police Officers' Association

**CONFERENCE WITH LABOR NEGOTIATOR:** (Pursuant to Section 54957.6 of the Government Code) – MPNSA Agency Negotiators: Dania Torres Wong, Allyson Hauk Employee Organization: Modesto Police Non Sworn Association

**CONFERENCE WITH LABOR NEGOTIATOR:** (Pursuant to Section 54957.6 of the Government Code) –MPMA Agency Negotiators: Dania Torres Wong, Allyson Hauk Employee Organization: Modesto Police Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:** (Pursuant to Section 54957.6 of the Government Code) - MCFFA Agency Negotiators: Dania Torres Wong, Allyson Hauk Employee Organization: Modesto City Firefighters Association

**CONFERENCE WITH LABOR NEGOTIATOR:** (Pursuant to Section 54957.6 of the Government Code) – Unrepresented Agency Negotiators: Greg Nyhoff, City Manager Employee Organization: Unrepresented Management and Confidential Employees

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

1. Property: Acquisition of a permanent utility easement (600 sq. ft.), and acquisition of temporary construction easement (1,400 sq. ft.)

for the following project: (Downstream Water Improvements, Tier 2 PRVs)

3924 Oakdale Road

(APN: 083-004-041)

Negotiating Parties: Jon Yuriar, City Property Agent

Under negotiation: Price and terms of acquiring permanent utility easement and temporary construction easement.

Stephanie

Attest: \_\_\_\_\_  
Lopez, City Clerk

## MINUTES

City of Modesto  
**SAFETY & COMMUNITIES COMMITTEE / COUNCIL  
WORKSHOP**

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

**Monday, May 7, 2012, at 5:30 p.m.**

Roll Call Present: Councilmembers Lopez, Geer, Gunderson  
Absent: None

### PUBLIC COMMENTS

None.

### CONSENT

Consent

1. Consider supporting the recommendation of the City of Modesto's Culture Commission to appoint Gillian Wegener as the City's Poet Laureate for 2012 – 2014.

*Parks, Recreation & Neighborhoods; Wayne Mathes, 652-6060, wmathes@modestogov.com*

**ACTION:** **Motion (Gunderson/Geer;unan.)** supporting the recommendation of the City of Modesto's Culture Commission to appoint Gillian Wegener as the City's Poet Laureate for 2012 – 2014.

### UNFINISHED BUSINESS

2. Consider further discussion regarding the City of Modesto Dog Ordinance.  
(Funding Source: Not Applicable)

*Council; Dave Lopez, 571-5597, dlopez@modestogov.com*

**ACTION:** The Committee directed staff to return to Safety & Communities in June regarding clarification of the leash requirements from Parks, Recreation & Neighborhoods and in October with an education campaign update by the Modesto Police Department.

### NEW BUSINESS

3. Consider adding Article 7 to Chapter 12 of Title 4 of the Municipal Code relating to Camping on Public or Private Property and forwarding to Council for approval.

(Funding Source: Not Applicable)

*Police; Andy Schlenker, 342-6179, schlenkera@modestopd.com*

**ACTION:** **Motion (Geer/Gunderson;unan.)** adding Article 7 to Chapter 12 of Title 4 of the Municipal Code relating to Camping on Public or Private Property and forwarding to Council for approval.

4. Consider amending Section 3-1.304 of Article 3 of Chapter 1 of Title 3 of the Modesto Municipal Code relating to Administrative Remedies – Fire Code, to increase the fine for the possession, sale, use or discharge of dangerous fireworks from \$750.00 to \$1,000.00 and forwarding to Council for approval. (Funding Source: Modesto Regional Fire Authority)

*Fire; Michael Payton, 571-5876, mpayton@modestofire.com*

**ACTION:** **Motion (Geer/Gunderson;unan.)** amending Section 3-1.304 of Article 3 of Chapter 1 of Title 3 of the Modesto Municipal Code relating to Administrative Remedies – Fire Code, to increase the fine for the possession, sale, use or discharge of dangerous fireworks from \$750.00 to \$1,000.00 and forwarding to Council for approval.

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

None.

#### **ADJOURNMENT**

This meeting adjourned at 7:16 p.m.

**AMENDED**



# MODESTO CITY COUNCIL

[www.modestogov.com](http://www.modestogov.com)

## MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday May 08, 2012, at 5:30 p.m.**

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,  
Mayor Marsh

Absent: None

Pledge of Allegiance to the Flag

Invocation: Jeff Pishney, Big Valley Grace

City Clerk's Announcements: None

Declaration of Conflicts of Interest: Mayor Marsh – Item 11 (Miscellaneous)

Reports from Closed Session: City Attorney Wood reported on Closed Session matters

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by the Modesto Chamber of Commerce to new and growing businesses in Modesto. (Funding Source: Not Applicable)  
*Community & Economic Development; Laurie Smith, 577-5347,  
lsmith@modestogov.com*

**ACTION:** Cecil Russell, President of the Modesto Chamber of Commerce, acknowledged Maxim Healthcare Services, Stanislaus Literacy Center, Modesto Gospel Mission and History Commissary.

2. Presentation by Anita Young, Children's Librarian regarding the summer reading

program at the Stanislaus County Library. (Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** Presentation was given by Anita Young, Children's Librarian regarding the summer reading program at the Stanislaus County Library.

3. Presentation of Proclamation to the Salvation Army declaring May 14-20, 2012 as National Salvation Army Week. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com*

**ACTION:** Mayor Marsh presented a Proclamation to the Salvation Army declaring May 14-20, 2012 as National Salvation Army Week.

4. Presentation of Proclamation declaring May 20-26, 2012 as National Public Works Week. (Funding Source: Not Applicable)  
*Public Works; Dennis Turner, 341-2906, dturner@modetogov.com*

**ACTION:** Mayor Marsh presented a Proclamation declaring May 20-26, 2012 as National Public Works Week.

5. Presentation by Mika Petrucci of the Maddy Institute acknowledging the partnership with the City of Modesto in the Maddy Institute Internship Program. (Funding Source: Not Applicable)  
*City Manager; Dee Williams-Ridley, 577-5223, dwilliams-ridley@modestogov.com*

**ACTION:** Presentation was given by Mika Petrucci of the Maddy Institute acknowledging the partnership with the City of Modesto in the Maddy Institute Internship Program.

6. Presentation of Proclamation declaring and recognizing May 15, 2012 as National Peace Officers Memorial Day. (Funding Source: Not Applicable)  
*Police; Mike Harden, 572-9501, mharden@modestogov.com*

**ACTION:** Mayor Marsh presented a Proclamation declaring and recognizing May 15, 2012 as National Peace Officers Memorial Day.

7. Presentation of Certificates of Recognition to the Destination Imagination "Las Chicas Amigas" Team. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com*

**ACTION:** Mayor Marsh presented Certificates of Recognition to the Destination Imagination "Las Chicas Amigas" Team.

## **PUBLIC COMMENT PERIOD**

- **Ruben Villalobos spoke regarding the sale of water by Modesto Irrigation District**

**to the City and County of San Francisco (before Closed Session).**

- Kurt Abell spoke regarding the suspension of annual golf passes.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 8 through 10  
ACTION CONSENT ITEMS 8-10: (Lopez/Gunderson;unan.)**

### CONSENT ITEMS

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

Consent

8. Consider approving the minutes from the May 1, 2012 Council meeting. (Funding Source: Not Applicable)

- Motion approving the minutes from the May 1, 2012 Council meeting recommended.

*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** Motion (**Lopez/Gunderson; 7/0**) approving the minutes from the May 1, 2012 Council meeting recommended.

Consent

9. Consider approving final adoption of Ordinance No. 3563-C.S. authorizing the levy of special taxes within the City of Modesto held within City of Modesto Community Facilities District No. 2012-1 (Kiernan Business Park South). (Funding Source: Not Applicable)

- Motion approving final adoption of Ordinance 3563-C.S. authorizing the levy of special taxes within the City of Modesto held within City of Modesto Community Facilities District No. 2012-1 (Kiernan Business Park South) recommended.

*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** Motion (**Lopez/Gunderson; 7/0**) approving final adoption of **Ordinance No. 3563-C.S.** authorizing the levy of special taxes within the City of Modesto held within City of Modesto Community Facilities District No. 2012-1 (Kiernan Business Park South) recommended.

Consent

10. Consider approving the allocation of: (i) HOME Community Housing Development Organization (CHDO) operating funds in the amount of \$50,000 to STANCO and \$50,000 to Habitat for Humanity, Stanislaus; and (ii) \$100,000 in CHDO set aside funds to Habitat for Humanity. (Funding Source: HOME Investment Partnership Program Funds)

- Resolution approving the allocation of i) HOME Community Housing Development Organization (CHDO) operating funds in the amount of \$50,000 to STANCO and \$50,000 to Habitat for Humanity, Stanislaus; and ii) \$100,000 in CHDO set aside funds to Habitat for Humanity recommended.

*Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com*

**ACTION: Resolution 2012-169 (Lopez/Gunderson; 7/0)** approving the allocation of i) HOME Community Housing Development Organization (CHDO) operating funds in the amount of \$50,000 to STANCO and \$50,000 to Habitat for Humanity, Stanislaus; and ii) \$100,000 in CHDO set aside funds to Habitat for Humanity.

### **COUNCIL COMMENTS & REPORTS**

None.

### **CITY MANAGER COMMENTS & REPORTS**

None.

### **HEARINGS**

*Published in the Modesto Bee on April 3, 2012 and Vida on April 11, 2012 – Mayor Marsh absent due to conflict of interest (miscellaneous)*

11. Hearing to consider approving the City of Modesto's Draft Annual Action Plan (AAP) for Fiscal Year (FY) 2012-13, which includes recommended allocations for Public Service and Emergency Solutions grants and authorize submission of the AAP to the U.S. Department of Housing and Urban Development (HUD) for use of the funds identified in the Plan. (Funding Source: Community Development Block Grants, HOME Investment Partnerships Program, and Emergency Solutions Grants)
- Resolution approving the City of Modesto Fiscal Year 2012-2013 U.S. Department of Housing and Urban Development Annual Action Plan for the use of the Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Emergency Solutions Grant (ESG) funds; authorizing submission of an application to the U.S. Department of Housing and Urban Development pertaining to the Fiscal Year 2012-2013 Annual Action Plan; and authorizing the City Manager, or his designee, to sign the required certifications and documents for submittal to the United States Department of Housing and Urban Development recommended.
  - Resolution approving the allocation of funding in the amount of \$256,880 in Community Development Block Grant Public Service Grants (CDBG) and \$228,321 in Emergency Solutions Grants (ESG); and authorizing the City Manager, or his designee, to execute the Agreements recommended.
  - Resolution amending the FY 2012-2013 annual operating and capital improvement budgets to reflect the approved allocations in the Draft Fiscal Year Annual Action Plan, and authorizing the Finance Director, or her designee, to take the necessary steps to implement the provisions of this resolution recommended.

*Parks, Recreation & Neighborhoods; Mary Otten, 571-5863, motten@modestogov.com*

**ACTION: Resolution 2012-170 (Cogdill/Geer; 7/0)** approving the City of Modesto Fiscal

Year 2012-2013 U.S. Department of Housing and Urban Development Annual Action Plan for the use of the Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Emergency Solutions Grant (ESG) funds; authorizing submission of an application to the U.S. Department of Housing and Urban Development pertaining to the Fiscal Year 2012-2013 Annual Action Plan; and authorizing the City Manager, or his designee, to sign the required certifications and documents for submittal to the United States Department of Housing and Urban Development.

**ACTION: Resolution 2012-171 (Cogdill/Geer; 7/0)** approving the allocation of funding in the amount of \$256,880 in Community Development Block Grant Public Service Grants (CDBG) and \$228,321 in Emergency Solutions Grants (ESG); and authorizing the City Manager, or his designee, to execute the Agreements.

**ACTION: Motion (Cogdill/Lopez; Marsh absent due to conflict of interest)** approving the allocation of funding in the amount of \$256,880 in Community Development Block Grant Public Service Grants (CDBG) and \$228,321 in Emergency Solutions Grants (ESG); and authorizing the City Manager, or his designee, to execute the Agreements.

- Court Appointed Special Advocates Program (CASA)

**ACTION: Resolution 2012-172 (Cogdill/Geer; 7/0)** amending the FY 2012-2013 annual operating and capital improvement budgets to reflect the approved allocations in the Draft Fiscal Year Annual Action Plan, and authorizing the Finance Director, or her designee, to take the necessary steps to implement the provisions of this resolution.

## NEW BUSINESS

12. Consider: (i) affirming Council Policy with regard to Outside Sewer Service Agreements for the Beard Industrial District; and (ii) requesting that Stanislaus Local Agency Formation Commission amend Policy 15 and provide an exception to LAFCO Resolution No. 2011-11, Condition 1.B as it relates to new sewer users consent to annexation of their property. (Funding Source: Not Applicable)

- Resolution (i) affirming Council Policy with regard to Outside Sewer Service Agreements for the Beard Industrial District; and (ii) requesting that Stanislaus Local Agency Formation Commission amend Policy 15 and provide an exception to LAFCO Resolution No. 2011-11, Condition 1.B as it relates to new sewer users consent to annexation of their property recommended.

*Community & Economic Development; H. Brent Sinclair, 577-5228,  
hbsinclair@modestogov.com*

**ACTION: Resolution 2012-173 (Cogdill/Burnside; 7/0)** (i) affirming Council Policy with regard to Outside Sewer Service Agreements for the Beard Industrial District; and (ii) requesting that Stanislaus Local Agency Formation Commission amend Policy 15 and provide an exception to LAFCO Resolution No. 2011-11, Condition 1.B as it relates to new sewer users consent to annexation of their property.

13. Consider approving the plans and specifications for the Sylvan Avenue Reconstruction Project, accepting the bid, and approving a contract with DSS Company dba Knife River Construction of Stockton, California in the amount of \$1,425,697.36; Total estimated cost for this portion of the project is \$1,715,835. (Funding Source: Federal and local transportation funds)

- Resolution approving the plans and specifications for the Sylvan Avenue Reconstruction project, accepting the bid, and approving a contract with DSS Company dba Knife River Construction of Stockton, California in the amount of \$1,425,697.36, and authorizing the City Manager, or his designee, to execute the contract recommended.

*Community & Economic Development; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION: Resolution 2012-174 (Burnside/Geer; 7/0)** approving the plans and specifications for the Sylvan Avenue Reconstruction project, accepting the bid, and approving a contract with DSS Company dba Knife River Construction of Stockton, California in the amount of \$1,425,697.36, and authorizing the City Manager, or his designee, to execute the contract.

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

None.

#### **ADJOURNMENT**

This meeting was adjourned at 6:41 p.m.

#### **CLOSED SESSION**

*All Closed Session Matters Heard Prior to Meeting*

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code. Seven potential cases

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code.

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) - MCEA Agency Negotiators: Dania Torres Wong, Allyson Hauk  
Employee Organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MCMA Agency Negotiators: Dania Torres Wong, Allyson Hauk  
Employee Organization: Modesto Confidential & Management Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MPOA Agency Negotiators: Dania Torres Wong, Allyson Hauk  
Employee Organization: Modesto Police Officers' Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MPNSA Agency Negotiators: Dania Torres Wong, Allyson Hauk  
Employee Organization: Modesto Police Non Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –MPMA Agency Negotiators: Dania Torres Wong, Allyson Hauk  
Employee Organization: Modesto Police Management Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) - MCFFA Agency Negotiators: Dania Torres Wong, Allyson Hauk  
Employee Organization: Modesto City Firefighters Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – Unrepresented Agency Negotiators: Greg Nyhoff, City Manager  
Employee Organization: Unrepresented Management and Confidential Employees

#### CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Existing litigation pursuant to Section 54956.9(a) of the Government Code. Thomas Wilcoxson v. City of Modesto. California Workers Compensation Appeals Board Case/Claim Numbers are: WCAB ADJ7973056 / claim #CIJJ-09006; WCAB ADJ7645830 / claim #CCIIHH-08878; WCAB ADJ3193614 / claim #CIMZ-05989.

## MINUTES

City of Modesto  
**Special Finance Committee Meetings/  
Special City Council Workshop Meetings**  
Chambers, Basement Level

*Tenth Street Place, 1010 10th Street*

Modesto, California

**BUDGET WORKSHOPS**  
**Various Dates and Times**  
(see below)

Roll Call: Present: Councilmembers Dave Cogdill, Jr.; Stephanie Burnside, and Dave Lopez

Absent: None

Also Present: Councilmember Dave Geer

**MONDAY – MAY 14, 2012 AT 9:00 AM**

**PUBLIC COMMENT PERIOD**  
**Three minute time limit per speaker**

None.

### NEW BUSINESS

- Mayor Opening Comments and Overview of Budget Process  
**ACTION:** Mayor Marsh gave his opening comments.

- City Wide Budget Update (General Fund, Water, Waste Water and Storm Drain)  
**ACTION:** City Manager Greg Nyhoff presented an Overview of Budget Process; Budget Picture, City-Wide Budget; General Fund Overview for Fiscal year 2012-2013; Shortfall for 2012-2013; Source of Fiscal Year 2011-2012 Fund Balance Carryover; Fiscal Year 2012-2013 Proposed General Fund Reserves; Fiscal Year 2012-2013 General Fund Reserves; Total Revenues; Fiscal Year 2012-2013 Proposed General Fund Expenditures; Fiscal Year 2012-2013 proposed General Fund Expenditures; Proforma; Water and Wastewater Funds; Service Impacts; Employee Benefit Fund; City Contribution – Retiree Medical; Worker’s Compensation Fund; History of Funded Positions; and Sustainability Moving Forward. Update on Employee Benefit & Worker’s Compensation Funds.

- Department Presentations (General Fund)

1. City Clerk

**ACTION:** City Clerk Stephanie Lopez gave the presentation for the City Clerk Department and Mail Services budget for Fiscal Year 2012-2013.

2. City Attorney

**ACTION:** City Attorney Susana Alcala Wood gave the presentation for the City Attorney's Office budget for Fiscal Year 2012-2013.

3. City Manager, City Council & Office of the City Auditor

**ACTION:** Deputy City Manager Dee Williams-Ridley gave the presentation for City Council, City Manager and City Auditor budgets for Fiscal Year 2012-2013.

4. Parks, Recreation & Neighborhoods

**ACTION:** Director Julie Hannon gave the presentation for the Parks, Recreation & Neighborhoods Department budget for Fiscal Year 2012-2013.

*Recess at 10:35 am*

*Reconvened at 10:46 am*

5. Finance

**ACTION:** Director Gloriette Genereux gave the presentation for the Finance Department budget for Fiscal Year 2012-2013.

6. Human Resources

**ACTION:** Director Joe Lopez gave the presentation for the Human Resources Department budget for Fiscal Year 2012-2013.

*Recess at 11:30 am*

*Reconvened at 1:30 pm*

7. Community & Economic Development

**ACTION:** Director Brent Sinclair gave the presentation for the Community & Economic Development budget for Fiscal Year 2012-2013.

8. Police

**ACTION:** Chief Michael Harden gave the presentation for the Police Department budget for Fiscal Year 2012-2013.

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

None.

### **ADJOURNMENT**

This meeting adjourned at 3:10 p.m.

**MINUTES**  
City of Modesto  
**Special Economic Development Committee/  
City Council Workshop Meeting**

**Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California**

**Monday, May 14, 2012 at 5:30 p.m.**

Roll Call Present: Councilmembers Stephanie Burnside, Joe Muratore (arrived at 5:40 p.m.),  
and Dave Cogdill, Jr.  
Absent: None

**PUBLIC COMMENTS**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1**

**CONSENT**

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

Consent

1. Consider accepting status report of development projects processed by the Community and Economic Development Department. (Funding Source: Not Applicable)  
*Community & Economic Development; H. Brent Sinclair, 577-5228,  
hbsinclair@modestogov.com*

**ACTION: Motion (Cogdill/Muratore;unan.)** accepting the status report of development projects processed by the Community and Economic Development Department.

*Removed from Consent*

2. Consider amending Municipal Code Section 3-2.1401.1 (Radar) to determine and designate speed limit changes, which designation shall become effective when appropriate signs are placed and forwarding to Council for approval. (Funding Source: Gas Tax 1700)  
*Community & Economic Development; Jeffrey Barnes, 577-5468,  
jbarnes@modestogov.com*

**ACTION: Motion (Cogdill/Muratore;unan.)** approving amendment to 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 and forwarding to Council for approval.

### **UNFINISHED BUSINESS**

3. Consider accepting a staff report on "quiet zones" and providing direction to staff regarding continued work on this effort. (Funding Source: Not Applicable)  
*Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com*

**ACTION:** **Motion (Muratore/Cogdill;unan.)** directing staff to move forward with scheduling a "Diagnostic Meeting" with Federal Railroad Association, Stanislaus County, City of Modesto, CalTrans, Railroad, and Public Utilities Commission representatives for possible quiet zones in the Downtown Section of Modesto and Modesto & Empire Traction section to Claus Road and return to Safety & Communities with an update.

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

None.

### **ADJOURNMENT**

This meeting adjourned at 6:30 p.m.

**MINUTES**  
City of Modesto  
**SPECIAL AUDIT COMMITTEE / COUNCIL**  
**WORKSHOP**

**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday, May 15, 2012, at 9:00 a.m.**

Roll Call Present: Mayor Marsh, Councilmembers Muratore and Geer  
Absent: None

**PUBLIC COMMENTS**

None.

**UNFINISHED BUSINESS**

1. Consider an Internal Audit Status Report (mid-April 2012 to mid-May 2012) from Moss-Adams, LLP. (Funding Source: Not Applicable)  
*City Manager, Greg Nhyoff, 577-5404, gnyhoff@modestogov.com*

**ACTION:** **Motion (Muratore/Geer;unan.)** directing staff to move forward with the Internal Auditors Moss-Adams, LLP recommendation: Option 5-Outsource Operations of the Centre Plaza Alternatives Analysis, and Option 3-Reorganize (as a back-up plan); further discussions with the City Attorney's Office, City Manager's Office and Purchasing for next steps moving forward.

**MATTERS TOO LATE FOR THE AGENDA**

None

**ADJOURNMENT**

This meeting adjourned at 10:00 a.m.

# MINUTES

City of Modesto

## **Special Finance Committee Meetings/ Special City Council Workshop Meetings**

Chambers, Basement Level

*Tenth Street Place, 1010 10th Street*

Modesto, California

**TUESDAY, MAY 15, 2012 AT 10:00 A.M.**

Roll Call: Present: Dave Cogdill, Jr.; Stephanie Burnside, and Dave Lopez

Absent: None

Also Present: Dave Geer and John Gunderson

### **PUBLIC COMMENT PERIOD Three minute time limit per speaker**

Emerson Drake spoke regarding revenue and removing cap for Utility Users Tax charges.

### **NEW BUSINESS**

- Continued discussion and action on any of the above listed items

**ACTION:** Staff will return on Thursday morning.

- Utility Funds Review

1. Sewer (Wastewater)

**ACTION:** Dennis Turner, Public Works Director, gave the presentation on the Sewer (Wastewater Fund).

2. Storm Drain

**ACTION:** Dennis Turner, Public Works Director, gave the presentation on the Storm Drain Fund.

3. Water

**ACTION:** Rich Ulm, Utility Planning & Projects Director, gave the presentation on the Water Fund.

- Utilities Planning and Projects

**ACTION:** Director Rich Ulm gave the presentation on the Utility Planning & Projects Department.

- Surface Transportation Funds (STF) – CEDD, Public Works and PRN

**ACTION:** Brent Sinclair, Community & Economic Development Director, gave presentation on the State Transportation Funds (STF) re Traffic Engineering, Electrical, Street Lights, Liability and Tree Maintenance.

**ACTION:** Dennis Turner, Public Works Director, gave the presentation on the State Transportation Funds (STF) re Curbs, Gutters, Sidewalks, Street Maintenance Services.

- Information & Technology Fund

**ACTION:** Director Bryan Sastokas, gave the presentation for the Information Technology Department.

*Recess at 11:50 a.m.*

*Reconvened at 1:30 p.m.*

- Public Works – Fleet, Transit, Airport and Parking

**ACTION:** Director Dennis Turner gave the presentation for Public Works Department (Fleet, Transit, Airport and Parking).

- Modesto Regional Fire Authority (MRFA)

**ACTION:** Staff will provide at Thursday, May 17, 2012 meeting.

- Follow-Up Items for Thursday, May 17, 2012 Meeting:

1. List of categories in BRASS book
2. Unmet needs worksheet
3. Presentation on General Fund Revenues
4. Difference between actual revenues of \$109 million
5. Debt service with specifics related to John Thurman Field, Golf and Center Plaza
6. Presentation related to both internal service funds, as well as service credits
7. IT difference in numbers
8. Wastewater detail
9. Capital Admin in UP&P and Consulting
10. Regional fire credits to airport
11. Policies – \$7 million reserved; EBF and worker's compensation
12. Schedule moving forward

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 2:46 p.m.

# MINUTES

City of Modesto

## Special Finance Committee Meetings/ Special City Council Workshop Meetings

Chambers, Basement Level

*Tenth Street Place, 1010 10th Street*

Modesto, California

**THURSDAY, MAY 17, 2012 AT 9:00 A.M**

Roll Call: Present: Dave Cogdill, Jr.; Stephanie Burnside, and Dave Lopez

Absent: None

Also Present: Dave Geer

### **PUBLIC COMMENT PERIOD**

**Three minute time limit per speaker**

- Jenny Kenoyer spoke regarding the budget process.
- Emerson Drake spoke regarding outsourcing the Modesto Centre Plaza.

### **NEW BUSINESS**

- Continued discussion and action on any of the above listed items.

City Manager Greg Nyhoff spoke responses to the Committee's questions during previous budget workshop meetings; would like to return on **May 23, 2012** for further follow-up: MRFA budget, \$2.7 million shortfall; Internal Service Fund information; and workload and workflow of the Capital Improvement Support Fund.

- Cynthia Gale spoke regarding additional information provided requested by the Finance Committee (Attachments).

**1. and 2. – General Fund Revenues**

**3. Worker's Compensation Fund**

**4. Elections Fund**

**5. Lights in City Parks**

**6. Debt Service Transactions for John Thurman Field, Golf Fund and Modesto Centre Plaza**

**7. Increase in Employee Services for General Fund**

- 8. Resonsibilities of Public Information Analyst II in City Manager's Office (Attachment B)**
- 9. Graffiti Abatement Additional Funding**
- 10. Detailed information regarding Internal Service Charges (5/23/12)**
- 11. Breakdown of Expense Categories in BRASS (budget software) (Attachment C)**
- 12. Cap for Utility Users Tax**
- 13. Difference for IT expense budget (slight difference)**
- 14. Wastewater Professional Services**
- 15. Workload and workflow of the Capital Improvement Support Fund (return on 5/23/12)**
- 16. Service Credits fro MRFA to Airport Fund**
- 17. Accepted and Not accepted unmet needs**

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 10:25 am.

Being the hour of 6:00 pm, the meeting was called to order by Council Member Cogdill.

**I. ROLL CALL**

Council Members Burnside, Cogdill Council Member Lopez absent.

Commissioners Brandvold, Carter, Gillum, Lucas, Smith, and Tyler present

Commissioner Berglund absent.

Staff speakers Tina Rocha and Cynthia Gale present.

**MOTION**

It was moved by Council Member Burnside, seconded by Council Member Cogdill, and carried unanimously that Council Member Lopez be excused from this meeting.

It was moved by Commissioner Tyler, seconded by Commissioner Gillum, and carried unanimously that Commissioner Berglund be excused from this meeting.

**II. APPROVAL OF MINUTES**

The minutes of May 7, 2012 will be carried forward to the next meeting for approval.

**III. CONFLICT OF INTEREST DECLARATION**

Council Member Burnside indicated a potential conflict of interest with the Highway 132 portion of the CIP. Finance Staff explained that because they are only recommending and not approving the CIP, Council Member Burnside would need to note her conflict of interest at the City Council level.

**IV. CONSENT AND JOINT PUBLIC HEARING ITEMS**

None.

**V. PUBLIC HEARINGS**

**Item A CIP-12-001, Find that the FY 12/13 CIP is in conformance with the Urban Area General Plan**

Contact Info: Cynthia Gale, 571-5855, [cgale@modestogov.com](mailto:cgale@modestogov.com)

**Motion/Action (Approved)**

It was moved by Commissioner Tyler, seconded by Commissioner Carter, and carried by majority (Brandvold, Carter, Gillum, Lucas, Smith, Tyler, ayes; none, noes; Berglund, absent; None, recused) that the Planning Commission adopt **Resolution No. 2012-07** A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MODESTO FINDING THE FISCAL YEAR 2012-2013 CAPITAL IMPROVEMENT PROGRAM IN CONFORMANCE WITH THE MODESTO URBAN AREA GENERAL PLAN PURSUANT TO SECTION 65401 OF THE GOVERNMENT CODE (CITY OF MODESTO)

It was moved by Council Member Burnside, seconded by Council Member Cogdill, and carried by majority that the Finance Committee recommend to the City Council Approval of the FY 2012-13 Capital Improvement Program Budget.

**VI. OTHER BUSINESS**

None.

**VII. ORAL COMMUNICATIONS**

None.

**VIII. MATTERS TOO LATE FOR THE AGENDA**

None.

**IX. ADJOURNMENT**

The meeting was adjourned at 6:23 pm.

AMENDED FOR CLERICAL ERROR



# MODESTO CITY COUNCIL

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## MINUTES

City of Modesto

### CITY COUNCIL MEETING

Chambers, Basement Level

Tenth Street Place, 1010 10th Street

Modesto, California

Tuesday May 22, 2012, at 5:30 p.m.

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,  
Mayor Marsh

Absent: None

Pledge of Allegiance to the Flag

Invocation: Jeff Norman, Modesto Covenant

City Clerk's Announcements: Item 8- continued to June 5, 2012 Council Meeting  
Items 3, 10 and 12 - Removed from Consent.  
Item 18 - to be heard before Items 16 and 17

Declaration of Conflicts of Interest: Items 5, 12, 16, 17 and 18 – Cogdill  
Item 21 – Muratore

Reports from Closed Session - City Attorney Wood reported on Closed Session matters

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of an update on the implementation of the newly adopted City logo.  
(Funding Source: Not Applicable)  
*City Manager; Greg Nyhoff, 577-5404, gnyhoff@modestogov.com*

**ACTION:** City Manager Greg Nyhoff presented an update on the implementation of the

newly adopted City logo.

## MISCELLANEOUS

Legislation  
Appointments  
Other

2. Consider reappointing Annette Reclusado and Richard Gaytan to the Equal Opportunity/Disability Commission and the Human Relations Commission for four-year terms to expire on January 1, 2016. (Funding Source: Not Applicable)
  - Resolution reappointing Annette Reclusado and Richard Gaytan to the Equal Opportunity/Disability Commission and Human Relations Commission recommended.  
*Human Resources; Scott Kasper, 577-5238, skasper@modestogov.com*

**ACTION: Resolution 2012-175 (Lopez/Muratore; 7/0)** reappointing Annette Reclusado and Richard Gaytan to the Equal Opportunity/Disability Commission and Human Relations Commission.

## PUBLIC COMMENT PERIOD

- Reed Smith spoke regarding letter from City to Modesto Irrigation District for the proposed water sale to the City and County of San Francisco.
- John Duarte spoke regarding the proposed water sale by Modesto Irrigation District to the City and County of San Francisco.
- Kurt Abell spoke regarding the proposed water sale by Modesto Irrigation District to the City and County of San Francisco and elimination of the annual golf pass.
- Joan Rothscho spoke regarding letter sent by City to Modesto Irrigation District and the proposed water sale to the City and County of San Francisco.
- Jerry Hutt spoke regarding the water fountains at Dryden Golf Course and golf in Modesto.
- Phil Dodge spoke regarding golf in the City of Modesto and FM Golf.
- Emerson Drake spoke regarding the Modesto Irrigation District meeting today and FM Golf.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 12**  
**ACTION CONSENT ITEMS 4, 6-7; 9, 11: (Lopez/Geer;unan.)**  
**ACTION CONSENT ITEM 5: (Lopez/Muratore;unan.; Cogdill absent due to conflict of interest)**

## CONSENT ITEMS

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

*Removed from Consent*

3. Consider approving the minutes from the May 8, 2012 Council meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the May 8, 2012 Council meeting recommended.

*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** This item will return to the June 5, 2012 City Council Meeting for approval of Amended Minutes.

Consent

4. Consider accepting a report on travel expenses for Mayor and Councilmembers, Charter Officers, Deputy City Manager and Department Directors for the period January 1, 2011, through March 31, 2012. (Funding Source: Various Funds)
  - Motion accepting report on travel expenses for Mayor and Councilmembers, Charter Officers, Deputy City Manager and Department Directors for the period January 1, 2011, through March 31, 2012 recommended.

*City Manager; Tish Foley, 577-5224, tfoley@modestogov.com*

**ACTION: Motion (Lopez/Geer; 7/0)** accepting report on travel expenses for Mayor and Councilmembers, Charter Officers, Deputy City Manager and Department Directors for the period January 1, 2011, through March 31, 2012.

Consent – *Councilmember Cogdill absent due to conflict of interest*

5. Consider approving a Cooperative Agreement with California Department of Transportation (Caltrans) for Construction of State Route 99 and Pelandale Avenue Interchange. (Funding Source: Not applicable)
  - Resolution approving a Cooperative Agreement between the City of Modesto and the California Department of Transportation for construction of State Route 99 and Pelandale Avenue Interchange Reconstruction Project; and authorizing the City Manager, or his designee, to execute the Agreement recommended.

*Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com*

**ACTION: Resolution 2012-176 (Lopez/Muratore; 6/0; Cogdill absent due to conflict of interest)** approving a Cooperative Agreement between the City of Modesto and the California Department of Transportation for construction of State Route 99 and Pelandale Avenue Interchange Reconstruction Project; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

6. Consider authorizing the award of bids for the purchase of water valves and fire hydrants for the Department of Public Works, Water Division, to Groeniger Co., Modesto, CA and American AVK Co., Minden, NV, for a one-year agreement with four one-year extension options at the sole discretion of the City, for an estimated annual cost of \$275,000 and over 5 years of \$1,375,000. (Funding Source: Water Fund)
  - Resolution authorizing the award of bids for the purchase of water valves and fire

hydrants for the Department of Public Works, Water Division, to Groeniger Co., Modesto, CA and American AVK Co., Minden, NV, for a one-year agreement with four (4) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue purchase agreements for an estimated annual cost of \$275,000 recommended.

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

**ACTION: Resolution 2012-177 (Lopez/Geer; 7/0)** authorizing the award of bids for the purchase of water valves and fire hydrants for the Department of Public Works, Water Division, to Groeniger Co., Modesto, CA and American AVK Co., Minden, NV, for a one-year agreement with four (4) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue purchase agreements for an estimated annual cost of \$275,000.

Consent

7. Consider accepting an informational item concerning the authority to apply a water rate inflator index based on the Consumer Price Index. (Funding Source: Water Fund )
  - Motion accepting an informational report concerning the application of a 3.1% water rate inflator index by the Director of Finance pursuant to the authority granted by the City Council by Resolution No. 2009-299 recommended.

*Finance; Emma Loethen, 577-5394, eloethen@modestogov.com*

**ACTION: Motion (Lopez/Geer; 7/0)** accepting an informational report concerning the application of a 3.1% water rate inflator index by the Director of Finance pursuant to the authority granted by the City Council by Resolution No. 2009-299.

*Continued to June 5, 2012 Council Meeting*

8. Consider approving a five-year Airport lease agreement between the City of Modesto and the California Central Valley Squadron of the Commemorative Air Force for the continued use of Airport Hangar 1S at a rate of \$1,566 per month, with rent reduction credit given for the cost of improvements and volunteer time at the rate of \$18.16 per hour. (Funding Source: Airport Fund)
  - Resolution approving a renewal of the Airport lease agreement between the City of Modesto and the California Central Valley Squadron of the Commemorative Air Force (CAF) for an additional five year term for the continued use of Airport Hangar 1S at a rate of \$1,566 per month, with rent reduction credit given for the cost of improvements and volunteer time at the rate of \$18.16 per hour, and authorizing the City Manager, or his designee, to execute the agreement on behalf of the City recommended.

*Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com*

**ACTION:** This item continued to the June 5, 2012 Council meeting.

Consent

9. Consider authorizing the submission of the Transportation Development Act Transit Claim for Fiscal Year 2012-2013 to the Stanislaus Council of Governments (StanCOG) in the amount of \$9,063,045. (Funding Source: TDA Revenues)
- Resolution authorizing submission of the City's Transportation Development Act Transit Claim for Fiscal Year 2012 - 2013 to the Stanislaus Council of Governments (StanCOG) in the amount of \$9,063,045 recommended.  
*Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com*

**ACTION: Resolution 2012-178 (Lopez/Geer; 7/0)** authorizing submission of the City's Transportation Development Act Transit Claim for Fiscal Year 2012 - 2013 to the Stanislaus Council of Governments (StanCOG) in the amount of \$9,063,045.

*Removed from Consent*

10. Consider authorizing the submittal of a grant application to the California Department of Water Resources for a Local Groundwater Assistance Grant for a Groundwater Characterization and Recharge Study in an amount up to \$250,000, authorizing the City Manager, or his designee, to execute all grant-related documents and enter into an agreement to receive the grant funds (if awarded), and authorizing the Director of the Utility Planning and Projects to be the signatory of the grant Invoice Forms during requests for reimbursements. (Funding Source: Not Applicable)
- Resolution authorizing the submittal of a grant application to the California Department of Water Resources (DWR) for a Local Groundwater Assistance (LGA) Grant for a Groundwater Characterization and Recharge Study in an amount up to \$250,000; authorizing the City Manager, or his designee, to execute all grant-related documents and enter into an agreement to receive grant funds (if awarded); and authorizing the Director of the Utility Planning and Projects to be the signatory of grant Invoice Forms during requests for reimbursements recommended.  
*Utility Planning and Projects; Jack Bond, 577-5424, Jbond@modestogov.com*

**ACTION: Resolution 2012-179 (Lopez/Burnside; 7/0)** authorizing the submittal of a grant application to the California Department of Water Resources (DWR) for a Local Groundwater Assistance (LGA) Grant for a Groundwater Characterization and Recharge Study in an amount up to \$250,000; authorizing the City Manager, or his designee, to execute all grant-related documents and enter into an agreement to receive grant funds (if awarded); and authorizing the Director of the Utility Planning and Projects to be the signatory of grant Invoice Forms during requests for reimbursements.

Consent

11. Consider: (i) approving a Cost-sharing Agreement for associated task items of work to share certain costs between the Del Puerto Water District, the City of Turlock, and the City of Modesto for the development of a Regional Recycled Water Delivery System Phase 2 Feasibility Study; and (ii) amending the Fiscal Year 2011-12 Capital Improvement Program budget in the amount of \$175,349 in order to fully fund the City's portion of the Phase 2 Feasibility Study, and increased staffing costs associated with Phase 2 Feasibility Study review and overall program support. (Funding Source: Wastewater Fund)

- Resolution approving a Cost-sharing Agreement for associated task items of work to share certain costs between the Del Puerto Water District, the City of Turlock, and the City of Modesto for the development of a Regional Recycled Water Delivery System Phase 2 Feasibility Study, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Resolution amending the Fiscal Year 2011-2012 Capital Improvement Program budget in the amount of \$175,349 to fully fund the City's portion of the Recycled Water Delivery System Phase 2 Feasibility Study, and increased staffing costs associated with the Phase 2 Feasibility Study review and overall program support recommended.

*Utility Planning and Projects; Richard Ulm, 577-5261, rulm@modestogov.com*

**ACTION: Resolution 2012-180 (Lopez/Geer; 7/0)** approving a Cost-sharing Agreement for associated task items of work to share certain costs between the Del Puerto Water District, the City of Turlock, and the City of Modesto for the development of a Regional Recycled Water Delivery System Phase 2 Feasibility Study, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2012-181 (Lopez/Geer; 7/0)** amending the Fiscal Year 2011-2012 Capital Improvement Program budget in the amount of \$175,349 to fully fund the City's portion of the Recycled Water Delivery System Phase 2 Feasibility Study, and increased staffing costs associated with the Phase 2 Feasibility Study review and overall program support.

*Removed from Consent; Councilmember Cogdill absent due to conflict of interest*

12. Consider approving a Purchase and Sale Agreement to acquire real property interests for the Sylvan and Litt Improvement Project with Carmel M. Caetano and Hope Carmo, as Administrators of the Estate of John Rocha Martins, in the amount of \$143,610, and the transfer and conveyance documents. (Total estimated costs for land expenditures for the project are \$145,407) (Funding Source: Village One #2 CFD Tax)
- Resolution approving a Purchase and Sale Agreement with Carmel M. Caetano and Hope Carmo, as Administrators of the Estate of John Rocha Martins, for acquisition of the following property interests: (a) a 57,885 square feet (1.33 acres) fee acquisition, (b) a 15,852 square feet (0.36 acres) Temporary Access Easement, (c) a 48,352 square feet (1.11 acres) Grant of Easement and a (d) Quitclaim Deed of a parcel located at 4016 Litt Road (APN 084-003-004), in the amount of \$143,610, for the Sylvan and Litt Improvement Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow recommended.
  - Resolution authorizing the City Manager, or his designee, to sign Certificates of Acceptance for the (1) Grant Deed, Temporary Construction Easement and (2) Quitclaim Deed for the acquisition of property interests located at 4016 Litt Road, owned by Carmel M. Caetano and Hope Carmo, as Administrators of the Estate of John Rocha Martins, (APN 084-003-004) to be purchased by the City of Modesto for the Sylvan and Litt Improvement Project recommended.

*Utility Planning and Projects; Jon Yuriar, 577-5399, jyuriar@modestogov.com*

**ACTION: Resolution 2012-182 (Lopez/Muratore; 6/0; Cogdill absent due to conflict of interest)** approving a Purchase and Sale Agreement with Carmel M. Caetano and Hope Carmo, as Administrators of the Estate of John Rocha Martins, for acquisition of the following property interests: (a) a 57,885 square feet (1.33 acres) fee acquisition, (b) a 15,852 square feet (0.36 acres) Temporary Access Easement, (c) a 48,352 square feet (1.11 acres) Grant of Easement and a (d) Quitclaim Deed of a parcel located at 4016 Litt Road (APN 084-003-004), in the amount of \$143,610, for the Sylvan and Litt Improvement Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.

**ACTION: Resolution 2012-183 (Lopez/Muratore; 6/0; Cogdill absent due to conflict of interest)** authorizing the City Manager, or his designee, to sign Certificates of Acceptance for the (1) Grant Deed, Temporary Construction Easement and (2) Quitclaim Deed for the acquisition of property interests located at 4016 Litt Road, owned by Carmel M. Caetano and Hope Carmo, as Administrators of the Estate of John Rocha Martins, (APN 084-003-004) to be purchased by the City of Modesto for the Sylvan and Litt Improvement Project.

**ACTION: Resolution 2012-183A (Lopez/Muratore; 6/0; Cogdill absent due to conflict of interest)** making findings pursuant to Government Code Section 51292 regarding Williamson Act Contract 74-1606 for the acquisition of right-of-way from a parcel located at 4016 Litt Road (APN 084-003-004), for the Sylvan and Litt Improvement Project.

### **COUNCIL COMMENTS & REPORTS**

Councilmember Dave Lopez spoke regarding the passing of Tom Maher and Frank Alvarez.

### **CITY MANAGER COMMENTS & REPORTS**

City Manager Greg Nyhoff reminded citizens of the Finance Committee tomorrow morning at 9:00 a.m.

### **WRITTEN COMMUNICATIONS**

13. Consider written correspondence received from Ms. Carol S. Benson in regards to Modesto Irrigation District. (Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** No reportable action.

### **UNFINISHED BUSINESS**

14. Consider: (i) approving the plans and specifications for the Phase 2 BNR/Tertiary Wastewater Treatment Project, accepting the bid, and approving a contract with G S E Construction Company, Inc. of Livermore, California in the amount of

\$100,554,396.91; and (ii) amending the Fiscal Year 2011-2012 Capital Improvement Program budget in the amount of \$5,329,775 to fully fund construction administration and engineering design support services during construction plus engineering construction support by City staff for the Phase 2 BNR/Tertiary Wastewater Treatment Project. (Total estimated cost for this portion of the project is \$123,092,694) (Funding Source: Wastewater Fund)

- Resolution approving the plans and specifications for the Phase 2 BNR/Tertiary Wastewater Treatment Project, accepting the bid, and approving a contract with G S E Construction Company, Inc. of Livermore, California in the amount of \$100,554,396.91, and authorizing the City Manager, or his designee, to execute the contract recommended.
- Resolution amending the Fiscal Year 2011-2012 Capital Improvement Program budget in the amount of \$5,329,775 in order to fully fund construction administration and engineering design support services during construction plus engineering construction support by City staff for the Phase 2 BNR/Tertiary Wastewater Treatment Project recommended.

*Utility Planning and Projects; William Wong, 571-5801, WWong@modestogov.com*

**ACTION: Resolution 2012-184 (Lopez/Cogdill; 7/0)** approving the plans and specifications for the Phase 2 BNR/Tertiary Wastewater Treatment Project, accepting the bid, and approving a contract with G S E Construction Company, Inc. of Livermore, California in the amount of \$100,554,396.91, and authorizing the City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2012-185 (Lopez/Cogdill; 7/0)** amending the Fiscal Year 2011-2012 Capital Improvement Program budget in the amount of \$5,329,775 in order to fully fund construction administration and engineering design support services during construction plus engineering construction support by City staff for the Phase 2 BNR/Tertiary Wastewater Treatment Project.

15. Consider: (i) approving an Agreement with Carollo Engineers, Inc. for Design Support During Construction for Phase 2 BNR/Tertiary Treatment Facility in an amount not to exceed \$5,743,218; and (ii) approving an Agreement with West Yost Associates, Inc. for Construction Management Services for Phase 2 BNR/Tertiary Treatment Facility in an amount not to exceed \$8,270,590. (Total estimated cost for this portion of the project is \$123,092,694) (Funding Source: Wastewater Fund)
  - Resolution approving an agreement with Carollo Engineers, Inc. for Design Support During Construction for Phase 2 BNR/Tertiary Treatment Facility project in an amount not to exceed \$5,469,731 for the identified scope of services, plus \$273,487 for additional services (if needed), for a maximum total amount of \$5,743,218, and authorizing the City Manager, or his designee, to execute the agreement recommended.
  - Resolution approving an agreement with West Yost Associates, Inc. for Construction Management Services for Phase 2 BNR/Tertiary Treatment Facility project in an amount not to exceed \$8,029,699 for the identified scope of services, plus \$240,891 for additional services (if needed), for a maximum total amount of \$8,270,590, and authorizing the City Manager, or his designee, to execute the

agreement recommended.

*Utility Planning and Projects; Jennifer Pratt, 341-2915, jpratt@modestogov.com*

**ACTION: Resolution 2012-186 (Lopez/Cogdill; 7/0)** approving an agreement with Carollo Engineers, Inc. for Design Support During Construction for Phase 2 BNR/Tertiary Treatment Facility project in an amount not to exceed \$5,469,731 for the identified scope of services, plus \$273,487 for additional services (if needed), for a maximum total amount of \$5,743,218, and authorizing the City Manager, or his designee, to execute the agreement.

**ACTION: Resolution 2012-187 (Lopez/Cogdill; 7/0)** approving an agreement with West Yost Associates, Inc. for Construction Management Services for Phase 2 BNR/Tertiary Treatment Facility project in an amount not to exceed \$8,029,699 for the identified scope of services, plus \$240,891 for additional services (if needed), for a maximum total amount of \$8,270,590, and authorizing the City Manager, or his designee, to execute the agreement.

*Councilmember Cogdill absent due to conflict of interest*

16. Consider amending the Fiscal Year 2011-2012 Capital Improvement budget to appropriate \$3,121,345 from the Street Capital Facility Fees Fund Balance to CIP Project No. 100046, State Route 99/Pelandale Avenue Interchange Project. (Funding Source: Local Capital Facilities Fees)

- Resolution amending the Fiscal Year 2011-2012 Capital Improvement Program budget to appropriate \$3,121,345 from the Streets Capital facility Fees Fund Balance to CIP Project No. 100046 for the purpose of total acquisition of four parcels and a temporary construction easement for four additional parcels of the real property and real property interests recommended.

*Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com*

**ACTION: Resolution 2012-188 (Lopez/Geer; 6/0; Cogdill absent due to conflict of interest)** amending the Fiscal Year 2011-2012 Capital Improvement Program budget to appropriate \$3,121,345 from the Streets Capital facility Fees Fund Balance to CIP Project No. 100046 for the purpose of total acquisition of four parcels and a temporary construction easement for four additional parcels of the real property and real property interests.

*Councilmember Cogdill absent due to conflict of interest*

17. Consider approving an Agreement for Purchase of Real Property interest of a Temporary Construction Easement with Joga S. Minhas and Surinder K. Minhas, in the amount of \$4,800, for the project. Total estimated costs for land expenditures for the project are \$4,800.00. (Funding Source: CIP, Pelandale Interchange Project #100046)

- Resolution approving the Agreement For Purchase Of Real Property interest of a Temporary Construction Easement with Joga S. Minhas and Surinder K. Minhas., for a 1,615 sq. ft. (0.371 acres) parcel of land (APN 135-029-036), in the amount of \$4,800.00, for the Pelandale Avenue / SR 99 Interchange Reconstruction Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to finalize the acquisition recommended.
- Resolution authorizing the City Manager, or his designee, to sign the Certificate of

Acceptance for the Temporary Construction Easement for the acquisition of property interests located at 4224 Salida Blvd, owned by Joga S. Minhas and Surinder K. Minhas, (APN 135-029-036) to be purchased by the City of Modesto for the Pelandale Avenue/SR 99 Interchange Reconstruction Project recommended.  
*Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com*

**ACTION: Resolution 2012-189 (Lopez/Muratore; 6/0; Cogdill absent due to conflict of interest)** approving the Agreement For Purchase Of Real Property interest of a Temporary Construction Easement with Joga S. Minhas and Surinder K. Minhas., for a 1,615 sq. ft. (0.371 acres) parcel of land (APN 135-029-036), in the amount of \$4,800.00, for the Pelandale Avenue / SR 99 Interchange Reconstruction Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to finalize the acquisition.

**ACTION: Resolution 2012-190 (Lopez/Muratore; 6/0; Cogdill absent due to conflict of interest)** authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Temporary Construction Easement for the acquisition of property interests located at 4224 Salida Blvd, owned by Joga S. Minhas and Surinder K. Minhas, (APN 135-029-036) to be purchased by the City of Modesto for the Pelandale Avenue/SR 99 Interchange Reconstruction Project.

## HEARINGS

*Councilmember Cogdill absent due to conflict of interest*

18. Hearing to consider adopting Resolutions of Necessity to acquire the total acquisition of four parcels and a temporary construction easement for four additional parcels of the real property and real property interests for the State Route (SR) 99/Pelandale Avenue Interchange Reconstruction Project. (Temporary Construction Easement (TCE), (Fee Acquisition (FA). (Funding Source: Local Capital Facilities Fees)
- Resolution determining that the public interest and necessity require the acquisition of certain property interests and directing the filing of eminent domain proceedings for the SR 99/Pelandale Avenue Reconstruction Project. Mohammed S. Hussain & Khairul N. Hussain, 4324 Salida Blvd., Salida, CA 95368 APN 135-029-049 recommended.
  - Resolution determining that the public interest and necessity require the acquisition of certain property interests and directing the filing of eminent domain proceedings for the SR 99/Pelandale Avenue Reconstruction Project. Roger A. Flores & Carol E. Flores Trust and Julianne M. Polati, 4300 Salida Blvd. Salida, CA 95368 APN 135-029-051 recommended.
  - Resolution determining that the public interest and necessity require the acquisition of certain property interests and directing the filing of eminent domain proceedings for the SR 99/Pelandale Avenue Reconstruction Project. McDonald's Corporation, 4230 Salida Blvd., Salida, CA 95368 APN 135-029-037 recommended.
  - Resolution determining that the public interest and necessity require the acquisition of certain property interests and directing the filing of eminent domain proceedings

for the SR 99/Pelandale Avenue Reconstruction Project. Joga S. Minhas & Surinder K. Minhas, 4224 Salida Blvd, Salida, CA 95368 APN 135-029-036 recommended.

- Resolution determining that the public interest and necessity require the acquisition of certain property interests and directing the filing of eminent domain proceedings for the SR 99/Pelandale Avenue Reconstruction Project.Okada Bros. Inc., 4201 Sisk Road, Modesto, CA 95356APN 135-02-039 recommended.
- Resolution determining that the public interest and necessity require the acquisition of certain property interests and directing the filing of eminent domain proceedings for the SR 99/Pelandale Avenue Reconstruction Project.Paul Allen Bahn, The David John Seifert and Ruth Ella Seifert 1995 Living Trust, The W.B. & E.M. Gibbs Trust, The Gibbs Family Trust, Jonathan D. & Kristin B. Seifert, Daniel E. & Pari Anna Blackman, 4259 Sisk Road, Modesto, CA 95356 APN 135-029-038 recommended.
- Resolution determining that the public interest and necessity require the acquisition of certain property interests and directing the filing of eminent domain proceedings for the SR 99/Pelandale Avenue Reconstruction Project. Ramanbhai Vanmalibhai Patel & Ushaben Ramanbhai Patel as Trustees of the Patel Living Trust Dated November 13, 2007, 4152 Salida Blvd., Modesto, CA 95357APN 135-029-040 & 135-029-041 recommended.

*Community & Economic Development; Bill Sandhu, 577-5356,  
bsandhu@modestogov.com*

**ACTION: Resolution 2012-191 (Lopez/Muratore; 6/0; Cogdill absent due to conflict of interest)** determining that the public interest and necessity require the acquisition of certain property interests and directing the filing of eminent domain proceedings for the SR 99/Pelandale Avenue Reconstruction Project. Mohammed S. Hussain & Khairul N. Hussain, 4324 Salida Blvd., Salida, CA 95368APN 135-029-049.

**ACTION: Resolution 2012-192 (Muratore/Lopez; 6/0; Cogdill absent due to conflict of interest)** determining that the public interest and necessity require the acquisition of certain property interests and directing the filing of eminent domain proceedings for the SR 99/Pelandale Avenue Reconstruction Project. Roger A. Flores & Carol E. Flores Trust and Julianne M. Polati, 4300 Salida Blvd. Salida, CA 95368APN 135-029-051.

**ACTION: Resolution 2012-193 (Geer/Gunderson; 6/0; Cogdill absent due to conflict of interest)** determining that the public interest and necessity require the acquisition of certain property interests and directing the filing of eminent domain proceedings for the SR 99/Pelandale Avenue Reconstruction Project. McDonald's Corporation, 4230 Salida Blvd., Salida, CA 95368APN 135-029-037.

**ACTION: Resolution 2012-194 (Lopez/Muratore; 6/0; Cogdill absent due to conflict of interest)** determining that the public interest and necessity require the acquisition of certain property interests and directing the filing of eminent domain proceedings for the SR 99/Pelandale Avenue Reconstruction Project. Joga S. Minhas & Surinder K. Minhas, 4224 Salida Blvd, Salida, CA 95368 APN 135-029-036.

**ACTION: Resolution 2012-195 (Lopez/Geer; 6/0; Cogdill absent due to conflict of interest)** determining that the public interest and necessity require the acquisition of certain property interests and directing the filing of eminent domain proceedings for the SR 99/Pelandale Avenue Reconstruction Project. Okada Bros. Inc., 4201 Sisk Road, Modesto, CA 95356APN 135-02-039.

**ACTION: Resolution 2012-196 (Geer/Gunderson; 6/0; Cogdill absent due to conflict of interest)** determining that the public interest and necessity require the acquisition of certain property interests and directing the filing of eminent domain proceedings for the SR 99/Pelandale Avenue Reconstruction Project. Paul Allen Bahn, The David John Seifert and Ruth Ella Seifert 1995 Living Trust, The W.B. & E.M. Gibbs Trust, The Gibbs Family Trust, Jonathan D. & Kristin B. Seifert, Daniel E. & Pari Anna Blackman, 4259 Sisk Road, Modesto, CA 95356 APN 135-029-038.

**ACTION: Resolution 2012-197 (Lopez/Gunderson; 6/0; Cogdill absent due to conflict of interest)** determining that the public interest and necessity require the acquisition of certain property interests and directing the filing of eminent domain proceedings for the SR 99/Pelandale Avenue Reconstruction Project. Ramanbhai Vanmalibhai Patel & Ushaben Ramanbhai Patel as Trustees of the Patel Living Trust Dated November 13, 2007, 4152 Salida Blvd., Modesto, CA 95357APN 135-029-040 & 135-029-041.

*Published in the Modesto Bee on May 2, 2012*

19. Hearing to consider approving an application to rezone 0.75 acres from Medium High Density Residential Zone, R-3, to Planned Development Zone P-D(594) to allow for a three-story senior housing apartment building for senior tenants at or below 50% of the area median income. (Funding Source: Not Applicable)
- Motion introducing an Ordinance amending Section 28-3-9 of the Zoning Map to rezone from Medium High Density Residential Zone, R-3, to Planned Development Zone P-D(594), property located at the west corner of 17th and G Streets (Satellite Housing/American Baptist Homes of the West) recommended.
  - Resolution approving a Development Plan for Planned Development Zone P-D(594) (Satellite Housing/American Baptist Homes of the West) recommended.
  - Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (State Clearinghouse No. 2007072023): Amendment of Section 28-3-9 of the Zoning Map to rezone from Medium High Density Residential, R-3, to Planned Development Zone P-D(594), property located at the west corner of 17th and G Streets (Satellite Housing/American Baptist Homes of the West) recommended.

*Community & Economic Development; Katharine Martin, 577-5465,  
kamartin@modestogov.com*

**ACTION: Motion (Cogdill/Gunderson; 7/0)** introducing **Ordinance No. 3564-C.S.** amending Section 28-3-9 of the Zoning Map to rezone from Medium High Density Residential Zone, R-3, to Planned Development Zone P-D(594), property located at the west corner of

17th and G Streets (Satellite Housing/American Baptist Homes of the West).

**ACTION: Resolution 2012-198 (Cogdill/Gunderson; 7/0)** approving a Development Plan for Planned Development Zone P-D(594) (Satellite Housing/American Baptist Homes of the West).

**ACTION: Resolution 2012-199 (Cogdill/Gunderson; 7/0)** finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (State Clearinghouse No. 2007072023): Amendment of Section 28-3-9 of the Zoning Map to rezone from Medium High Density Residential, R-3, to Planned Development Zone P-D(594), property located at the west corner of 17th and G Streets (Satellite Housing/American Baptist Homes of the West).

*Published in the Modesto Bee on May 7, 2012*

20. Hearing to consider amending Section 3-1.304 of Article 3 of Chapter 1 of Title 3 of the Modesto Municipal Code relating to Administrative Remedies – Fire Code, to increase the fine for the possession, sale, use or discharge of dangerous fireworks from \$750.00 to \$1,000.00 and amending Section 3-1.223 of Article 2 of Chapter 1 of Title 3 of the Modesto Municipal Code Relating to Sales of Fireworks to include the City of Modesto Sphere of Influence. (Funding Source: Not Applicable)

- Motion introducing an Ordinance amending Section 3-1.304 of Article 3 of Chapter 1 of Title 3 of the Modesto Municipal code Relating to Administrative Remedies and Section 3-1.223 of Article 2 of Chapter 1 of Title 3 of the Modesto Municipal Code Relating to Sales of Fireworks recommended.

*Fire; Michael Payton, 571-5876, mpayton@modestofire.com*

**ACTION: Motion (Lopez/Gunderson; 7/0)** introducing an **Ordinance No. 3565-C.S.** amending Section 3-1.304 of Article 3 of Chapter 1 of Title 3 of the Modesto Municipal code Relating to Administrative Remedies and Section 3-1.223 of Article 2 of Chapter 1 of Title 3 of the Modesto Municipal Code Relating to Sales of Fireworks.

*Published in the Modesto Bee on May 07, 2012 – Councilmember Muratore absent due to conflict of interest*

21. Hearing to consider: (i) an amendment to the Neighborhood Stabilization Program 3 Plan (NSP3 Plan) to expand its geographic area and amend its activity allocations; (ii) authorizing staff to prepare sub-recipient and developer agreements; and (iii) amending the budget allocations to reflect approved allocations. (Funding Source: NSP3 Grant)

- Resolution approving a Neighborhood Stabilization Program 3 (NSP3) Amendment and its submission to the U.S. Department of Housing and Urban Development to include expanding geographic area and amending activity allocations and authorizing staff to prepare sub-recipient and developer agreements with the Housing Authority of the County of Stanislaus, Habitat for Humanity, Stanislaus County, and Stanislaus County Affordable Housing Corporation to be approved by Council, and authorizing the City Manager, or his designee, to sign all related documents and future technical amendments to NSP3 Plan in coordination with HUD recommended.

- Resolution amending the Fiscal Year 2011-2012 budgets to reflect the approved allocations in the Neighborhood Stabilization Program 3 Plan amendment; and authorizing the Finance Director, or her designee, to take the necessary steps to implement the provisions of this resolution recommended.

*Parks, Recreation & Neighborhoods; Hugo Ramirez, 577-5368,  
HRamirez@modestogov.com*

**ACTION: Resolution 2012-200 (Geer/Gunderson; 6/0; Muratore absent due to conflict of interest)** approving a Neighborhood Stabilization Program 3 (NSP3) Amendment and its submission to the U.S. Department of Housing and Urban Development to include expanding geographic area and amending activity allocations and authorizing staff to prepare sub-recipient and developer agreements with the Housing Authority of the County of Stanislaus, Habitat for Humanity, Stanislaus County, and Stanislaus County Affordable Housing Corporation to be approved by Council, and authorizing the City Manager, or his designee, to sign all related documents and future technical amendments to NSP3 Plan in coordination with HUD.

**ACTION: Resolution 2012-201 (Geer/Gunderson; 6/0; Muratore absent due to conflict of interest)** amending the Fiscal Year 2011-2012 budgets to reflect the approved allocations in the Neighborhood Stabilization Program 3 Plan amendment; and authorizing the Finance Director, or her designee, to take the necessary steps to implement the provisions of this resolution.

*Published in the Modesto Bee on May 11, 2012*

22. Hearing to consider amending: (i) Municipal Code 11-1.05 Water Main Connection Charges and a resolution to amend City Council Policy 5.001 regarding Extension of Water Service into Unincorporated Areas; and (ii) Municipal Code 5-6.309 Rules and Regulations concerning sewer connection; and City Council Policy 5.002 regarding City of Modesto Sanitary Sewage Policy Regarding Extension of Service into Unincorporated Areas. (Funding Source: Not Applicable)
- Motion introducing an Ordinance amending Section 11-1.05 of Chapter 1 of Title 11 of the Modesto Municipal Code relating to Water Main Connection Charges requiring that the City Manager, upon the recommendation of the Director responsible for utility system planning, request City Council approval for all extensions of water and sewer services into unincorporated areas recommended.
  - Resolution amending City Council Policy 5.001 requiring that the City Manager, upon the recommendation of the Director responsible for utility system planning, request City Council approval for all extensions of water and sewer services into unincorporated areas recommended.
  - Motion introducing an Ordinance amending Section 5-6.309 of Chapter 6 of Title 5 of the Modesto Municipal Code relating to Rules and Regulations concerning sewer connection requiring that the City Manager, upon the recommendation of the Director responsible for utility system planning, request City Council approval for all extensions of water and sewer services into unincorporated areas recommended.
  - Resolution amending City Council Policy 5.002 requiring that the City Manager, upon the recommendation of the Director responsible for utility system planning,

request City Council approval for all extensions of water and sewer services into unincorporated areas recommended.

*Community & Economic Development; H. Brent Sinclair, 577-5228,  
hbsinclair@modestogov.com*

**ACTION: Motion (Muratore/Geer; 7/0)** introducing **Ordinance No. 3566-C.S.** amending Section 11-1.05 of Chapter 1 of Title 11 of the Modesto Municipal Code relating to Water Main Connection Charges requiring that the City Manager, upon the recommendation of the Director responsible for utility system planning, request City Council approval for all extensions of water and sewer services into unincorporated areas.

**ACTION: Resolution 2012-202 (Muratore/Geer; 7/0)** amending City Council Policy 5.001 requiring that the City Manager, upon the recommendation of the Director responsible for utility system planning, request City Council approval for all extensions of water and sewer services into unincorporated areas.

**ACTION: Motion (Muratore/Geer; 7/0)** introducing **Ordinance No. 3567-C.S.** amending Section 5-6.309 of Chapter 6 of Title 5 of the Modesto Municipal Code relating to Rules and Regulations concerning sewer connection requiring that the City Manager, upon the recommendation of the Director responsible for utility system planning, request City Council approval for all extensions of water and sewer services into unincorporated areas.

**ACTION: Resolution 2012-203 (Muratore/Geer; 7/0)** amending City Council Policy 5.002 requiring that the City Manager, upon the recommendation of the Director responsible for utility system planning, request City Council approval for all extensions of water and sewer services into unincorporated areas.

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

None.

#### **ADJOURNMENT**

This meeting was adjourned at 7:57p.m.

#### **CLOSED SESSION**

*All Closed Session Matters Heard Prior to Meeting\*

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code. Seven potential cases.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code. One potential case.

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) - MCEA Agency Negotiators: Tom Morrison , Allyson Hauk Employee Organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MCMA Agency Negotiators: Tom Morrison , Allyson Hauk Employee Organization: Modesto Confidential & Management Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MPOA Agency Negotiators: Tom Morrison , Allyson Hauk Employee Organization: Modesto Police Officers’ Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MPNSA Agency Negotiators: Tom Morrison , Allyson Hauk Employee Organization: Modesto Police Non Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –MPMA Agency Negotiators: Tom Morrison , Allyson Hauk Employee Organization: Modesto Police Management Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) - MCFFA Agency Negotiators: Tom Morrison , Allyson Hauk Employee Organization: Modesto City Firefighters Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – Unrepresented Agency Negotiators: Greg Nyhoff, City Manager Employee Organization: Unrepresented Management and Confidential Employees

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

1. Property: Acquisition of fee simple interest of real property for Sylvan Avenue and Litt Road Improvement Project located at:  
3900 Sylvan Avenue  
Modesto, CA 95355  
APN: 085-049-014 (partial fee acquisition) – 1,624 SF fee

Christopher Lamke & Debrorah Lamke, Owner

Negotiating Parties: Jon Yuriar, City of Modesto  
Under Negotiation: Price and terms of purchase/sale of property.

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

1. Property: Acquisition of fee simple interest of real property for SR99/Pelandale Interchange Reconstruction Project located at:

Salida  
Modesto,

Boulevard  
CA

APN: 135-029-040 (fee) – full take .63 acres

Ramanbhai Vanmalibhai Patel and Ushaben Ramanbhai Patel as Trustees of the Patel Living Trust, Owner

Negotiating Parties: Claudia Gorham, Esq., Meyers, Nave  
Michael Lahodny & Deryl Neal, Bender, Rosenthal  
Jon Yuriar, City of Modesto

Property Owner - Ramanbhai Vanmalibhai Patel

Under Negotiation: Price and terms of purchase/sale of property.

2. Property: Acquisition of fee simple interest of real property for SR99/Pelandale Interchange Reconstruction Project located at:

Salida  
Modesto,

Boulevard  
CA

APN: 135-029-041 (fee) – full take .54acres

Ramanbhai Vanmalibhai Patel and Ushaben Ramanbhai Patel as Trustees of the Patel Living Trust, Owner

Negotiating Parties: Claudia Gorham, Esq., Meyers, Nave  
Michael Lahodny & Deryl Neal, Bender, Rosenthal  
Jon Yuriar, City of Modesto

Property Owner - Ramanbhai Vanmalibhai Patel

Under Negotiation: Price and terms of purchase/sale of property

3. Property: Acquisition of fee simple interest of real property for SR99/Pelandale Interchange Reconstruction Project located at:

County

Sisk Rd.  
of Stanislaus

APN: 135-029-038 (fee) – full take .40 acres

W. Blake Gibbs and Ester M. Gibbs, Owners  
David Seifert and Ruth Seifert, Owners

Negotiating Parties: Claudia Gorham, Esq., Meyers, Nave  
Michael Lahodny & Deryl Neal, Bender, Rosenthal  
Jon Yuriar, City of Modesto

David Property Owners - W. Blake Gibbs and Ester M. Gibbs,  
Seifert and Ruth Seifert

Under negotiation: Price and terms of purchase/sale of property.

4. Property: Acquisition of fee simple interest of real property for  
SR99/Pelandale Interchange Reconstruction Project located at:

Sisk Rd.  
County of Stanislaus  
APN: 135-029-039, fee (full take .44 acres)

Okada Brothers, Inc., Owner

Negotiating Parties: Claudia Gorham, Esq., Meyers, Nave  
Michael Lahodny & Deryl Neal, Bender, Rosenthal  
Jon Yuriar, City of Modesto

Property Owner - Okada Brothers, Inc.

Under negotiation: Price and terms of purchase/sale of property.

5. Property: Acquisition of temporary construction easement interest of real property  
for SR 99/Pelandale Interchange Reconstruction Project located at:

4300 Salida Blvd.  
Salida, CA  
APN: 135-029-051 (temporary construction easement - 240 SF)

Roger A. Flores & Carol E. Flores as Trustees of Roger A. Flores  
or Carol E. Flores Trust, Owner

Negotiating Parties: Claudia Gorham, Esq., Meyers Nave  
Michael Lahodny & Deryl Neal, Bender, Rosenthal  
Jon Yuriar, City of Modesto

Property Owner: Roger Flores or Carol Flores

Under Negotiations: Price and terms of purchase/sale of property.

6. Property: Acquisition of temporary construction easement interest of real property for SR 99/Pelandale Interchange Reconstruction Project located at:

4324 Salida Blvd.

Salida, CA

APN: 135-029-049 (temporary construction easement - 907 SF)

Mohammed S. Hussain, Khairul Hussain, Owner

Negotiating Parties: Claudia Gorham, Esq., Meyers Nave

Michael Lahodny & Deryl Neal, Bender, Rosenthal

Jon Yuriar, City of Modesto

Property Owner: Mohammed S. Hussain

Under Negotiations: Price and terms of purchase/sale of property.

7. Property: Acquisition of temporary construction easement interest of real property for SR 99/Pelandale Interchange Reconstruction Project located at:

4320 Salida Blvd.

Salida, CA

APN: 135-029-037 (temporary construction easement - 2513 SF)

McDonald's Corporation - Owner

Negotiating Parties: Claudia Gorham, Esq., Meyers Nave

Michael Lahodny & Deryl Neal, Bender, Rosenthal

Jon Yuriar, City of Modesto

Property Owner: Dennis Graspoiner

Under Negotiations: Price and terms of purchase/sale of property.

8. Property: Acquisition of temporary construction easement interest of real property for SR 99/Pelandale Interchange Reconstruction Project located at:

4224 Salida Blvd.

Salida, CA

APN: 135-029-036 (temporary construction easement - 1619 SF)

Joga Minhas, Surinda Minhas, Owner

Negotiating Parties: Claudia Gorham, Esq., Meyers Nave  
Michael Lahodny & Deryl Neal, Bender, Rosenthal  
Jon Yuriar, City of Modesto

Property Owner: Joga Minhas

Under Negotiations: Price and terms of purchase/sale of property.

# MINUTES

City of Modesto  
**Special Finance Committee Meetings/  
Special City Council Workshop Meetings**  
Chambers, Basement Level

*Tenth Street Place, 1010 10th Street*

Modesto, California

**WEDNESDAY – MAY 23, 2012 AT 9:00 AM**

Roll Call - Present: Dave Cogdill, Jr., Chair  
Stephanie Burnside, Vice Chair  
Dave Lopez, Member

Also Present: David Geer

## **PUBLIC COMMENT PERIOD**

None.

## **UNFINISHED BUSINESS**

- Continued discussion and action on any of the listed items:
  - Follow-up on Reports Back
  - Deliberation of: FY 12/13 Proposed Budget, Reductions, Enhancements and Unmet Needs
  - Policy Considerations

**ACTION:** Rich Ulm, Director of Utility Planning & Projects gave a presentation regarding the Workload and Workflow of the Capital Improvements Support Fund.

*Recess at 9:22 am*

*Reconvened at 9:33 am*

**ACTION:** City Manager Greg Nyhoff discussed the budget process timeline and reviewed the agenda for the meeting.

**ACTION:** Cynthia Gale provided information in regards to the Distribution of Costs and explained Internal Service Funds (ISF) and Cost Allocations. City Manager recommended a 120 day review of ISF and Cost Allocations. Staff will return with recommendations and options.

**ACTION:** City Manager Greg Nyhoff presented an Overview of the Budget Picture; Public Works and UP&P; \$3.8 Million Dollar Shortfall; Expenditures; Service levels; Water & Wastewater; Salary and Benefits; MPOA, MPMA, MCFFA; No Furlough Savings; and Obligations to JPA/MRFA.

**ACTION:** City Manager Greg Nyhoff reviewed the budget reduction worksheets and recommended approving the proposed budget and forwarding to Council with a 90 day review of the budget which will allow time to determine if there are additional savings from concessions with labor group.

**ACTION:** Director Joe Lopez reviewed and answered questions regarding the Human Resources Department budget reductions for Fiscal Year 2012-2013.

**ACTION:** Laurie Smith reviewed and answered questions regarding the Community & Economic Development Department budget reductions for Fiscal Year 2012-2013.

**ACTION:** Director Julie Hannon reviewed and answered questions regarding the Parks, Recreation & Neighborhoods Department budget reductions for Fiscal Year 2012-2013.

**ACTION:** Mayor Marsh gave his closing comments.

**ACTION:** Chief Michael Harden reviewed and answered questions regarding the Police Department budget reductions for Fiscal Year 2012-2013.

**ACTION:** The Committee requested staff return with a summary of management allowances.

**ACTION:** **Motion (Burnside/Lopez;unan)** approving and forwarding to Council the proposed Fiscal Year 2012-2013 budget.

**ACTION:** **Motion (Burnside/Lopez;unan)** approving: (i) maintaining the \$7 million dollar reserve; (ii) the Worker's Compensation policy will be rewritten for the Council adoption to reflect the funding changes that were part of the budget recommended by the Finance Committee; and (iii) the EBF policy will stay the same.

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

None.

#### **ADJOURNMENT**

This meeting was adjourned at 12:00 p.m.

## MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday June 05, 2012, at 5:30 p.m.**

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,  
Mayor Marsh  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Michael Douglass, Advancing Vibrant Communities

City Clerk's Announcements: Item 2 – Removed from Consent  
Item 21 – Continued to June 12, 2012 Council meeting

Declaration of Conflicts of Interest: Items 7 and 8 - Cogdill

Reports from Closed Session: City Attorney Wood reported on Closed Session matters

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of a Proclamation to the Society for Handicapped Children and Adults proclaiming June 2012 Disability Awareness Month. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com*

**ACTION:** Mayor Marsh presented a Proclamation to the Society for Handicapped Children and Adults proclaiming June 2012 Disability Awareness Month.

### PUBLIC COMMENT PERIOD

- Carmen Sabatino announced the June 11, 2012 showing at the State Theater of the movie "Chinatown."
- Emerson Drake announced that today is Election Day.
- Athens Abell spoke on behalf of Kurt Abell regarding the City's golf program and information requested regarding the refinancing of the Creekside loan.
- Juan Telles spoke regarding Dave Geer and supporting the West Side.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 17**  
**ITEM 2: (Lopez/Burnside; unan.)**

**CONSENT ITEMS 3-6; 9-17: (Lopez/Burnside;unan.)**

**CONSENT ITEMS 7,8: (Lopez/Burnside; unan.; Cogdill absent due to conflict of interest)**

### CONSENT ITEMS

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

#### *Removed from Consent*

2. Consider approving the minutes from the May 22, 2012 City Council meeting and amended minutes from the May 8, 2012 City Council meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the May 22, 2012 City Council meeting and the amended minutes from the May 8, 2012 City Council meeting recommended.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** approving the minutes from the May 22, 2012 City Council meeting and the amended minutes from the May 8, 2012 City Council meeting.

#### Consent

3. Consider approving final adoption of Ordinance No. 3564-C.S. amending Section 28-3-9 of the Zoning Map to rezone from Medium High Density Residential Zone, R-3, to Planned Development Zone P-D(594), property located at the west corner of 17th and G Streets (Satellite Housing/American Baptist Homes of the West). (Funding Source: Not Applicable)
  - Motion approving final adoption of Ordinance No. 3564-C.S. amending Section 28-3-9 of the Zoning Map to rezone from Medium High Density Residential Zone, R-3, to Planned Development Zone P-D(594), property located at the west corner of 17th and G Streets (Satellite Housing/American Baptist Homes of the West) recommended.

*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** approving final adoption of **Ordinance No. 3564-C.S.** amending Section 28-3-9 of the Zoning Map to rezone from Medium High Density Residential Zone, R-3, to Planned Development Zone P-D(594), property located at the west corner of 17th and G Streets (Satellite Housing/American Baptist Homes of the West).

#### Consent

4. Consider approving final adoption of Ordinance No. 3565-C.S. amending Section 3-1.304 of Article 3 of Chapter 1 of Title 3 of the Modesto Municipal code Relating to Administrative Remedies and Section 3-1.223 of Article 2 of Chapter 1 of Title 3 of the Modesto Municipal Code Relating to Sales of Fireworks (Funding Source: Not Applicable)
  - Motion approving final adoption of Ordinance No. 3565-C.S. amending Section 3-1.304 of Article 3 of Chapter 1 of Title 3 of the Modesto Municipal code Relating

to Administrative Remedies and Section 3-1.223 of Article 2 of Chapter 1 of Title 3 of the Modesto Municipal Code Relating to Sales of Fireworks recommended.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** approving final adoption of **Ordinance No. 3565-C.S.** amending Section 3-1.304 of Article 3 of Chapter 1 of Title 3 of the Modesto Municipal code Relating to Administrative Remedies and Section 3-1.223 of Article 2 of Chapter 1 of Title 3 of the Modesto Municipal Code Relating to Sales of Fireworks.

Consent

5. Consider approving final adoption of Ordinance No. 3566-C.S. amending Section 11-1.05 of Chapter 1 of Title 11 of the Modesto Municipal Code relating to Water Main Connection Charges requiring that the City Manager, upon the recommendation of the Director responsible for utility system planning, request City Council approval for all extensions of water and sewer services into unincorporated areas. (Funding Source: Not Applicable)

- Motion approving final adoption of Ordinance No. 3566-C.S. amending Section 11-1.05 of Chapter 1 of Title 11 of the Modesto Municipal Code relating to Water Main Connection Charges requiring that the City Manager, upon the recommendation of the Director responsible for utility system planning, request City Council approval for all extensions of water and sewer services into unincorporated areas recommended.

*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** approving final adoption of **Ordinance No. 3566-C.S.** amending Section 11-1.05 of Chapter 1 of Title 11 of the Modesto Municipal Code relating to Water Main Connection Charges requiring that the City Manager, upon the recommendation of the Director responsible for utility system planning, request City Council approval for all extensions of water and sewer services into unincorporated areas.

Consent

6. Consider approving final adoption of Ordinance No. 3567-C.S. amending Section 5-6.309 of Chapter 6 of Title 5 of the Modesto Municipal Code relating to Rules and Regulations concerning sewer connection requiring that the City Manager, upon the recommendation of the Director responsible for utility system planning, request City Council approval for all extensions of water and sewer services into unincorporated areas. (Funding Source: Not Applicable)

- Motion approving final adoption of Ordinance No. 3567-C.S. amending Section 5-6.309 of Chapter 6 of Title 5 of the Modesto Municipal Code relating to Rules and Regulations concerning sewer connection requiring that the City Manager, upon the recommendation of the Director responsible for utility system planning, request City Council approval for all extensions of water and sewer services into unincorporated areas recommended.

*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** approving final adoption of **Ordinance No. 3567-**

**C.S.** amending Section 5-6.309 of Chapter 6 of Title 5 of the Modesto Municipal Code relating to Rules and Regulations concerning sewer connection requiring that the City Manager, upon the recommendation of the Director responsible for utility system planning, request City Council approval for all extensions of water and sewer services into unincorporated areas.

Consent – *Councilmember Cogdill absent due to conflict of interest*

7. Consider approving an Agreement For Purchase of Real Property interest of a Temporary Construction Easement (TCE) with Roger A. Flores and Carol E. Flores as trustees of the Roger A. or Carol E. Flores Trust and Julianne M. Polati, in the amount of \$12,000.00, for the project. (Total estimated costs for land expenditures for the project are \$12,000.00.) (Funding Source: CIP, Pelandale Interchange Project #100046)
- Resolution approving the Agreement For Purchase of Real Property interest of a Temporary Construction Easement with Roger A. Flores, Carol E. Flores, and Julianne M. Polati, for a 2,420 sq. ft. (0.0556 acres) portion of a parcel of land (APN 135-029-051), in the amount of \$12,000.00, for the Pelandale Avenue / SR 99 Interchange Reconstruction Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to finalize the acquisition recommended.
  - Resolution authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Temporary Construction Easement for the acquisition of property interests located at 4300 Salida Blvd, owned by Roger A. Flores, Carol E. Flores, and Julianne M. Polati, (APN 135-029-051) to be purchased by the City of Modesto for the Pelandale Avenue/SR 99 Interchange Reconstruction Project recommended.

*Community & Economic Development; Bill Sandhu, 571-5356,  
bsandhu@modestogov.com*

**ACTION: Resolution 2012-204 (Lopez/Burnside; 6/0; Cogdill absent due to conflict of interest)** approving the Agreement For Purchase of Real Property interest of a Temporary Construction Easement with Roger A. Flores, Carol E. Flores, and Julianne M. Polati, for a 2,420 sq. ft. (0.0556 acres) portion of a parcel of land (APN 135-029-051), in the amount of \$12,000.00, for the Pelandale Avenue / SR 99 Interchange Reconstruction Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to finalize the acquisition.

**ACTION: Resolution 2012-205 (Lopez/Burnside; 6/0; Cogdill absent due to conflict of interest)** authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Temporary Construction Easement for the acquisition of property interests located at 4300 Salida Blvd, owned by Roger A. Flores, Carol E. Flores, and Julianne M. Polati, (APN 135-029-051) to be purchased by the City of Modesto for the Pelandale Avenue/SR 99 Interchange Reconstruction Project.

Consent – *Councilmember Cogdill absent due to conflict of interest*

8. Consider approving an Agreement For Purchase of Real Property in fee, of a parcel of

land located at 4259 Sisk Road, Modesto, from Paul Allen Bahn; David John Seifert and Ruth Ella Seifert, trustees and the successor trustees of The David John Seifert and Ruth Ella Seifert 1995 Living Trust; W. Blake Gibbs and Ester M. Gibbs, trustees and the successor trustees of The W.B. & E.M. Gibbs Trust; Tyler Gibbs and Kristine A. Gibbs, trustees and the successor trustees of The Gibbs Family Trust; Jonathan D. Seifert and Kristin B. Seifert; and Daniel E. Blackman and Pari Anna Blackman, in the amount of \$500,000. (Total estimated costs for land expenditures for the project are \$505,000.00.) (Funding Source: CIP, Pelandale Interchange Project #100046)

- Resolution approving the Agreement For Purchase Of Real Property of a parcel of land in fee, from Paul Allen Bahn, David John Seifert and Ruth Ella Seifert, trustees and the successor trustees of The David John Seifert and Ruth Ella Seifert 1995 Living Trust; W. Blake Gibbs and Ester M. Gibbs, successor trustees of The W.B. & E.M. Gibbs Trust; Tyler Gibbs and Kristine A. Gibbs, trustees and the successor trustees of The Gibbs Family Trust; Jonathan D. Seifert and Kristin B. Seifert; and Daniel E. Blackman and Pari Anna Blackman for an approximately 17,216 sq. ft. (0.40 acres +/-) parcel of land (APN 135-029-038), in the amount of \$500,000.00, for the Pelandale Avenue / SR 99 Interchange Reconstruction Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to finalize the acquisition recommended.
- Resolution authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed for the acquisition of property located at 4259 Sisk Road, owned by Paul Allen Bahn, David John Seifert and Ruth Ella Seifert, W. Blake Gibbs and Ester M. Gibbs, Tyler Gibbs and Kristine A. Gibbs, Jonathan D. Seifert and Kristin B. Seifert, Daniel E. Blackman and Pari Anna Blackman, (APN 135-029-038) to be purchased by the City of Modesto for the Pelandale Avenue/SR 99 Interchange Reconstruction Project recommended.

*Community & Economic Development; Bill Sandhu, 571-5356,  
bsandhu@modestogov.com*

**ACTION: Resolution 2012-206 (Lopez/Burnside; 6/0; Cogdill absent due to conflict of interest)** approving the Agreement For Purchase Of Real Property of a parcel of land in fee, from Paul Allen Bahn, David John Seifert and Ruth Ella Seifert, trustees and the successor trustees of The David John Seifert and Ruth Ella Seifert 1995 Living Trust; W. Blake Gibbs and Ester M. Gibbs, successor trustees of The W.B. & E.M. Gibbs Trust; Tyler Gibbs and Kristine A. Gibbs, trustees and the successor trustees of The Gibbs Family Trust; Jonathan D. Seifert and Kristin B. Seifert; and Daniel E. Blackman and Pari Anna Blackman for an approximately 17,216 sq. ft. (0.40 acres ) parcel of land (APN 135-029-038), in the amount of \$500,000.00, for the Pelandale Avenue / SR 99 Interchange Reconstruction Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to finalize the acquisition.

**ACTION: Resolution 2012-207 (Lopez/Burnside; 6/0; Cogdill absent due to conflict of interest)** authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed for the acquisition of property located at 4259 Sisk Road, owned by Paul Allen Bahn, David John Seifert and Ruth Ella Seifert, W. Blake Gibbs and Ester M. Gibbs, Tyler Gibbs and Kristine A. Gibbs, Jonathan D. Seifert and Kristin B. Seifert, Daniel E.

Blackman and Pari Anna Blackman, (APN 135-029-038) to be purchased by the City of Modesto for the Pelandale Avenue/SR 99 Interchange Reconstruction Project.

Consent

9. Consider authorizing the award of bids for the purchase of low lead brass service fittings for the Department of Public Works, Water Division, to Groeniger Co., Modesto, CA, Modesto Windustrial, Modesto, CA, and Pace Supply Corp., Stockton, CA, for a one-year agreement with four (4) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$285,000 and over five (5) years of \$1,425,000. (Funding Source: Water Fund)
- Resolution authorizing the award of bids for the purchase of low lead brass service fittings for the Department of Public Works, Water Division, to Groeniger Co., Modesto, CA, Modesto Windustrial, Modesto, CA, and Pace Supply Corp., Stockton, CA, for a one-year agreement with four (4) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue purchase agreements for an estimated annual cost of \$285,000 recommended.

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

**ACTION: Resolution 2012-208 (Lopez/Burnside; 7/0)** authorizing the award of bids for the purchase of low lead brass service fittings for the Department of Public Works, Water Division, to Groeniger Co., Modesto, CA, Modesto Windustrial, Modesto, CA, and Pace Supply Corp., Stockton, CA, for a one-year agreement with four (4) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue purchase agreements for an estimated annual cost of \$285,000.

Consent

10. Consider accepting the Monthly Investment Report for March, 2012 (Funding Source: Not Applicable)
- Motion accepting the Monthly Investment Report for February, 2012 recommended.

*Finance; Deanna Espinoza, 577-5387, daespinoza@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** accepting the Monthly Investment Report for February, 2012.

Consent

11. Consider authorizing the award of bids for the purchase of cast iron and ductile iron fittings and spools for the Department of Public Works, Water Division, to Groeniger Co., Modesto, CA, Modesto Windustrial Co., Modesto, CA, and Pace Supply Corp., Stockton, CA, for a one-year agreement with four (4) one-year extension options at the sole discretion of the City, for an estimated total annual cost of \$250,000 and over five (5) years of \$1,250,000 (Funding Source: Water Fund )
- Resolution authorizing the award of bids for the purchase of cast iron and ductile iron fittings and spools for the Department of Public Works, Water Division, to Groeniger Co., Modesto, CA, Modesto Windustrial Co., Modesto, CA, and Pace

Supply Corp., Stockton, CA, for a one-year agreement with four (4) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue purchase agreements for an estimated total annual cost of \$250,000 recommended.

*Finance and Public Works; Ken Masasso, 577-5420, kmasasso@modestogov.com*

**ACTION: Resolution 2012-209 (Lopez/Burnside; 7/0)** authorizing the award of bids for the purchase of cast iron and ductile iron fittings and spools for the Department of Public Works, Water Division, to Groeniger Co., Modesto, CA, Modesto Windustrial Co., Modesto, CA, and Pace Supply Corp., Stockton, CA, for a one-year agreement with four (4) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue purchase agreements for an estimated total annual cost of \$250,000.

#### Consent

12. Consider accepting a grant in the amount of \$40,000 from the U.S. Department of Justice Drug Enforcement Agency for the Stanislaus Drug Enforcement Agency (SDEA); and amending the SDEA Fiscal Year 2011/12 multi-year operating budget to include this new revenue. (Funding Source: Federal Grants/DCESP)
- Resolution accepting the California Marijuana Eradication Grant from the U.S. Department of Justice Drug Enforcement Administration in the amount of \$40,000 for the Stanislaus County Drug Enforcement Agency; and authorizing the City Manager, or his designee, to execute all necessary grant documents recommended.
  - Resolution amending the Stanislaus Drug Enforcement Agency's Fiscal Year 2011/12 Multi-Year Operating Budget estimating revenue in the amount of \$40,000 from the U.S. Department of Justice Drug Enforcement Administration Marijuana Eradication Grant recommended.

*Police; Clint Raymer, 558-6300, raymerc@modestopd.com*

**ACTION: Resolution 2012-210 (Lopez/Burnside; 7/0)** accepting the California Marijuana Eradication Grant from the U.S. Department of Justice Drug Enforcement Administration in the amount of \$40,000 for the Stanislaus County Drug Enforcement Agency; and authorizing the City Manager, or his designee, to execute all necessary grant documents.

**ACTION: Resolution 2012-211 (Lopez/Burnside; 7/0)** amending the Stanislaus Drug Enforcement Agency's Fiscal Year 2011/12 Multi-Year Operating Budget estimating revenue in the amount of \$40,000 from the U.S. Department of Justice Drug Enforcement Administration Marijuana Eradication Grant.

#### Consent

13. Consider: (i) approving plans and specifications for the Senior Citizens' Center ADA Upgrades project; (ii) accepting the bid; (iii) approving an Agreement with Barham, Inc. dba BC Construction, of Ceres, CA, in the amount of \$188,984.00; (iv) amending the Fiscal Year 2011-2012 Capital Improvement Program Budget in order to adjust the expense categories within the project account. (Total estimated project cost is \$304,752.00, which includes Design/Construction Documents, Construction, Construction Contingency and Construction Administration.) (Funding Source:

Community Development Block Grant (CDBG) )

- Resolution approving the Plans and Specifications for the Senior Citizens Center ADA Upgrades project, accepting the bid, and approving an Agreement with Barham, Inc. dba BC Construction, of Ceres, CA in the amount of \$188,984.00; and authorizing the City Manager, or his designee, to execute the agreement recommended.
- Resolution amending the Fiscal Year 2011-2012 Capital Improvement Program Budget to adjust the expense categories within the project account, and authorizing the Finance Director, or her designee, to implement the provision of this resolution recommended.

*Parks, Recreation & Neighborhoods; Ken Horrillo, 577-5419,  
khorrillo@modestogov.com*

**ACTION: Resolution 2012-212 (Lopez/Burnside; 7/0)** approving the Plans and Specifications for the Senior Citizens Center ADA Upgrades project, accepting the bid, and approving an Agreement with Barham, Inc. dba BC Construction, of Ceres, CA in the amount of \$188,984.00; and authorizing the City Manager, or his designee, to execute the agreement.

**ACTION: Resolution 2012-213 (Lopez/Burnside; 7/0)** amending the Fiscal Year 2011-2012 Capital Improvement Program Budget to adjust the expense categories within the project account, and authorizing the Finance Director, or her designee, to implement the provision of this resolution.

Consent

14. Consider approving an agreement with WGR Southwest, Inc., for wastewater and storm water Compliance Assistance in an amount not to exceed \$58,155. (Funding Source: Wastewater and Storm Drain Funds)
- Resolution approving an agreement with WGR Southwest, Inc., for wastewater and storm water Compliance Assistance in an amount not to exceed \$58,155; and authorizing the City Manager, or his designee, to execute the agreement recommended.

*Public Works; Gary DeJesus, 577-6255, gdejesus@modestogov.com*

**ACTION: Resolution 2012-214 (Lopez/Burnside; 7/0)** approving an agreement with WGR Southwest, Inc., for wastewater and storm water Compliance Assistance in an amount not to exceed \$58,155; and authorizing the City Manager, or his designee, to execute the agreement.

Consent

15. Consider approving an agreement with Nolte Associates, Inc. for work on the City of Modesto Cost Share Program in an amount not to exceed \$52,350. (Funding Source: Wastewater Fund )
- Resolution approving an agreement with Nolte Associates, Inc. (Nolte) for work on the City of Modesto Cost Share Program in an amount not to exceed \$52,350, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

*Public Works; Gary DeJesus, 577-6200, gdejesus@modestogov.com*

**ACTION: Resolution 2012-215 (Lopez/Burnside; 7/0)** approving an agreement with Nolte Associates, Inc. (Nolte) for work on the City of Modesto Cost Share Program in an amount not to exceed \$52,350, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

16. Consider approving a five-year Airport lease agreement between the City of Modesto and the California Central Valley Squadron of the Commemorative Air Force for the continued use of Airport Hangar 1S at a rate of \$1,566 per month, with rent reduction credit given for the cost of improvements and volunteer time at the rate of \$18.16 per hour. (Funding Source: Airport Fund)

- Resolution approving a renewal of the Airport lease agreement between the City of Modesto and the California Central Valley Squadron of the Commemorative Air Force (CAF) for an additional five year term for the continued use of Airport Hangar 1S at a rate of \$1,566 per month, with rent reduction credit given for the cost of improvements and volunteer time at the rate of \$18.16 per hour, and authorizing the City Manager, or his designee, to execute the agreement on behalf of the City recommended.

*Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com*

**ACTION: Resolution 2012-216 (Lopez/Burnside; 7/0)** approving a renewal of the Airport lease agreement between the City of Modesto and the California Central Valley Squadron of the Commemorative Air Force (CAF) for an additional five year term for the continued use of Airport Hangar 1S at a rate of \$1,566 per month, with rent reduction credit given for the cost of improvements and volunteer time at the rate of \$18.16 per hour, and authorizing the City Manager, or his designee, to execute the agreement on behalf of the City.

Consent

17. Consider approving new Capital Improvement Program Project 100697-Maze/Emerald Flooding Solution for the purpose of flood control at intersection of Maze Boulevard & Emerald Avenue, and amending the Fiscal Year 2011-2012 Capital Improvement Program budget in the amount of \$292,500 to fund Engineering/Design/Administration, Construction, Contingency, and Construction Administration. (Funding Source: Storm Drain Fund)

- Resolution approving new Capital Improvement Program Project 100697-Maze/Emerald Flooding Solution for the purpose of flood control at intersection of Maze Boulevard & Emerald Avenue, and amending the Fiscal Year 2011-2012 Capital Improvement Program budget in the amount of \$292,500 to fund Engineering/Design/Administration, Construction, Contingency, and Construction Administration recommended.

*Utility Planning and Projects; William Wong, 571-5801, WWong@modestogov.com*

**ACTION: Resolution 2012-217 (Lopez/Burnside; 7/0)** approving new Capital Improvement Program Project 100697-Maze/Emerald Flooding Solution for the purpose of flood control at

intersection of Maze Boulevard & Emerald Avenue, and amending the Fiscal Year 2011-2012 Capital Improvement Program budget in the amount of \$292,500 to fund Engineering/Design/Administration, Construction, Contingency, and Construction Administration.

### **COUNCIL COMMENTS & REPORTS**

Councilmember Geer announced the groundbreaking for Phase 2 BNR Tertiary Plant on Jennings Road earlier today.

Councilmember Lopez announced that the North Kiwanis are hosting the 14<sup>th</sup> Annual American Graffiti Festival this weekend and that they would be singing at the Modesto Nuts Game on Thursday.

### **CITY MANAGER COMMENTS & REPORTS**

City Manager Nyhoff announced the 14<sup>th</sup> Annual American Graffiti Festival this weekend.

### **UNFINISHED BUSINESS**

18. Consider: (i) accepting the California Gang Reduction, Intervention and Prevention (CalGRIP) Grant, from the Governor's Office of Emergency Services (OES), for \$250,000 to combat gang violence; and (ii) amending the Multi-Year 2011/12 Budget, estimating revenue of \$250,000 from the California Gang Reduction, Intervention and Prevention (CalGRIP) Grant to combat gang violence. (Funding Source: Grants-Operations Grants Reimbursed)
- Resolution accepting the California Gang Reduction, Intervention and Prevention (CalGRIP) Grant, from the Governor's Office of Emergency Services (OES), for \$250,000 to combat gang violence; and authorizing the City Manager, or his authorized designee, to execute the necessary award documents recommended.
  - Resolution amending the Multi-Year 2011/12 Budget, estimating revenue of \$250,000 from the California Gang Reduction, Intervention and Prevention (CalGRIP) Grant to combat gang violence recommended.

*Police; Scott Heller, 342-9129, hellers@modestopd.com*

**ACTION: Resolution 2012-218 (Lopez/Geer; 7/0)** accepting the California Gang Reduction, Intervention and Prevention (CalGRIP) Grant, from the Governor's Office of Emergency Services (OES), for \$250,000 to combat gang violence; and authorizing the City Manager, or his authorized designee, to execute the necessary award documents.

**ACTION: Resolution 2012-219 (Lopez/Geer; 7/0)** amending the Multi-Year 2011/12 Budget, estimating revenue of \$250,000 from the California Gang Reduction, Intervention and Prevention (CalGRIP) Grant to combat gang violence.

19. Consider approving Amendments related to updating the Water Rates and Capacity Charge Study regarding the proposed repairs to correct the design and construction deficiencies of the Modesto Regional Water Treatment Plant Expansion: (i) Financial

Consulting Solutions Group, Inc. in an amount not to exceed \$64,148, plus \$6,147 for additional services (if needed), for a maximum amount of \$313,508; (ii) Horizon Water and Environmental to perform environmental review work in an amount not to exceed \$14,951, plus \$1,495 for additional services (if needed), for a maximum amount of \$16,446; (iii) Harris & Associates related to the Proposition 218 Process for water rates, in an amount not to exceed \$13,495, plus \$4,580 for additional services (if needed), for a maximum amount of \$64,065; and amending the Fiscal Year 2011-12 Operating Budget in the amount of \$100,191 in order to fully fund these Amendments and Agreements necessary to update the Water Rates and Capacity Charges. (Funding Source: Water Fund)

- Resolution approving a Third Amendment to Agreement with Financial Consulting Solutions Group, Inc. for additional scope of work not included in the original Agreement or Amendments for updating the Water Rates and Capacity Charge Study in an amount not to exceed \$64,148 for the identified scope of services, plus \$6,147 for additional services (if needed), for a maximum total Agreement amount of \$313,508, and authorizing the City Manager, or his designee, to execute the Third Amendment to Agreement recommended.
- Resolution approving an Agreement with Horizon Water and Environmental for professional services related to performing environmental review work on the proposed repairs to correct the design and construction deficiencies of the MRWTP Expansion, as related to updating water rates and capacity charges, for the identified scope of services for an amount not to exceed \$14,951, plus \$1,495 for additional services (if needed) for a maximum Agreement amount of \$16,446, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Resolution approving an Amendment to Agreement with Harris & Associates for professional services related to the Proposition 218 Process for updating water rates, in an amount not to exceed \$13,495, plus \$4,580 for additional services (if needed), for a maximum total Agreement amount of \$64,065, and authorizing the City Manager, or his designee, to execute the Amendment to Agreement recommended.
- Resolution amending the Fiscal Year 2011-12 Operating Budget in the amount of \$100,191 in order to fully fund the Third Amendment to Agreement with FCS Group, the Agreement with Horizon Environmental, and Amendment to Agreement with Harris, which are necessary to update the Water Rates and Capacity Charges recommended.

*Utility Planning and Projects; Richard Ulm, 577-5261, [rulm@modestogov.com](mailto:rulm@modestogov.com)*

**ACTION: Resolution 2012-220 (Cogdill/Lopez; 6/0; Burnside no)** approving a Third Amendment to Agreement with Financial Consulting Solutions Group, Inc. for additional scope of work not included in the original Agreement or Amendments for updating the Water Rates and Capacity Charge Study in an amount not to exceed \$64,148 for the identified scope of services, plus \$6,147 for additional services (if needed), for a maximum total Agreement amount of \$313,508, and authorizing the City Manager, or his designee, to execute the Third Amendment to Agreement.

**ACTION: Resolution 2012-221 (Cogdill/Lopez; 6/0; Burnside no)** approving an Agreement with Horizon Water and Environmental for professional services related to performing environmental review work on the proposed repairs to correct the design and construction deficiencies of the MRWTP Expansion, as related to updating water rates and capacity charges, for the identified scope of services for an amount not to exceed \$14,951, plus \$1,495 for additional services (if needed) for a maximum Agreement amount of \$16,446, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2012-222 (Cogdill/Lopez; 6/0; Burnside no)** approving an Amendment to Agreement with Harris & Associates for professional services related to the Proposition 218 Process for updating water rates, in an amount not to exceed \$13,495, plus \$4,580 for additional services (if needed), for a maximum total Agreement amount of \$64,065, and authorizing the City Manager, or his designee, to execute the Amendment to Agreement.

**ACTION: Resolution 2012-223 (Cogdill/Lopez; 6/0; Burnside no)** amending the Fiscal Year 2011-12 Operating Budget in the amount of \$100,191 in order to fully fund the Third Amendment to Agreement with FCS Group, the Agreement with Horizon Environmental, and Amendment to Agreement with Harris, which are necessary to update the Water Rates and Capacity Charges.

## HEARINGS

*Published in the Modesto Bee on May 19, 2012*

20. Hearing to consider adding Article 7 to Chapter 12 of Title 4 of the Modesto Municipal Code relating to Camping on Public or Private Property. (Funding Source: General Fund Revenue)

- Motion introducing an Ordinance adding Article 7 to Chapter 12 of Title 4 of the Modesto Municipal Code relating to Camping on Public or Private Property recommended.

*Police; Andy Schlenker, 342-6179, schlenkera@modestopd.com*

**ACTION: Motion (Lopez/Geer; 6/0; Mayor Marsh no)** introducing **Ordinance No. 3568-C.S.** adding Article 7 to Chapter 12 of Title 4 of the Modesto Municipal Code relating to Camping on Public or Private Property (**Section 4-12.703(b)(1) amended to read ..."five consecutive nights." in place of "one consecutive night."-Alternative "C"**)

*Continued to July 12, 2012 – Published in the Modesto Bee on May 24, 2012*

21. Hearing to consider the Proposed Fiscal Year 2012-13 Operating Budget and Capital Improvement Program for the City of Modesto. (Funding Source: Not Applicable)

*Finance; Cynthia Gale, 571-5855, cgale@modestogov.com*

**ACTION:** Continued to June 12, 2012.

## NEW BUSINESS

22. Consider authorizing the creation of a Hospitality Zone Program to assess the

operations and management of downtown Modesto. (Funding Source: Not Applicable)

- Motion authorizing the creation of a Hospitality Zone Program for downtown Modesto and directing staff to work with the Downtown Improvement District, Chamber of Commerce, Convention and Visitor's Bureau and other stakeholders on program development recommended.

*Community & Economic Development; Josh Bridegroom, 571-5540,  
[Jbridegroom@modestogov.com](mailto:Jbridegroom@modestogov.com)*

**ACTION: Motion (Cogdill/Lopez; 7/0)** authorizing the creation of a Hospitality Zone Program for downtown Modesto and directing staff to work with the Downtown Improvement District, Chamber of Commerce, Convention and Visitor's Bureau and other stakeholders on program development.

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

None.

### **ADJOURNMENT**

This meeting was adjourned at 8:31 p.m.

### **CLOSED SESSION**

*All Closed Session Matters Heard Prior to Meeting*

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Allyson Hauk  
Employee Organization: Modesto City Employees Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Allyson Hauk  
Employee Organization: Modesto Confidential & Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Allyson Hauk  
Employee Organization: Modesto Police Officers' Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Allyson Hauk  
Employee Organization: Modesto Police Non Sworn Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Allyson Hauk  
Employee Organization: Modesto Police Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Allyson Hauk  
Employee Organization: Modesto City Firefighters Association

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

Agency Negotiators: Greg Nyhoff, City Manager  
Employee Organization: Unrepresented Management and Confidential Employee

**MINUTES**  
City of Modesto  
**Special Economic Development Committee/  
City Council Workshop Meeting**

**Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California**

**Monday, June 11, 2012 at 5:30 p.m.**

Roll Call Present: Councilmembers Stephanie Burnside, Joe Muratore, and Dave Cogdill, Jr.  
Absent: None

**PUBLIC COMMENTS**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1, 2 and 3**

**CONSENT**

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

Consent

1. Consider accepting status report of development projects processed by the Community and Economic Development Department. (Funding Source: Not Applicable)  
*Community & Economic Development; H. Brent Sinclair, 577-5228, hbsinclair@modestogov.com*

**ACTION: Motion (Cogdill/Muratore;unan.)** accepting the status report of development projects processed by the Community and Economic Development Department.

Consent

2. Consider approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective July 1, 2012 and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com*

**ACTION: Motion (Cogdill/Muratore;unan.)** approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective July 1, 2012 and forwarding to Council for approval.

Consent

3. Consider reappointing Jeffrey R. Darnell to the Airport Advisory Committee of the Modesto City-County Airport for a four-year term ending June 30, 2016 and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com*

**ACTION:** **Motion (Cogdill/Muratore;unan.)** reappointing Jeffrey R. Darnell to the Airport Advisory Committee of the Modesto City-County Airport for a four-year term ending June 30, 2016 and forwarding to Council for approval.

#### **NEW BUSINESS**

4. Consider recommending appointment to fill one vacancy on the Equal Opportunity/Disability Commission created by one Commissioner ending her term. (Funding Source: Not Applicable)  
*Human Resources; 577-5238, Scott Kasper, skasper@modestogov.com*

**ACTION:** **Motion (Muratore/Cogdill;unan.)** recommending appointment of Philip S. Anselmo, Jr. to fill one vacancy on the Equal Opportunity/Disability Commission created by one Commissioner ending her term and forwarding to Council for approval.

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

None.

#### **ADJOURNMENT**

This meeting adjourned at 5:45 p.m.



# MODESTO CITY COUNCIL

[www.modestogov.com](http://www.modestogov.com)

## MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California  
Tuesday June 12, 2012, at 5:30 p.m.

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,  
Mayor Marsh  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Joel Richards, La Loma Grace Brethren Church

City Clerk's Announcements: Item 5 Removed from Consent

Declaration of Conflicts of Interest: Muratore - Item 18; Cogdill - Items 7 and 20; Burnside,  
Cogdill, Geer, Gunderson, Lopez, Muratore - Item 22 (miscellaneous)

Reports from Closed Session – City Attorney Wood reported on Closed Session matters

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by the Modesto Chamber of Commerce to new and growing businesses in Modesto. (Funding Source: Not Applicable)  
*Community & Economic Development; Laurie Smith, 577-5347,  
lsmith@modestogov.com*

**ACTION:** Cecil Russell, President of Chamber of Commerce, presented Proclamations to

Subliminally Fresh, Direct Appliance, and SunOpta.

2. Presentation of Proclamation declaring September 2012 as Rail Safety Month in the City of Modesto. (Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** Mayor Marsh presented a Proclamation to California Operation Lifesaver declaring September 2012 as Rail Safety Month in the City of Modesto.

3. Presentation of Proclamation to the California Dental Association Foundation for the Free Dental Clinic held in Modesto on May 18-19, 2012 at the Modesto Centre Plaza. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 577-5396, kespinoza@modestogov.com*

**ACTION:** Mayor Marsh presented a Proclamation to the California Dental Association Foundation for the Free Dental Clinic held in Modesto on May 18-19, 2012 at the Modesto Centre Plaza.

### **PUBLIC COMMENT PERIOD**

- Ronald Jeske spoke regarding Graffiti Weekend over the past weekend and thanking the North Modesto Kiwanis; he expressed concern regarding lack of coverage in the newspaper.
- Annette Mott, Ralph Martin and John Jackson spoke regarding the homeless in Modesto.
- Adrian Harrell, Modesto Sister Cities International spoke regarding issues of poverty and Summer Solstice Fundraiser.
- Athens Abell spoke regarding the 4th of July Parade in Modesto.
- Emerson Drake spoke regarding Modesto Irrigation District meeting today.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4-20**

**ACTION CONSENT ITEMS 4, 6, 8-17, 19: (Lopez/Burnside;unan.)**

**ACTION CONSENT ITEMS 7, 20: (Lopez/Burnside; unan.; Cogdill absent due to conflict of interest)**

**ACTION CONSENT ITEM 18: Lopez/Burnside;unan.; Muratore absent due to conflict of interest)**

### **CONSENT ITEMS**

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

Consent

4. Consider approving the minutes from the June 5, 2012 City Council meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the June 5, 2012 City Council meeting.

*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** approving the minutes from the June 5, 2012 City Council meeting.

***Removed from Consent***

5. Consider approving final adoption of Ordinance No. 3568-C.S adding Article 7 to Chapter 12 of Title 4 of the Modesto Municipal Code relating to Camping on Public or Private Property. (Funding Source: Not Applicable)
  - Motion approving final adoption of Ordinance No. 3568-C.S adding Article 7 to Chapter 12 of Title 4 of the Modesto Municipal Code relating to Camping on Public or Private Property recommended.

*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Cogdill/Lopez; 6/1; Mayor Marsh no)** approving final adoption of **Ordinance No. 3568-C.S** adding Article 7 to Chapter 12 of Title 4 of the Modesto Municipal Code relating to Camping on Public or Private Property.

Consent

6. Consider approving the 2012-2013 Engineer's Annual Report for the Shackelford Landscape and Lighting District, and setting a public hearing on August 8, 2012, to consider the levy and collection of assessments within the Shackelford Landscape and Lighting District. (Funding Source: Shackelford Landscape and Lighting District)
  - Motion accepting the 2012-2013 Annual Engineer's Report for the Shackelford Landscape and Lighting District recommended.
  - Resolution of Intention to Levy and Collect Assessments for the Shackelford Landscape and Lighting District, and setting a public hearing on the proposed assessments to be held on August 8, 2012 recommended.

*Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** accepting the 2012-2013 Annual Engineer's Report for the Shackelford Landscape and Lighting District.

**ACTION: Resolution 2012-224 (Lopez/Burnside; 7/0)** of Intention to Levy and Collect Assessments for the Shackelford Landscape and Lighting District, and setting a public hearing on the proposed assessments to be held on August 8, 2012.

Consent – *Cogdill absent due to conflict of interest*

7. Consider approving a Purchase and Sale Agreement to acquire real property for the Sylvan and Litt Improvement Project with Christopher A. Lamke and Deborah L. Villierme- Lamke in the amount of \$39,621, and the transfer and conveyance documents. Total estimated costs for land expenditures for the project are \$250,000. (Funding Source: Village One #2 CFD Tax)
  - Resolution approving a Purchase and Sale Agreement with Christopher A. Lamke and Deborah L. Villierme-Lamke, for acquisition of 1,634 square feet fee

acquisition portion of a parcel located at 3900 Sylvan Avenue (APN 085-049-014), in the amount of \$39,621, for the Sylvan and Litt Improvement Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow recommended.

- Resolution authorizing the City Manager, or his designee, to sign a Certificate of Acceptance for the Grant Deed for the acquisition of real property located at 3900 Sylvan Avenue, owned by Christopher A. Lamke and Deborah L. Villierme-Lamke, (APN 085-049-014) to be purchased by the City of Modesto for the Sylvan and Litt Improvement Project recommended.

*Community & Economic Development; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION: Resolution 2012-225 (Lopez/Burnside; 6/0; Cogdill absent due to conflict of interest)** approving a Purchase and Sale Agreement with Christopher A. Lamke and Deborah L. Villierme-Lamke, for acquisition of 1,634 square feet fee acquisition portion of a parcel located at 3900 Sylvan Avenue (APN 085-049-014), in the amount of \$39,621, for the Sylvan and Litt Improvement Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.

**ACTION: Resolution 2012-226 (Lopez/Burnside; 6/0; Cogdill absent due to conflict of interest)** authorizing the City Manager, or his designee, to sign a Certificate of Acceptance for the Grant Deed for the acquisition of real property located at 3900 Sylvan Avenue, owned by Christopher A. Lamke and Deborah L. Villierme-Lamke, (APN 085-049-014) to be purchased by the City of Modesto for the Sylvan and Litt Improvement Project.

#### Consent

8. Consider ordering judicial foreclosure of delinquent special taxes pursuant to the Mello-Roos Community Facilities Act of 1982 and ordering that the Stanislaus County Tax Collector be credited with those taxes. (Funding Source: Community Facilities District Nos. 2003-1 and 2004-1 special facilities tax revenues.)
  - Resolution of the City Council of the City of Modesto, acting as the governing body of all its Community Facilities Districts, to order judicial foreclosure of delinquent special taxes pursuant to the Mello-Roos Community Facilities Act of 1982 and to order that the Stanislaus County Tax Collector be credited with those taxes recommended.

*Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com*

**ACTION: Resolution 2012-227 (Lopez/Burnside; 7/0)** of the City Council of the City of Modesto, acting as the governing body of all its Community Facilities Districts, to order judicial foreclosure of delinquent special taxes pursuant to the Mello-Roos Community Facilities Act of 1982 and to order that the Stanislaus County Tax Collector be credited with those taxes.

#### Consent

9. Consider declaring the City of Modesto's intention to form Landscape Maintenance

Assessment District No. 2012-1; to levy annual assessments commencing with Fiscal Year 2012-13; to accept and approve the Engineer's Report; to conduct a property owner protest ballot proceeding on the matter of new assessments; and set a time and place for the public hearing. (Funding Source: Landscape Maintenance Assessment District No. 1 and No. 2.)

- Resolution declaring the City of Modesto's intention to form Landscape Maintenance Assessment District No. 2012-1; to levy annual assessments commencing with Fiscal Year 2012-13; to accept and approve the Engineer's Report; to conduct a property owner protest ballot proceeding on the matter of the new assessments; and set a time and place for the public hearing recommended.

*Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com*

**ACTION: Resolution 2012-228 (Lopez/Burnside; 7/0)** declaring the City of Modesto's intention to form Landscape Maintenance Assessment District No. 2012-1; to levy annual assessments commencing with Fiscal Year 2012-13; to accept and approve the Engineer's Report; to conduct a property owner protest ballot proceeding on the matter of the new assessments; and set a time and place for the public hearing.

#### Consent

10. Consider approving the 2012-2013 Engineer's Annual Report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6, and setting a public hearing on August 8, 2012, to consider the levy and collection of assessments within Landscape Maintenance Assessment District No. 1. (Funding Source: Landscape Maintenance Assessment District No. 1)

- Motion accepting the 2012-2013 Annual Engineer's Report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 through 6 recommended.
- Resolution of Intention to Levy and Collect Assessments for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 through 6, and setting a public hearing on August 8, 2012, to consider the levy and collection of assessments within Landscape Maintenance Assessment District No. 1 recommended.

*Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** accepting the 2012-2013 Annual Engineer's Report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 through 6.

**ACTION: Resolution 2012-229 (Lopez/Burnside; 7/0)** of Intention to Levy and Collect Assessments for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 through 6, and setting a public hearing on August 8, 2012, to consider the levy and collection of assessments within Landscape Maintenance Assessment District No. 1.

Consent

11. Consider approving the 2012-2013 Engineer's Annual Report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision, and setting a public hearing on August 8, 2012, to consider the levy and collection of assessments within Landscape Maintenance Assessment District No. 2. (Funding Source: Landscape Maintenance Assessment District No. 2)
- Motion accepting the 2012-2013 Annual Engineer's Report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision recommended.
  - Resolution of Intention to Levy and Collect Assessments for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision, and setting a public hearing on August 8, 2012 to consider the levy and collection of assessments within Landscape Maintenance Assessment District No. 2 recommended.

*Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** accepting the 2012-2013 Annual Engineer's Report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision.

**ACTION: Resolution 2012-230 (Lopez/Burnside; 7/0)** of Intention to Levy and Collect Assessments for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision, and setting a public hearing on August 8, 2012 to consider the levy and collection of assessments within Landscape Maintenance Assessment District No. 2.

Consent

12. Consider authorizing the award of bid for the purchase of seven (7) half-ton pick-up trucks for various City Divisions through the Public Works Department, Fleet Services Division, to Towne Ford Sales, Redwood City, CA, for an estimated total cost of \$159,422. (Funding Source: Fleet Replacement Fund)
- Resolution authorizing the award of bid for the purchase of seven (7) half-ton pick-up trucks for various City Divisions through the Public Works Department, Fleet Services Division, to Towne Ford Sales, Redwood City, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$159,422 recommended.

*Finance and Public Works; Meagan M. Torres, 571-5839, mtorres@modestogov.com*

**ACTION: Resolution 2012-231 (Lopez/Burnside; 7/0)** authorizing the award of bid for the purchase of seven (7) half-ton pick-up trucks for various City Divisions through the Public Works Department, Fleet Services Division, to Towne Ford Sales, Redwood City, CA, and

authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$159,422.

Consent

13. Consider amending the Classification Plan and Class Range Table for General Non-Sworn Classes to add Building Maintenance Specialist to salary range 124. (Funding Source: Internal Services Fund)

- Resolution amending the Position Classification Plan for the City of Modesto to create the classification of Building Maintenance Specialist recommended.
- Resolution amending Exhibit "A" of Resolution No. 2008-585 to revise the Class Range Table for General Non-Sworn Classes to add the salary range for Building Maintenance Specialist to salary range 124 recommended.

*Human Resources; Kimberly Murdaugh, 577-5409, kmurdaugh@modestogov.com*

**ACTION: Resolution 2012-232 (Lopez/Burnside; 7/0)** amending the Position Classification Plan for the City of Modesto to create the classification of Building Maintenance Specialist.

**ACTION: Resolution 2012-233 (Lopez/Burnside; 7/0)** amending Exhibit "A" of Resolution No. 2008-585 to revise the Class Range Table for General Non-Sworn Classes to add the salary range for Building Maintenance Specialist to salary range 124.

Consent

14. Consider amending (i) the Classification Plan and Class Range Table for Represented Management and Confidential Non-Sworn Classes to add Parks, Recreation and Neighborhoods Operations Manager at salary range 451; and (ii) to delete the classifications of Building Maintenance Manager, Urban Forestry Manager and Parks Operations Manager. (Funding Source: General Fund)

- Resolution amending the Position Classification Plan for the City of Modesto to create the classification of Parks, Recreation and Neighborhoods Operations Manager and to delete the classifications of Building Maintenance Manager, Urban Forestry Manager, and Parks Operations Manager recommended.
- Resolution amending Exhibit "A" of Resolution No. 2008-683 to revise the Class Range Table for Represented Management and Confidential Non-Sworn Classes to add the salary range for Parks, Recreation and Neighborhoods Operations Manager to salary range 451; and to delete the classifications of Building Maintenance Manager, Urban Forestry Manager, and Parks Operations Manager from salary range 441 recommended.

*Human Resources; Kimberly Murdaugh, 577-5409, kmurdaugh@modestogov.com*

**ACTION: Resolution 2012-234 (Lopez/Burnside; 7/0)** amending the Position Classification Plan for the City of Modesto to create the classification of Parks, Recreation and Neighborhoods Operations Manager and to delete the classifications of Building Maintenance Manager, Urban Forestry Manager, and Parks Operations Manager.

**ACTION: Resolution 2012-235 (Lopez/Burnside; 7/0)** amending Exhibit "A" of Resolution No. 2008-683 to revise the Class Range Table for Represented Management and Confidential

Non-Sworn Classes to add the salary range for Parks, Recreation and Neighborhoods Operations Manager to salary range 451; and to delete the classifications of Building Maintenance Manager, Urban Forestry Manager, and Parks Operations Manager from salary range 441.

Consent

15. Consider amending (i) the Classification Plan and Class Range Table for Represented Management and Confidential Non-Sworn Classes to amend the job specification for **Public Information Analyst to title change to Public Information Coordinator**; and (ii) the position allocation in the City Manager's office to reallocate the incumbent in the current Public Information Analyst position to the classification of Public Information Coordinator. (Funding Source: General Fund)
- Resolution amending the Classification Plan to amend the job specification for **Public Information Analyst to title change to Public Information Coordinator** recommended.
  - Resolution amending Exhibit "A" of Resolution No. 2008-683, to revise the Class Range Table for Management and Confidential Non-Sworn Classes to change the Public Information Coordinator from salary range 425 to salary range 435 recommended.

*Human Resources; Kimberly Murdaugh, 577-5409, kmurdaugh@modestogov.com*

**ACTION: Resolution 2012-236 (Lopez/Burnside; 7/0)** amending the Classification Plan to amend the job specification for **Public Information Analyst to title change to Public Information Coordinator**.

**ACTION: Resolution 2012-237 (Lopez/Burnside; 7/0)** amending Exhibit "A" of Resolution No. 2008-683, to revise the Class Range Table for Management and Confidential Non-Sworn Classes to change the Public Information Coordinator from salary range 425 to salary range 435.

Consent

16. Consider approving a Letter of Understanding (LOU) between the City of Modesto and Modesto City Fire Fighters' Association (MCFFA) to revise the 2006 Memorandum of Understanding to provide compensation for employees in the Firefighter Relief assignment. (Funding Source: MRFA/General Fund)
- Resolution approving a Letter of Understanding between the City of Modesto and Modesto City Fire Fighters' Association to revise the 2006 Memorandum of Understanding to provide compensation to employees in the Firefighter Relief assignment recommended.

*Human Resources; Kimberly Murdaugh, 577-5409, kmurdaugh@modestogov.com*

**ACTION: Resolution 2012-238 (Lopez/Burnside; 7/0)** approving a Letter of Understanding between the City of Modesto and Modesto City Fire Fighters' Association to revise the 2006 Memorandum of Understanding to provide compensation to employees in the Firefighter Relief assignment.

Consent

17. Consider authorizing the sole source procurement for the purchase of AXON Flex Camera Video Recorder Public Safety Equipment for the Modesto Police Department, to TASER International, Inc., Scottsdale, AZ for an estimated total cost of \$127,568. (Funding Source: Special Revenue Fund - Federal Police Grant)
- Resolution authorizing the sole source procurement for the purchase of AXON Flex Camera Video Recorder Public Safety Equipment for the Modesto Police Department, to TASER International, Inc., Scottsdale, AZ, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$127,568 recommended.
- Police; Andy Schlenker, 342-6179, schlenkera@modestopd.com*

**ACTION: Resolution 2012-239 Lopez/Burnside; 7/0)** authorizing the sole source procurement for the purchase of AXON Flex Camera Video Recorder Public Safety Equipment for the Modesto Police Department, to TASER International, Inc., Scottsdale, AZ, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$127,568.

Consent – *Councilmember Muratore absent due to conflict of interest*

18. Consider approving Neighborhood Stabilization Program 3 (NSP3) Memorandums of Understanding (MOU) with the Housing Authority of the County of Stanislaus (HACS); Habitat for Humanity, Stanislaus County (Habitat); and Stanislaus County Affordable Housing Corporation (STANCO) and authorizing the City Manager, or his designee, to sign all related documents contingent upon the satisfactory completion of environmental review and receipt by City of Modesto of a release of funds from the U.S. Department of Housing and Urban Development (HUD) under 24 CFR Part 58 (Funding Source: NSP3)
- Resolution approving Neighborhood Stabilization Program 3 Memorandums of Understanding with the Housing Authority of the County of Stanislaus) Habitat for Humanity, Stanislaus County and Stanislaus County Affordable Housing Corporation; and authorizing the City Manager, or his designee, to sign all related documents contingent upon the satisfactory completion of environmental review and receipt by City of Modesto of a release of funds from the U.S. Department of Housing and Urban Development under 24 CFR Part 58 recommended.
- Parks, Recreation & Neighborhoods; Hugo Ramirez, 577-5368, HRamirez@modestogov.com*

**ACTION: Resolution 2012-240 (Lopez/Burnside; 6/0; Muratore absent due to conflict of interest)** approving Neighborhood Stabilization Program 3 Memorandums of Understanding with the Housing Authority of the County of Stanislaus) Habitat for Humanity, Stanislaus County and Stanislaus County Affordable Housing Corporation; and authorizing the City Manager, or his designee, to sign all related documents contingent upon the satisfactory completion of environmental review and receipt by City of Modesto of a release of funds from the U.S. Department of Housing and Urban Development under 24 CFR Part 58.

Consent

19. Consider approving a Second Amendment to the Lease Agreement with Louis Boer, Jr., to extend the lease of city-owned property located at the northwest corner of Frazine Road and La Coste Lane for an additional five years and to modify the payment remittance process. (Funding Source: Water Fund)
- Resolution approving a Second Amendment to the Lease Agreement with Louis Boer, Jr., to extend the lease of city-owned property located at the northwest corner of Frazine Road and La Coste Lane for an additional five years and to modify the payment remittance process, and authorizing the City Manager, or his designee, to execute the Second Amendment to the Agreement recommended.
- Public Works; Dennis Turner, 342-2203, dturner@modestogov.com*

**ACTION: Resolution 2012-241 (Lopez/Burnside; 7/0)** approving a Second Amendment to the Lease Agreement with Louis Boer, Jr., to extend the lease of city-owned property located at the northwest corner of Frazine Road and La Coste Lane for an additional five years and to modify the payment remittance process, and authorizing the City Manager, or his designee, to execute the Second Amendment to the Agreement.

Consent – *Councilmember Cogdill absent due to conflict of interest*

20. Consider approving a Consultant Agreement with NorthStar Engineering Group, Inc. for preparation of a Preliminary Design Report for the Del Rio Tank, Pump Station, and New Well in the amount of \$158,388. (Total estimated cost for the preliminary design portion is \$284,262.) (Funding Source: Water Fund-CIP)
- Resolution approving a Consultant Agreement with NorthStar Engineering Group, Inc. for Preliminary Design Report for Del Rio Tank, Pump Station, and New Well in an amount not to exceed \$143,989 for the identified scope of services, plus \$14,399 for additional services (if needed), for a maximum total amount of \$158,388, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Utility Planning and Projects; Rob Christensen, 571-5869, rchristensen@modestogov.com*

**ACTION: Resolution 2012-242 (Lopez/Burnside; 6/0; Cogdill absent due to conflict of interest)** approving a Consultant Agreement with NorthStar Engineering Group, Inc. for Preliminary Design Report for Del Rio Tank, Pump Station, and New Well in an amount not to exceed \$143,989 for the identified scope of services, plus \$14,399 for additional services (if needed), for a maximum total amount of \$158,388, and authorizing the City Manager, or his designee, to execute the Agreement.

### **COUNCIL COMMENTS & REPORTS**

Councilmember Geer spoke regarding American Graffiti Weekend this past weekend and thanked the North Modesto Kiwanis.

### **CITY MANAGER COMMENTS & REPORTS**

City Manager Nyhoff spoke regarding the hard work of the City of Modesto employees and

recognized Allen Lagarbo for his 31 years of service in the City of Modesto, along with his volunteer work.

## UNFINISHED BUSINESS

21. Consider (i) approving an Agreement between the City of Modesto and Susan Fiscoe, dba Fiscoe Management (FM) to provide golf professional services and management services at Dryden Park and Creekside Golf Courses and (ii) rescinding Resolution No. 2011-178 establishing green fee rates at the City of Modesto Golf Courses. (Funding Source: Golf Fund)

- Resolution approving an Agreement between the City of Modesto and Susan Fiscoe, dba Fiscoe Management to provide golf professional services and management services at Dryden Park and Creekside Golf Courses and authorizing the City Manager, or his designee, to execute the Agreement; and rescinding Resolution No. 2011-178 recommended.

*Parks, Recreation and Neighborhoods ; Lisa Forester, 577-6444 ,  
lforester@modestogov.com*

**ACTION: Resolution 2012-243 (Burnside/Lopez; 7/0)** approving an Agreement between the City of Modesto and Susan Fiscoe, dba Fiscoe Management to provide golf professional services and management services at Dryden Park and Creekside Golf Courses and authorizing the City Manager, or his designee, to execute the Agreement; and rescinding Resolution No. 2011-275.

**ACTION: Motion (Burnside/Lopez; 7/0) directing staff to return to the Finance Committee on a monthly basis for updates starting in August.**

*Recessed at 7:35 p.m.*

*Reconvened at 7:45 p.m.*

## HEARINGS

*Continued from the June 5, 2012 Council Meeting - Published in the Modesto Bee on May 24, 2012 – Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore-miscellaneous conflicts of interest*

22. Hearing to consider approving the Proposed Fiscal Year 2012-2013 Operating Budget and Capital Improvement Program for the City of Modesto. (Funding Source: Not Applicable)

- Motion introducing an Ordinance approving the FY 2012-2013 Proposed Operating Budget and Capital Improvement Program Budget for the City of Modesto recommended.
- Resolution approving the Budget Goals and Budget Principles as outlined in the Mayor's Budget Message and recommended by the Finance Committee as part of the Fiscal Year 2012-2013 budget development process recommended.

*Finance; Cynthia Gale, 571-5855, cgale@modestogov.com*

**ACTION: Motion (Cogdill/Muratore; 7/0;) introducing Ordinance No. 3569-C.S.** approving the FY 2012-2013 Proposed Operating Budget and Capital Improvement Program Budget for the City of Modesto

**ACTION: Motion (Lopez/Muratore; 6/0; Burnside absent due to conflict of interest)** approving the Budget Goals and Budget Principles as outlined in the Mayor's Budget Message and recommended by the Finance Committee as part of the Fiscal Year 2012-2013 budget development process.

- New Bus Maintenance Facility
- Fleet Maintenance Facility
- 9th Street Storm Drainage
- State Route 132 West Expressway

**ACTION: Motion (Lopez/Geer;6/0; Cogdill absent due to conflict of interest)** approving the Budget Goals and Budget Principles as outlined in the Mayor's Budget Message and recommended by the Finance Committee as part of the Fiscal Year 2012-2013 budget development process.

- Upgrade Traffic Signals 2010
- Sylvan & Litt Intersection Control and Road Widening
- Roselle Avenue between Sylvan/Floyd
- Downstream Improvements Tier 2 PRVs
- Hickman Water Tank & Well
- Del Rio Water Tank
- Install New Well Del Rio
- Del Rio #2 - Well Replacement

**ACTION: Motion (Lopez/Burnside; 6/0; Geer absent due to conflict of interest)** approving the Budget Goals and Budget Principles as outlined in the Mayor's Budget Message and recommended by the Finance Committee as part of the Fiscal Year 2012-2013 budget development process

- Emerald Sub - Trunk E - 6

**ACTION: Motion (Lopez/Gunderson;6/0; Muratore absent due to conflict of interest)** approving the Budget Goals and Budget Principles as outlined in the Mayor's Budget Message and recommended by the Finance Committee as part of the Fiscal Year 2012-2013 budget development process.

- Agricultural Wells - Community Parks
- FY2011 Sanitary Sewer Collection System Replacement
- Residential Meter Installation - East Modesto
- Strengthen & Replace La Loma Water Mains
- Santa Rosa Truck SR3

**ACTION: Motion (Geer/Gunderson;4/0; Cogdill, Lopez, Muratore absent due to conflict of interest)** approving the Budget Goals and Budget Principles as outlined in the Mayor's Budget Message and recommended by the Finance Committee as part of the Fiscal Year 2012-

2013 budget development process.

- ARRA Cape/Slurry Seals
- ARRA Street Overlay/ADA Ramp

**ACTION: Motion (Burnside/Lopez;5/0; Cogdill, Muratore absent due to conflict)** approving the Budget Goals and Budget Principles as outlined in the Mayor's Budget Message and recommended by the Finance Committee as part of the Fiscal Year 2012-2013 budget development process.

- LED Street Lights Replacement (EECBG)

**ACTION: Motion (Gunderson/Muratore; 5/0; Burnside, Geer absent due to conflict of interest)** approving the Budget Goals and Budget Principles as outlined in the Mayor's Budget Message and recommended by the Finance Committee as part of the Fiscal Year 2012-2013 budget development process

- Lift Station Coating Rehabilitation

**ACTION: Motion (Lopez/Geer; 4/0; Cogdill, Gunderson, Muratore absent due to conflict of interest)** approving the Budget Goals and Budget Principles as outlined in the Mayor's Budget Message and recommended by the Finance Committee as part of the Fiscal Year 2012-2013 budget development process.

- Residential Meter Installation - North Modesto

**ACTION: Motion (Lopez/Gunderson;4/0; Burnside, Geer, Muratore absent due to conflict of interest)** approving the Budget Goals and Budget Principles as outlined in the Mayor's Budget Message and recommended by the Finance Committee as part of the Fiscal Year 2012-2013 budget development process.

- Residential Meter Installation - Central Modesto

**ACTION: Resolution 2012-244 (Cogdill/Muratore;7/0;)** approving the Budget Goals and Budget Principles as outlined in the Mayor's Budget Message and recommended by the Finance Committee as part of the Fiscal Year 2012-2013 budget development process.

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

None.

#### **ADJOURNMENT**

This meeting adjourned at 8:25 p.m.

#### **CLOSED SESSION**

*All Closed Session Matters Heard Prior to Meeting*

**CONFERENCE WITH LABOR NEGOTIATION: (Pursuant to Section 54957.6 of the Government Code) – MCFFA**

Agency Negotiations: Greg Nyhoff, Joe Lopez and Allyson Hauk

Employee Organization: Modesto City Firefighters Association

**MINUTES**  
City of Modesto  
**SPECIAL AUDIT COMMITTEE / COUNCIL**  
**WORKSHOP**

**Second Floor, Room 2005**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday, June 19, 2012, at 10:00 a.m.**

Roll Call Present: Mayor Marsh, Councilmembers Muratore and Geer  
Absent: None

**PUBLIC COMMENTS**

None.

**UNFINISHED BUSINESS**

1. Consider accepting an Internal Audit Status Report from Moss-Adams, LLP and forwarding to Council for approval. (Funding Source: Not Applicable)  
*City Manager, Greg Nhyoff, 577-5404, gnyhoff@modestogov.com*

**ACTION:** **Motion (Muratore/Geer;unan.)** accepting an Internal Audit Status Report from Moss-Adams LLP and forwarding to Council for approval.

**MATTERS TOO LATE FOR THE AGENDA**

None

**ADJOURNMENT**

This meeting adjourned at 11:01 a.m.

**MINUTES**  
**City of Modesto**  
**FINANCE COMMITTEE / COUNCIL**  
**WORKSHOP**  
**Second Floor, Room 2005**  
**1010 10th Street**  
**Modesto, California**  
**Monday, June 25, 2012, at 5:30 p.m.**

Roll Call - Present: Councilmembers Dave Cogdill, Jr., Stephanie Burnside and Dave Lopez  
Absent: None

**PUBLIC COMMENTS**

None.

**CONSENT**

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

Consent

1. Consider authorizing the Finance Director to approve up to \$25,000 of Cash-On-Hand change funds (an increase of \$5,000) and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Finance; DeAnna Espinoza, 577-5387, [daespinoza@modestogov.com](mailto:daespinoza@modestogov.com)*

**ACTION: Motion (Lopez/Burnside; unan.)** authorizing the Finance Director to approve up to \$25,000 of Cash-On-Hand change funds (an increase of \$5,000) and forwarding to Council for approval.

Consent

2. Consider accepting the revised Investment Policy and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Finance; DeAnna Espinoza, 577-5387, [daespinoza@modestogov.com](mailto:daespinoza@modestogov.com)*

**ACTION: Motion (Lopez/Burnside; unan.)** accepting the revised Investment Policy and forwarding to Council for approval.

Consent

3. Consider accepting the revised Debt Management Policy and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Finance; DeAnna Espinoza, 577-5387, [daespinoza@modestogov.com](mailto:daespinoza@modestogov.com)*

**ACTION:**    **Motion (Lopez/Burnside; unan.)** accepting the revised Debt Management Policy and forwarding to Council for approval.

**NEW BUSINESS**

4. Consider approving the annual inflationary adjustment of certain Development User Fees as identified in the Development User Fee Schedule, per Resolution No. 2011-106 and forwarding to Council for approval. (Funding Source: General Fund Revenue)  
*Community & Economic Development; Laurie A. Smith, 577-5347,  
lsmith@modestogov.com*

**ACTION:**    **Motion (Lopez/Burnside; unan.)** approving the annual inflationary adjustment of certain Development User Fees as identified in the Development User Fee Schedule, per Resolution No. 2011-106 and forwarding to Council for approval.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 5:40 p.m.

## MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday June 26, 2012, at 5:30 p.m.**

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,  
Mayor Marsh  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Chuck Adams, Carpenter's House Church

City Clerk's Announcements - None

Declaration of Conflicts of Interest – None

Reports from Closed Session - City Attorney Wood reported on Closed Session matters

### MISCELLANEOUS

Legislation  
Appointments  
Other

1. Consider appointing Gillian Wegener as the City of Modesto's Poet Laureate for 2012-2014. (Funding Source: Not Applicable)
  - Resolution appointing Gillian Wegener as the City of Modesto's Poet Laureate for 2012-2014 recommended.  
*Parks, Recreation & Neighborhoods; Wayne A. Mathes, 652-6060, wmathes@modestogov.com*

**ACTION: Resolution 2012-245 (Lopez/Burnside; 7/0)** appointing Gillian Wegener as the City of Modesto's Poet Laureate for 2012-2014.

2. Consider appointing Philip S. Anselmo to the Equal Opportunity/Disability Commission for a four-year term to expire January 1, 2016. (Funding Source: Not Applicable)
  - Resolution appointing Philip S. Anselmo to the Equal Opportunity/Disability Commission recommended.  
*Human Resources; Scott Kasper, 577-5238, skasper@modestogov.com,*

**ACTION: Resolution 2012-246 (Lopez/Cogdill; 7/0)** appointing Philip S. Anselmo to the Equal Opportunity/Disability Commission.

3. Consider approving the reappointment of Jeffrey R. Darnell to the Airport Advisory Committee of the Modesto City-County Airport for a four-year term ending June 30, 2016. (Funding Source: Not Applicable)
  - Resolution approving the reappointment of Jeffrey R. Darnell to the Airport Advisory Committee of the Modesto City-County Airport for a four-year term ending June 30, 2016 recommended.  
*Public Works; Jerome Thiele, 577-5319 , jthiele@modestogov.com*

**ACTION: Resolution 2012-247 (Lopez/Geer; 7/0)** approving the reappointment of Jeffrey R. Darnell to the Airport Advisory Committee of the Modesto City-County Airport for a four-year term ending June 30, 2016.

### **PUBLIC COMMENT PERIOD**

- Reed Smith and John Duarte spoke regarding the Modesto Irrigation District meeting today and possible water sale to San Francisco (**prior to Closed Session**).
- Carmen Sabatino spoke regarding the 218 process and water rates (**prior to Closed Session**).
- Joan Ruttschow, Linda Hodges and Jennifer Machado spoke regarding the Modesto Irrigation District meeting today and possible water sale to San Francisco.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through 20**  
**ACTION CONSENT ITEMS 4-20: (Lopez/Muratore;unan.)**

### **CONSENT ITEMS**

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

Consent

4. Consider approving the minutes from the June 12, 2012 City Council meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the June 12, 2012 City Council meeting recommended.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Muratore; 7/0)** approving the minutes from the June 12, 2012 City Council meeting.

Consent

5. Consider accepting Monthly Budget Adjustments for April 2012. (Funding Source: Various Funds)
  - Resolution amending the Fiscal Year 2011-2012 Annual Operating Budget

recommended.

*Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

**ACTION: Resolution 2012-248 (Lopez/Muratore; 7/0)** amending the Fiscal Year 2011-2012 Annual Operating Budget.

Consent

6. Consider accepting Budget Adjustments from a Mid-Year Review of the General Fund. (Funding Source: Various Funds)
  - Resolution amending the Fiscal Year 2011-2012 Annual Operating Budget recommended.

*Finance; Cynthia Gale, 571-5855, cgale@modestogov.com*

**ACTION: Resolution 2012-249 (Lopez/Muratore; 7/0)** amending the Fiscal Year 2011-2012 Annual Operating Budget.

Consent

7. Consider approving final adoption of Ordinance No. 3569-C.S. approving the Fiscal Year 2012-2013 Proposed Operating Budget and Capital Improvement Program Budget for the City of Modesto. (Funding Source: Not Applicable)
  - Motion approving final adoption of Ordinance No. 3569-C.S. approving the FY 2012-2013 Proposed Operating Budget and Capital Improvement Program Budget for the City of Modesto recommended.

*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Muratore; 7/0)** approving final adoption of **Ordinance No. 3569-C.S.** approving the FY 2012-2013 Proposed Operating Budget and Capital Improvement Program Budget for the City of Modesto.

Consent

8. Consider accepting budget adjustment recommended at the adoption of the Fiscal Year 2012-2013 City of Modesto budget. (Funding Source: Various Funds)
  - Resolution amending the Fiscal Year 2012-2013 Annual Operating Budget recommended.

*Finance; Cynthia Gale, 571-5855, cgale@modestogov.com*

**ACTION: Resolution 2012-250 (Lopez/Muratore; 7/0)** amending the Fiscal Year 2012-2013 Annual Operating Budget.

Consent

9. Consider rejecting all bids for the Third Party Administration of General Liability Claims. (Funding Source: General Liability Fund)
  - Resolution rejecting all bids for the Third Party Administration of General Liability Claims recommended.

*City Manager; Mary Akin, 577-5251, makin@modestogov.com*

**ACTION: Resolution 2012-251 (Lopez/Muratore; 7/0)** rejecting all bids for the Third Party Administration of General Liability Claims.

Consent

10. Consider amending Municipal Code Section 3-2.1401.1 (Radar) to determine and designate speed limit changes, which designation shall become effective when appropriate signs are placed. (Funding Source: Traffic Operations (Gas Tax) - 1700)
- Motion introducing an Ordinance amending Sections 3-2.1401 and 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to speed limits recommended.

*Community & Economic Development; Jeffrey L. Barnes, 577-5468,  
jbarnes@modestogov.com*

**ACTION: Motion (Lopez/Muratore; 7/0)** approving **Ordinance No. 3570-C.S.** amending Sections 3-2.1401 and 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to speed limits.

Consent

11. Consider approving job sharing agreements between the City of Modesto and the Cities of Oakdale and Hughson through FY 2012-2013. (Funding Source: General Fund)
- Resolution approving a job sharing agreement with the City of Oakdale for the services of an Associate Planner on a part-time basis through Fiscal Year 2012-13; and authorizing the City Manager, or his designee, to execute the Agreement recommended.
  - Resolution approving a job sharing agreement with the City of Hughson for the services of a Senior Planner on an on-call basis through Fiscal Year 2012-13; and authorizing the City Manager, or his designee, to execute the Agreement recommended.

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

**ACTION: Resolution 2012-252 (Lopez/Muratore; 7/0)** approving a job sharing agreement with the City of Oakdale for the services of an Associate Planner on a part-time basis through Fiscal Year 2012-13; and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2012-253 (Lopez/Muratore; 7/0)** approving a job sharing agreement with the City of Hughson for the services of a Senior Planner on an on-call basis through Fiscal Year 2012-13; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

12. Consider approving the 2012-2013 Fiscal Year Appropriation Limit, including the price and population factors to be used in the calculation. (Funding Source: Not Applicable)
- Resolution establishing the calculation for the appropriation limit for the Fiscal

Year 2012-2013 annual budget recommended.

*Finance; Terri Swearingen, 577-5369, tswearingen@modestogov.com*

**ACTION: Resolution 2012-254 (Lopez/Muratore; 7/0)** establishing the calculation for the appropriation limit for the Fiscal Year 2012-2013 annual budget.

Consent

13. Consider accepting the Monthly Investment Report for April, 2012. (Funding Source: Not Applicable)

- Motion accepting the Monthly Investment Report for April, 2012 recommended.

*Finance; Deanna Espinoza, 577-5387, daespinoza@modestogov.com*

**ACTION: Motion (Lopez/Muratore; 7/0)** accepting the Monthly Investment Report for April, 2012.

Consent

14. Consider authorizing the award of bid for the purchase of Aircraft Rescue Fire Fighting (ARFF) Equipment, Tools and Clothing, through the Public Works Department, Modesto-City Airport Division, to L.N. Curtis & Sons, Oakland, CA, for an estimated total cost of \$58,676. (Funding Source: FAA Grant and Passenger Facility Charges)

- Resolution authorizing the award of bid for the purchase of Aircraft Rescue Fire Fighting (ARFF) Equipment, Tools and Clothing, through the Public Works Department, Modesto-City Airport Division, to L.N. Curtis & Sons, Oakland, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$58,676 recommended.

*Finance and Public Works; Megan M. Torres, 571-5839, mtorres@modestogov.com*

**ACTION: Resolution 2012-255 (Lopez/Muratore; 7/0)** authorizing the award of bid for the purchase of Aircraft Rescue Fire Fighting (ARFF) Equipment, Tools and Clothing, through the Public Works Department, Modesto-City Airport Division, to L.N. Curtis & Sons, Oakland, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$58,676 .

Consent

15. Consider authorizing the award of bid for the purchase of a truck with aerial bucket for the Parks, Recreation and Neighborhoods Department, Pruned Refuse Collection Division, through the Public Works Department, Fleet Services Division, to Terex Utilities Inc., Watertown, SD, for an estimated cost of \$175,778. (Funding Source: Fleet Replacement Funds)

- Resolution authorizing the award of bid for the purchase of a truck with aerial bucket for the Parks, Recreation and Neighborhoods Department, Pruned Refuse Collection Division, through the Public Works Department, Fleet Services Division, to Terex Utilities Inc., Watertown, SD, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$175,778 recommended.

*Finance and Public Works; Megan M. Torres, 571-5839, mtorres@modestogov.com*

**ACTION: Resolution 2012-256 (Lopez/Muratore; 7/0)** authorizing the award of bid for the purchase of a truck with aerial bucket for the Parks, Recreation and Neighborhoods Department, Pruned Refuse Collection Division, through the Public Works Department, Fleet Services Division, to Terex Utilities Inc., Watertown, SD, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$175,778.

Consent

16. Consider authorizing the award of bid for the purchase of a utility truck with crane for the Public Works Department, Wastewater Division, through the Fleet Services Division, to Towne Ford, Redwood City, CA, for an estimated cost of \$80,613.

(Funding Source: Fleet Replacement Funds)

- Resolution authorizing the award of bid for the purchase of a utility truck with crane for the Public Works Department, Wastewater Division, through the Fleet Services Division, to Towne Ford, Redwood City, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$80,613 recommended.

*Finance and Public Works; Megan M. Torres, 571-5839, mtorres@modestogov.com*

**ACTION: Resolution 2012-257 (Lopez/Muratore; 7/0)** authorizing the award of bid for the purchase of a utility truck with crane for the Public Works Department, Wastewater Division, through the Fleet Services Division, to Towne Ford, Redwood City, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$80,613.

Consent

17. Consider authorizing staff to add one limited term Fire Captain position to the Modesto Regional Fire Authority position allocation, effective January 31, 2012 to January 27, 2014. (Funding Source: Emergency Management Performance Grant- 6210)

- Motion directing staff to add one Limited Term Fire Captain position to the Modesto Regional Fire Authority, effective January 31, 2012 to January 27, 2014 recommended.

*Human Resources and Fire; Gary Hinshaw, 552-3723, ghinshaw@modestofire.com*

**ACTION: Motion (Lopez/Muratore; 7/0)** directing staff to add one Limited Term Fire Captain position to the Modesto Regional Fire Authority, effective January 31, 2012 to January 27, 2014.

Consent

18. Consider authorizing the Purchasing Manager to purchase Dell computer workstation replacements, technology hardware/software products and services through Dell Marketing L.P. for Fiscal Year 2011- 2012, by accessing the terms of the Western State Contract Alliance (WSCA) contract number B27160 in the amount not to exceed \$650,000; and amending the Fiscal Year 2011-2012 Information Technology Operating budget to appropriate \$300,000 from the Information Technology Fund. (Funding Source: Information Technology Fund)

- Resolution authorizing the Purchasing Manager to purchase Dell computer workstation replacements, technology hardware/software products and services through Dell Marketing L.P. for Fiscal Year 2011- 2012, by accessing the terms of the Western State Contract Alliance (WSCA) contract number B27160 in the amount not to exceed \$650,000 recommended.
- Resolution amending the Fiscal Year 2011-2012 Information Technology Operating budget to appropriate \$300,000 from the Information Technology Fund recommended.

*Information Technology; Bryan Sastokas, 577-5229, bsastokas@modestogov.com*

**ACTION: Resolution 2012-258 (Lopez/Muratore; 7/0)** authorizing the Purchasing Manager to purchase Dell computer workstation replacements, technology hardware/software products and services through Dell Marketing L.P. for Fiscal Year 2011- 2012, by accessing the terms of the Western State Contract Alliance (WSCA) contract number B27160 in the amount not to exceed \$650,000.

**ACTION: Resolution 2012-259 (Lopez/Muratore; 7/0)** amending the Fiscal Year 2011-2012 Information Technology Operating budget to appropriate \$300,000 from the Information Technology Fund.

#### Consent

19. Consider: (i) approving a two year extension to the cost sharing agreement between the City of Modesto and Stanislaus County for the management of the Education and Government Access Channels on AccessModesto approved on Resolution 2003-121; and (ii) approving an amendment to the budget for the mutually re-negotiated cost sharing agreement between the City of Modesto and Stanislaus County for the management of the Education and Government Access Channel on AccessModesto in the amount of \$284,720 in FY 13-14 to be equally shared in the amount of \$142,360 and approved in Resolution 2003-121. (Funding Source: Information Technology Fund)
- Resolution approving an Amendment to the Cost Sharing Agreement between the City of Modesto and County of Stanislaus for the operation of the Education and Government Programming on AccessModesto Community Television; and authorizing the City Manager, or his designee, to execute the Amendment to Agreement recommended.
  - Resolution approving an amendment to the budget to extend the term of the original Cost Sharing Agreement between the City of Modesto and the County of Stanislaus for the operation of the Education and Government Programming on AccessModesto Community Television to extend the Agreement for an additional two (2) years in the amount of \$284,720 in FY 2013-14 to be equally shared In the amount of \$142,360 recommended.

*Information Technology; Bryan Sastokas, 577-5229, bsastokas@modestogov.com*

**ACTION: Resolution 2012-260 (Lopez/Muratore; 7/0)** approving an Amendment to the Cost Sharing Agreement between the City of Modesto and County of Stanislaus for the operation of the Education and Government Programming on AccessModesto Community

Television; and authorizing the City Manager, or his designee, to execute the Amendment to Agreement.

**ACTION: Resolution 2012-261 (Lopez/Muratore; 7/0)** approving an amendment to the budget to extend the term of the original Cost Sharing Agreement between the City of Modesto and the County of Stanislaus for the operation of the Education and Government Programming on AccessModesto Community Television to extend the Agreement for an additional two (2) years in the amount of \$284,720 in FY 2013-14 to be equally shared in the amount of \$142,360.

Consent

20. Consider approving the freezing of the annual inflationary adjustment for Wastewater Capacity Charges and Water Connection Charges for Fiscal Year 2012-2013. (Funding Source: Wastewater and Water Funds)

- Resolution approving the freezing of the annual inflationary adjustment for the Wastewater Capacity Charge and the Water Connection Charge for Fiscal Year 2012/2013 recommended.

*Utility Planning and Projects; Richard Ulm, 577-5261, rulm@modestogov.com*

**ACTION: Resolution 2012-262 (Lopez/Muratore; 7/0)** approving the freezing of the annual inflationary adjustment for the Wastewater Capacity Charge and the Water Connection Charge for Fiscal Year 2012/2013.

### **COUNCIL COMMENTS & REPORTS**

Councilmember Burnside wished a Happy Birthday to Councilmember Geer.

Mayor Marsh announced the ribbon cutting at the new dog park in Modesto and opening of the Briggsmore Overpass on the Virginia Corridor over the weekend. He also spoke regarding his attendance at the US Conference of Mayors in Orlando, Florida.

## CITY MANAGER COMMENTS & REPORTS

None.

### UNFINISHED BUSINESS

21. Consider approving: (i) the Amended and Restated Service Agreement for the Supply and Acceptance of Solid Waste with Covanta Stanislaus, Inc., to be effective July 1, 2012, and authorize the City Manager to execute the new Service Agreement; (ii) the Amended and Restated Facility Site Lease Agreement, to be effective July 1, 2012; (iii) Amendment No.3 to the “Agreement between the City of Modesto and County of Stanislaus Relating to Administration of Service Agreement for Supply and Acceptance of Solid Waste” with Stanislaus County regarding the disposition of the Resource Recovery Account and other operating procedures upon commencement of the new Service Agreement, to be effective July 1, 2012, and authorize the Mayor to execute the Amendment; and (iv) an increase of \$32,000 in the contract with Sidley Austin LLP for legal services in developing the new Service Agreement and amended Facility Site Lease Agreement, for a revised not to exceed amount of \$142,000. (Funding Source: City/County Resource Recovery Account)

- Resolution approving the Amended and Restated Service Agreement for the Supply and Acceptance of Solid Waste with Covanta Stanislaus, Inc., and authorizing the City Manager to execute the new Service Agreement recommended.
- Resolution approving the Amended and Restated Facility Site Lease Agreement recommended.
- Resolution approving Amendment No.3 to the “Agreement between the City of Modesto and County of Stanislaus Relating to Administration of Service Agreement for Supply and Acceptance of Solid Waste” with Stanislaus County regarding the disposition of the Resource Recovery Account and other operating procedures upon commencement of the new Service Agreement and authorizing the Mayor to execute the Amendment recommended.
- Resolution approving an increase of \$32,000 in the contract with Sidley Austin LLP for legal services in developing the new Service Agreement and amended Facility Site Lease Agreement, for a revised not to exceed amount of \$142,000 recommended.

*Parks, Recreation and Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com*

**ACTION: Resolution 2012-263 (Lopez/Burnside; 7/0)** approving the Amended and Restated Service Agreement for the Supply and Acceptance of Solid Waste with Covanta Stanislaus, Inc., and authorizing the City Manager to execute the new Service Agreement.

**ACTION: Resolution 2012-264 (Lopez/Burnside; 7/0)** approving the Amended and Restated Facility Site Lease Agreement.

**ACTION: Resolution 2012-265 (Lopez/Burnside; 7/0)** approving Amendment No.3 to the

“Agreement between the City of Modesto and County of Stanislaus Relating to Administration of Service Agreement for Supply and Acceptance of Solid Waste” with Stanislaus County regarding the disposition of the Resource Recovery Account and other operating procedures upon commencement of the new Service Agreement and authorizing the Mayor to execute the Amendment.

**ACTION: Resolution 2012-266 (Lopez/Burnside; 7/0)** approving an increase of \$32,000 in the contract with Sidley Austin LLP for legal services in developing the new Service Agreement and amended Facility Site Lease Agreement, for a revised not to exceed amount of \$142,000.

## HEARINGS

*Published in the Modesto Bee on June 6, 2012*

22. Hearing to consider adjustments to the Maximum Rate Schedule for Solid Waste Collection Services. (Funding Source: Not Applicable)
- Resolution approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective July 1, 2012, including fuel cost; and rescinding Resolution No. 2011-446 recommended.
- Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com*

**ACTION: Resolution 2012-267 (Lopez/Muratore; 7/0)** approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective July 1, 2012, including fuel cost; and rescinding Resolution No. 2011-446.

## NEW BUSINESS

23. Consider approving an Internal Audit Report as of June 29, 2012 from Moss Adams LLP. (Funding Source: Not Applicable)
- Motion approving an Internal Status Report from Moss Adams LLP recommended.
- Auditor; Mark Steranka, (206) 302-6409, Mark.Steranka@mossadams.com*

**ACTION: Motion (Muratore/Burnside; 7/0)** approving an Internal Status Report from Moss Adams LLP.

24. Consider approving the annual inflationary adjustment of certain Development User Fees as identified in the Development User Fee Schedule pursuant to Resolution No. 2011-106. (Funding Source: General Fund Revenue)
- Resolution approving the annual inflationary adjustment of certain Development User Fees as identified in the Development User Fee Schedule pursuant to Resolution No. 2011-106 recommended.
- Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Resolution 2012-268 (Muratore/Gunderson; 7/0)** approving the annual inflationary adjustment of certain Development User Fees as identified in the Development User Fee Schedule pursuant to Resolution No. 2011-106.

25. Consider amending Section 8-3.203 of Article 2 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to Central Purchasing- Formal Bid Procedures. (Funding Source: Various Funds)

- Motion introducing an Ordinance amending Section 8-3.203 of Article 2 of Chapter 3 of Title 8 of the Modesto Municipal Code (MMC) relating to Central Purchasing- Formal Bid Procedures recommended.

*Finance; Mark Averell, 577-5412, maverell@modestogov.com*

**ACTION: Motion (Cogdill/Muratore; 5/2;Lopez, Gunderson no)** introducing **Ordinance No. 3571-C.S.** amending Section 8-3.203 of Article 2 of Chapter 3 of Title 8 of the Modesto Municipal Code (MMC) relating to Central Purchasing-Formal Bid Procedures.

26. Consider selecting Veolia Transportation Services, Inc. to operate the Modesto Area Express (MAX) bus service for approximately five years at an annual cost of approximately \$6,932,000, and authorizing staff to negotiate a final agreement with Veolia for later consideration by the City Council. (Funding Source: Transit Revenue Funds)

- Resolution authorizing the Department of Public Works to negotiate an agreement with Veolia Transportation Services, Inc. to operate the Modesto Area Express transit service commencing on September 29, 2012, and terminating on June 30, 2017, and submit the final agreement to the City Council for consideration recommended.

*Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com*

**ACTION: Resolution 2012-269 (Muratore/Burnside; 7/0)** authorizing the Department of Public Works to negotiate an agreement with Veolia Transportation Services, Inc. to operate the Modesto Area Express transit service commencing on September 29, 2012, and terminating on June 30, 2017, and submit the final agreement to the City Council for consideration.

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

None.

#### **ADJOURNMENT**

This meeting was adjourned at 7:36 p.m.

#### **CLOSED SESSION**

*All Closed Session Matters Heard Prior to Meeting*

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

1. Property: Acquisition of fee interest of real property for  
Sylvan & Litt Intersection Improvements Project located at:  
3949 Sylvan Avenue  
APN: 084-003-002 (fee acquisition-partial take) – 10,249 SF fee  
and 3,031 SF for a utility easement  
Negotiating Parties: Jon Yuriar, City of Modesto  
Property Owner: Joseph R. Souza and Zelma P. Souza, Trustees of the  
Joseph R. Souza and Zelma P. Souza Trust  
Under Negotiation: Price and terms of purchase/sale of property.
  
2. Property: Acquisition of fee interest of real property for  
Del Rio Replacement Well Project located at:  
NW corner of McHenry Avenue & Stewart Road  
APN: 004-102-003 (fee acquisition-partial take) – 22,607 SF fee  
Negotiating Parties: Jon Yuriar, City of Modesto  
Property Owner: Setliff Bros. and the Killian Family Trust  
Under Negotiation: Price and terms of purchase/sale of property.

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto City Employees Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Confidential & Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Officers' Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Non Sworn Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong

Employee Organization: Modesto Police Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong

Employee Organization: Modesto City Firefighters Association

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

Agency Negotiators: Greg Nyhoff, City Manager

Employee Organization: Unrepresented Management and Confidential Employee

# MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday July 03, 2012, at 5:30 p.m.**

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,  
Mayor Marsh  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Chuck Adams, Carpenter’s House Church

City Clerk’s Announcements - Item 5: Removed from Consent

Declaration of Conflicts of Interest - None

Reports from Closed Session - City Attorney Wood reported on Closed Session matters

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by the Modesto Police Department regarding the Peace Officer Memorial Run. (Funding Source: Not Applicable)  
*Police; Michael Harden, 342-6122, mharden@modestogov.com*

**ACTION:** Presentation was made by Lt. Andy Schlenker, Modesto Police Department, regarding the Peace Officer Memorial Run.

## PUBLIC COMMENT PERIOD

- Ronald Jesky spoke regarding the possible sale of water by Modesto Irrigation District to San Francisco.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 9**  
**ACTION CONSENT ITEMS 2-4, 6-9: Lopez/Cogdill;unan.)**  
**ACTION CONSENT ITEM 5: (Cogdill/Burnside; majority; Lopez no)**

## CONSENT ITEMS

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

Councilmember.

Consent

2. Consider approving the minutes from the June 26, 2012 City Council meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the June 26, 2012 City Council meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Cogdill; 7/0)** approving the minutes from the June 26, 2012 City Council meeting.

Consent

3. Consider appointing a voting delegate for the 2012 League of California Cities Annual Conference to be held in San Diego, CA on September 5-7, 2012. (Funding Source: Not Applicable)
  - Motion appointing Mayor Garrad Marsh as a voting delegate and Stephanie Burnside as alternate for the 2012 League of California Cities Annual Conference to be held in San Diego, CA on September 5-7, 2012 recommended.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Cogdill; 7/0)** appointing Mayor Garrad Marsh as a voting delegate and Stephanie Burnside as alternate for the 2012 League of California Cities Annual Conference to be held in San Diego, CA on September 5-7, 2012.

Consent

4. Consider approving final adoption of Ordinance No. 3570-C.S. amending Sections 3-2.1401 and 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to speed limits. (Funding Source: Not Applicable)
  - Motion approving final adoption of Ordinance No. 3570-C.S. amending Sections 3-2.1401 and 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to speed limits recommended.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Cogdill; 7/0)** approving final adoption of **Ordinance No. 3570-C.S.** amending Sections 3-2.1401 and 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to speed limits.

*Removed from Consent*

5. Consider approving final adoption of Ordinance No. 3571-C.S. amending Section 8-3.203 of Article 2 of Chapter 3 of Title 8 of the Modesto Municipal Code (MMC) relating to Central Purchasing-Formal Bid Procedures. (Funding Source: Not Applicable)
  - Motion approving final adoption of Ordinance No. 3571-C.S. amending Section 8-3.203 of Article 2 of Chapter 3 of Title 8 of the Modesto Municipal Code (MMC) relating to Central Purchasing-Formal Bid Procedures recommended.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Cogdill/Burnside; 6/1; Lopez no)** approving final adoption of **Ordinance No. 3571-C.S.** amending Section 8-3.203 of Article 2 of Chapter 3 of Title 8 of the Modesto Municipal Code (MMC) relating to Central Purchasing-Formal Bid Procedures.

Consent

6. Consider approving the Final Map of Cornerstone Plaza for Condominium Purposes at 2000 Briggsmore Avenue in the City of Modesto. (Funding Source: Not Applicable)

- Resolution approving the Final Map of Cornerstone Plaza for Condominium Purposes at 2000 Briggsmore Avenue in the City of Modesto, and authorizing the City Clerk to sign the final map and record it with the County Clerk Recorder's Office recommended.

*Community & Economic Development; Dan England, 571-5589, dengland@modestogov.com*

**ACTION: Resolution 2012-270 (Lopez/Cogdill; 7/0)** approving the Final Map of Cornerstone Plaza for Condominium Purposes at 2000 Briggsmore Avenue in the City of Modesto, and authorizing the City Clerk to sign the final map and record it with the County Clerk Recorder's Office.

Consent

7. Consider amending the Classification Plan and Class Range Table for General Non-Sworn Classes to add Water Meter Technician to salary range 124. (Funding Source: Water Fund)

- Resolution amending the Position Classification Plan for the City of Modesto to create the classification of Water Meter Technician recommended.
- Resolution amending Exhibit "A" of Resolution No. 2008-585 to revise the Class Range Table for General Non-Sworn Classes to add the salary range for Water Meter Technician to salary range 124 recommended.

*Human Resources; Kimberly Murdaugh, 577-5409, kmurdaugh@modestogov.com*

**ACTION: Resolution 2012-271 (Lopez/Cogdill; 7/0)** amending the Position Classification Plan for the City of Modesto to create the classification of Water Meter Technician.

**ACTION: Resolution 2012-272 (Lopez/Cogdill; 7/0)** amending Exhibit "A" of Resolution No. 2008-585 to revise the Class Range Table for General Non-Sworn Classes to add the salary range for Water Meter Technician to salary range 124.

Consent

8. Consider: (i) accepting the 2012 Alcoholic Beverage Control Grant Project in the amount of \$100,000 from the State Department of Alcoholic Beverage Control; and (ii) amending the Fiscal Year 2012/13 Operating Budget, estimating revenue of \$100,000 for the 2012 Alcoholic Beverage Control Grant Project. (Funding Source: ABC Grant)

- Resolution accepting the 2012 Alcoholic Beverage Control Grant Project in the amount of \$100,000 from the State Department of Alcoholic Beverage Control to combat alcohol related crimes; and authorizing the City Manager, or his authorized

designee, to execute the necessary grant documents recommended.

- Resolution amending the Fiscal Year 2012/2013 Operating Budget, to reflect revenues and expenses in the amount of \$100,000 related to the 2012 Alcoholic Beverage Control Grant Project recommended.

*Police; Andy Schlenker, 342-6179, schlenkera@modestopd.com*

**ACTION: Resolution 2012-273 (Lopez/Cogdill; 7/0)** accepting the 2012 Alcoholic Beverage Control Grant Project in the amount of \$100,000 from the State Department of Alcoholic Beverage Control to combat alcohol related crimes; and authorizing the City Manager, or his authorized designee, to execute the necessary grant documents.

**ACTION: Resolution 2012-274 (Lopez/Cogdill; 7/0)** amending the Fiscal Year 2012/2013 Operating Budget, to reflect revenues and expenses in the amount of \$100,000 related to the 2012 Alcoholic Beverage Control Grant Project.

#### Consent

9. Consider: (i) accepting the Governor's California Emergency Management Agency (Cal-EMA) Anti-Drug Abuse Enforcement Program Grant of \$310,874 for the Stanislaus Drug Enforcement Agency (SDEA) to combat major drug trafficking; and (ii) amending the affected SDEA Fiscal Year 2011/2012 Multi-Year and Operating Budgets to appropriate revenues and expenditures. (Funding Source: Grant Revenue)
- Resolution accepting the Anti-Drug Abuse (ADA) Enforcement Program Grant from the California Emergency Management Agency (Cal-EMA), in the amount of \$310,874, for the Stanislaus Drug Enforcement Agency (SDEA), to combat major drug trafficking; and authorizing the City Manager, or his designee, to execute the necessary program documents recommended.
  - Resolution amending the affected SDEA Fiscal Year 2011/2012 Multi-Year and Operating Budgets to appropriate revenues and expenditures of \$310,874 from the California Emergency Management Agency (Cal EMA) for the Stanislaus Drug Enforcement Agency to combat major drug trafficking and manufacturing; and authorizing the Finance Department to further execute all resulting budget adjustments to realign expenses with revenues recommended.

*Police; Clint Raymer, 558-6300, raymerc@modestopd.com*

**ACTION: Resolution 2012-275 (Lopez/Cogdill; 7/0)** accepting the Anti-Drug Abuse (ADA) Enforcement Program Grant from the California Emergency Management Agency (Cal-EMA), in the amount of \$310,874, for the Stanislaus Drug Enforcement Agency (SDEA), to combat major drug trafficking; and authorizing the City Manager, or his designee, to execute the necessary program documents.

**ACTION: Resolution 2012-276 (Lopez/Cogdill; 7/0)** amending the affected SDEA Fiscal Year 2011/2012 Multi-Year and Operating Budgets to appropriate revenues and expenditures of \$310,874 from the California Emergency Management Agency (Cal EMA) for the Stanislaus Drug Enforcement Agency to combat major drug trafficking and manufacturing; and authorizing the Finance Department to further execute all resulting budget adjustments to realign expenses with revenues.

**COUNCIL COMMENTS & REPORTS**

None.

**CITY MANAGER COMMENTS & REPORTS**

None.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting was adjourned at 5:43 p.m.

**CLOSED SESSION**

*All Closed Session Matters Heard Prior to Meeting*

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto City Employees Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Confidential & Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Officers’ Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Non Sworn Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong

Employee Organization: Modesto City Firefighters Association

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

Agency Negotiators: Greg Nyhoff, City Manager

Employee Organization: Unrepresented Management and Confidential Employee

# MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday July 10, 2012, at 5:30 p.m.**

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,  
Mayor Marsh  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Wade Estes, CrossPoint Community Church

City Clerk's Announcements: None

Declaration of Conflicts of Interest: Cogdill – Items 6 and 13

Reports from Closed Session: City Attorney Wood reported on Closed Session matters;  
Closed Session to reconvene after Council meeting.

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by the Modesto Chamber of Commerce to new and growing businesses in Modesto. (Funding Source: Not Applicable)  
*Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION:** Cecil Russell, President of the Modesto Chamber of Commerce, acknowledged Johnson & Associates CPA, Inc., Nut Software, LLC, Nationwide Brokerage, and Kid Time Fitness Company.

2. Presentation of recognition to Smart Valley Places Community Leadership Institute. (Funding Source: Not Applicable)  
*Community & Economic Development; Brad Wall, 577-5273, bwall@modestogov.com*

**ACTION:** Presentation of recognition to Smart Valley Places Community Leadership Institute.

3. Presentation of Proclamation declaring August 7, 2012 as “National Night Out.” (Funding Source: Not Applicable)  
*Police; Michael Harden, 342-6122, mharden@modestogov.com*

**ACTION:** Mayor Marsh presented a Proclamation to Chief Michael Harden, Modesto Police Department, declaring August 7, 2012 as “National Night Out.”

### **PUBLIC COMMENT PERIOD**

- Reed Smith, Dave Pratt, Linda Hodges, Jennifer Machado, Emerson Drake, and Joan Ruttschow, (Stanislaus Taxpayers Association) spoke regarding the possible sale of water by Modesto Irrigation District to San Francisco.
- Carmen Sabatino requested a special City Council meeting be held before the July 24, 2012 Modesto Irrigation District meeting.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through 12**  
**ACTION CONSENT ITEMS 4-5, 7-12: (Lopez/Muratore;unan.)**  
**ACTION CONSENT ITEM 6: (Lopez/Muratore; unan.; Cogdill absent due to conflict of interest**

### **CONSENT ITEMS**

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

Consent

4. Consider approving the minutes from the July 3, 2012 City Council meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the July 3, 2012 City Council meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Muratore; 7/0)** approving the minutes from the July 3, 2012 City Council meeting.

Consent

5. Consider approving the Agreement for Maintenance of Pelandale Avenue in the City of Modesto between the City of Modesto and the California Department of Transportation (Caltrans) for maintenance of improvements within State Highway Right of Way on Route 99 (Pelandale Avenue) within the City of Modesto and authorizing the City Manager, or designee, to execute the Agreement. (Funding Source: Not Applicable)
  - Resolution approving the Agreement between the City of Modesto and the California Department of Transportation (Caltrans) for maintenance of improvements within State Highway Right of Way on Route 99 (Pelandale Avenue) within the City of Modesto for the State Route 99 and Pelandale Avenue Interchange Reconstruction project and authorizing the City Manager, or designee, to execute the Agreement recommended.  
*Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com*

**ACTION: Resolution 2012-277 (Lopez/Muratore; 7/0)** approving the Agreement between the City of Modesto and the California Department of Transportation (Caltrans) for maintenance of improvements within State Highway Right of Way on Route 99 (Pelandale Avenue) within the City of Modesto for the State Route 99 and Pelandale Avenue Interchange Reconstruction project and authorizing the City Manager, or designee, to execute the Agreement.

Consent – *Councilmember Cogdill absent due to conflict of interest*

6. Consider approving a Purchase and Sale Agreement to acquire real property for the Sylvan and Litt Improvement Project with Joseph R. Souza and Zelma P. Souza in the amount of \$99,000 and the transfer and conveyance documents. (Total estimated costs for land expenditures for the project are \$350,000.) (Funding Source: Village One #2 CFD Tax)

- Resolution approving a Purchase and Sale Agreement with Joseph R. Souza and Zelma P. Souza, Trustees of the Joseph R. Souza and Zelma P. Souza Trust, for acquisition of 10,249 square feet fee acquisition and 3,031 square feet grant of easement of a parcel located at 3949 Sylvan Avenue (APN 084-003-002), in the amount of \$99,000, for the Sylvan and Litt Improvement Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow recommended.
- Resolution authorizing the City Manager, or his designee, to sign a Certificate of Acceptance for the Grant Deed for the acquisition of property interests located at 3949 Sylvan Avenue, owned by Joseph R. Souza and Zelma P. Souza, Trustees of the Joseph R. Souza and Zelma P. Souza Trust, (APN 084-003-002) to be purchased by the City of Modesto for the Sylvan and Litt Improvement Project recommended.

*Community & Economic Development; Vickey Dion, 571-5542,  
vdion@modestogov.com*

**ACTION: Resolution 2012-278 (Lopez/Muratore; 6/0; Cogdill absent due to conflict of interest)** approving a Purchase and Sale Agreement with Joseph R. Souza and Zelma P. Souza, Trustees of the Joseph R. Souza and Zelma P. Souza Trust, for acquisition of 10,249 square feet fee acquisition and 3,031 square feet grant of easement of a parcel located at 3949 Sylvan Avenue (APN 084-003-002), in the amount of \$99,000, for the Sylvan and Litt Improvement Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.

**ACTION: Resolution 2012-279 (Lopez/Muratore; 6/0; Cogdill absent due to conflict of interest)** authorizing the City Manager, or his designee, to sign a Certificate of Acceptance for the Grant Deed for the acquisition of property interests located at 3949 Sylvan Avenue, owned by Joseph R. Souza and Zelma P. Souza, Trustees of the Joseph R. Souza and Zelma P. Souza Trust, (APN 084-003-002) to be purchased by the City of Modesto for the Sylvan and Litt Improvement Project.

Consent

7. Consider approving a water Will Serve Letter and an Outside Service Agreement for water connection as introduced in Section 11-1.05 of Chapter 1 of Title 11 of the Modesto Municipal Code relating to water main connection charges and City Council Policy 5.001 regarding extension of water service into unincorporated areas. (Funding Source: Not applicable)

- Resolution approving a Will Serve Letter for the property located at 12000 Yosemite Boulevard in Waterford, APN: 080-045-054 to City of Modesto's existing water system, and authorize the City Manager to sign the Will Serve letter recommended.
- Resolution approving an Outside Service Agreement between the City of Modesto and DG Strategic II, LLC for water service for the property located at 12000 Yosemite Boulevard in Waterford, APN: 080-045-054 and authorizing the City Manager, or his designee, to execute the Agreement recommended.

*Community & Economic Development; Bill Sandhu, 571-5356,  
bsandhu@modestogov.com*

**ACTION: Resolution 2012-280 (Lopez/Muratore; 7/0)** approving a Will Serve Letter for the property located at 12000 Yosemite Boulevard in Waterford, APN: 080-045-054 to City of Modesto's existing water system, and authorize the City Manager to sign the Will Serve letter.

**ACTION: Resolution 2012-281 (Lopez/Muratore; 7/0)** approving an Outside Service Agreement between the City of Modesto and DG Strategic II, LLC for water service for the property located at 12000 Yosemite Boulevard in Waterford, APN: 080-045-054 and authorizing the City Manager, or his designee, to execute the Agreement.

#### Consent

8. Consider authorizing the award of proposal for the furnishing of transit tickets for the Department of Public Works, Transit Division, to Dillingham Ticket Co., Baldwin Park, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$17,211, and over five (5) years of \$86,055. (Funding Source: Local Transportation Funds)

- Resolution authorizing the award of proposal for the furnishing of transit tickets for the Department of Public Works, Transit Division, to Dillingham Ticket Co., Baldwin Park, CA, for a two (2) year agreement with three (3) one-year extension option at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$17,211, and over five (5) years of \$86,055 recommended.

*Finance and Public Works; Ken Masasso, 577-5420, kmasasso@modestogov.com*

**ACTION: Resolution 2012-282 (Lopez/Muratore; 7/0)** authorizing the award of proposal for the furnishing of transit tickets for the Department of Public Works, Transit Division, to Dillingham Ticket Co., Baldwin Park, CA, for a two (2) year agreement with three (3) one-year extension option at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$17,211, and over five (5) years of \$86,055.

Consent

9. Consider approving amendment to the By-Laws of the Tuolumne River Regional Park Citizen's Advisory Committee to extend term from current 2 year terms to 4 year terms. (Funding Source: Not Applicable)
- Resolution amending the By-Laws of the Tuolumne River Regional Park Citizen's Advisory Committee terms to four-year terms recommended.  
*Parks, Recreation & Neighborhoods; Loren Holt, 571-5573, lholt@modestogov.com*

**ACTION: Resolution 2012-283 (Lopez/Muratore; 7/0)** amending the By-Laws of the Tuolumne River Regional Park Citizen's Advisory Committee terms to four-year terms.

Consent

10. Consider authorizing the City Manager to vote on behalf of the City of Modesto in a Proposition 218 vote to establish levee maintenance assessment for the operation of Reclamation District No. 2091. (Funding Source: Not Applicable)
- Resolution authorizing the City Manager to vote on behalf of the City of Modesto in a Proposition 218 vote to establish levee maintenance assessment for the operation of Reclamation District No. 2091 recommended.  
*Public Works; Gary DeJesus, 577-6200, gdejesus@modestogov.com*

**ACTION: Resolution 2012-284 (Lopez/Muratore; 7/0)** authorizing the City Manager to vote on behalf of the City of Modesto in a Proposition 218 vote to establish levee maintenance assessment for the operation of Reclamation District No. 2091.

Consent

11. Consider accepting the work by Rolfe Construction for the Strengthen and Replace Water System – South Modesto Phase 1 Project as complete. (Total construction cost is \$1,360,057.18, with a total project cost of \$1,556,213.18.) (Funding Source: Water Fund-CIP)
- Resolution accepting the work by Rolfe Construction, for Strengthen and Replace Water System – South Modesto Phase 1 Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$1,360,057.18 recommended.  
*Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION: Resolution 2012-285 (Lopez/Muratore; 7/0)** accepting the work by Rolfe Construction, for Strengthen and Replace Water System – South Modesto Phase 1 Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$1,360,057.18.

Consent

12. Consider accepting the work by Delta Painting and Coating, Inc.; dba: TruTech Roofing for the ARRA Roof and Solar Improvements at Modesto Centre Plaza and Police Training Facility Project as complete. (Total construction cost is \$387,111.07,

with a total project cost of \$476,827.07.) (Funding Source: ARRA EECBG)

- Resolution accepting the work by Delta Painting and Coating, Inc.; dba: TruTech Roofing, for ARRA Roof and Solar Improvements at Modesto Centre Plaza and Police Training Facility Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$387,111.07 recommended.

*Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION: Resolution 2012-286 (Lopez/Muratore; 7/0)** accepting the work by Delta Painting and Coating, Inc.; dba: TruTech Roofing, for ARRA Roof and Solar Improvements at Modesto Centre Plaza and Police Training Facility Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$387,111.07.

### **COUNCIL COMMENTS & REPORTS**

None.

### **CITY MANAGER COMMENTS & REPORTS**

City Manager Greg Nyhoff, Mayor Marsh and Councilmembers recognized retiring Police Chief Michael Harden. Police Chief Harden thanked the Modesto Police Department, City staff, and the citizens of Modesto. City Manager Greg Nyhoff announced Captain Gene Balentine will be the Acting Police Chief.

### **UNFINISHED BUSINESS**

*Councilmember Cogdill absent due to conflict of interest*

13. Consider approving the plans and specifications for the Sylvan and Litt Improvement Project, accepting the bid, and approving a contract with DSS Company dba Knife River Construction of Stockton, California in the amount of \$4,854,281.31. (Total estimated cost of the project is \$6,821,040.) (Funding Source: Village One #2 CFD Tax, Sewer Fund-CIP, Water Fund-CIP)
  - Resolution approving the plans and specifications for the Sylvan and Litt Improvement Project, accepting the bid, and approving a contract with DSS Company dba Knife River Construction California in the amount of \$4,854,281.31 and authorizing the City Manager, or his designee, to execute the contract recommended.

*Community & Economic Development and Utility Planning and Projects; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION: Resolution 2012-287 (Burnside/Lopez; 6/0; Cogdill absent due to conflict of interest)** approving the plans and specifications for the Sylvan and Litt Improvement Project, accepting the bid, and approving a contract with DSS Company dba Knife River Construction California in the amount of \$4,854,281.31 and authorizing the City Manager, or his designee,

to execute the contract.

14. Consider authorizing award of the managed competition proposal for the management, maintenance and operations of the Modesto Centre Plaza to Modesto Hospitality Lessee, LLC for a three year agreement with two (2) one-year extension options for an estimated annual cost of \$133,000 plus incentive fees, and directing staff to negotiate a management agreement with Modesto Hospitality Lessee, LLC for the management, maintenance and operations of the Modesto Centre Plaza. (Funding Source: Community Center Operations)

- Resolution authorizing award of the managed competition proposal for the management, maintenance and operations of the Modesto Centre Plaza (MCP) to Modesto Hospitality Lessee, LLC (Double Tree) for a three (3) year agreement with two (2) one-year extension options for an estimated annual cost of \$133,000 plus incentive fees, and directing staff to negotiate a management agreement with Modesto Hospitality Lessee, LLC (Double Tree) for the management, maintenance and operations of the Modesto Centre Plaza recommended.

*Finance; Mark L. Averell, 577-5412, maverell@modestogov.com*

**ACTION: Resolution 2012-288 (Cogdill/Geer; 6/1; Lopez no)** authorizing award of the managed competition proposal for the management, maintenance and operations of the Modesto Centre Plaza (MCP) to Modesto Hospitality Lessee, LLC (Double Tree) for a three (3) year agreement with two (2) one-year extension options for an estimated annual cost of \$133,000 plus incentive fees, and directing staff to negotiate a management agreement with Modesto Hospitality Lessee, LLC (Double Tree) for the management, maintenance and operations of the Modesto Centre Plaza.

**ACTION: Motion (Cogdill/Geer; 6/1; Lopez no) authorizing award with the condition to revise concession contract with Double Tree as part of negotiations.**

*Recess at 8:15 p.m.*

*Reconvened at 8:30 p.m.*

15. Consider: (i) approving a Resolution of Intention to amend the contract between City of Modesto and the California Public Employees' Retirement System (CalPERS) to provide 3% @ 55 Full Formula, Three-Year Final Compensation to local police safety members entering employment with the City of Modesto for the first time in the police classification after the effective date of this amendment to contract; and (ii) introducing an Ordinance to amend the contract between the City of Modesto and CalPERS to provide 3% @ 55 Full Formula, Three-Year Final Compensation to local police safety members entering membership for the first time. (Funding Source: Various Funds)
  - Resolution of Intention approving an amendment to the contract between the Board of Administration California Public Employees' Retirement System and the City Council of the City of Modesto recommended.
  - Motion introducing an Ordinance authorizing an amendment to the contract between the City of Modesto and the Board of Administration of the California

Public Employees' Retirement System to provide 3% @ 55 Full Formula, Three-Year Final Compensation to local police safety members entering membership for the first time recommended.

*Human Resources; Rosemary Harless, 577-5403, rharless@modestogov.com*

**ACTION: Resolution 2012-289 (Lopez/Gunderson; 7/0)** approving Resolution of Intention approving an amendment to the contract between the Board of Administration California Public Employees' Retirement System and the City Council of the City of Modesto

**ACTION: Motion (Lopez/Gunderson; 7/0)** introducing **Ordinance No. 3572-C.S.** authorizing an amendment to the contract between the City of Modesto and the Board of Administration of the California Public Employees' Retirement System to provide 3% @ 55 Full Formula, Three-Year Final Compensation to local police safety members entering membership for the first time.

16. Consider approving a severance package which includes severance pay, health benefits, employee assistance program and interview leave for employees subject to layoff due to an authorized reduction in force. (Funding Source: Employee Benefits Fund)
  - Resolution approving a severance package which includes severance pay, health benefits, employee assistance program and interview leave for employees subject to layoff due to an authorized reduction in force recommended.

*Human Resources; Joseph Lopez, 571-5126, joelopez@modestogov.com*

**ACTION: Resolution 2012-290 (Gunderson/Lopez; 7/0)** approving a severance package which includes severance pay, health benefits, employee assistance program and interview leave for employees subject to layoff due to an authorized reduction in force.

17. Consider: (i) approving a proposed agreement including language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and Modesto Confidential and Management Association (MCMA) for a term of June 19, 2012 to September 23, 2013; (ii) authorizing the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreements; and (iii) amending a labor policy for paying and reporting the value of Employer Paid Member Contributions to the California Public Employee's Retirement System (CALPERS) on behalf of employees represented by the Modesto Confidential and Management Association (MCMA). (Funding Source: General Fund and Other Funds)
  - Resolution approving a proposed agreement including language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and Modesto Confidential and Management Association (MCMA) for a term of June 19, 2012 to September 23, 2013; authorize the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreements recommended.
  - Resolution amending a labor policy for paying and reporting the value of Employer Paid Member Contributions to the California Public Employee's Retirement System (CALPERS) on behalf of employees represented by the Modesto Confidential and Management Association (MCMA) recommended.

*Human Resources; Joseph Lopez, 571-5126, joelopez@modestogov.com*

**ACTION: Resolution 2012-291 (Lopez/Burnside; 7/0)** approving a proposed agreement including language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and Modesto Confidential and Management Association (MCMA) for a term of June 19, 2012 to September 23, 2013; authorize the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreements.

**ACTION: Resolution 2012-292 (Lopez/Burnside; 7/0)** amending a labor policy for paying and reporting the value of Employer Paid Member Contributions to the California Public Employee's Retirement System (CALPERS) on behalf of employees represented by the Modesto Confidential and Management Association (MCMA).

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

None.

### **ADJOURNMENT**

This meeting adjourned at 8:51 p.m and adjourned to Closed Session.

### **CLOSED SESSION**

*All Closed Session Matters Heard Prior to and After Council Meeting*

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code. One potential case.

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

Name of case: Stanislaus Food Products v. City of Modesto, et al.

Stanislaus County Superior Court No. 670384

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto City Employees Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Confidential & Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Officers' Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Non Sworn Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto City Firefighters Association

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

Agency Negotiators: Greg Nyhoff, City Manager  
Employee Organization: Unrepresented Management and Confidential Employee

**MINUTES**  
City of Modesto  
**SPECIAL AUDIT COMMITTEE / COUNCIL**  
**WORKSHOP**

Second Floor, Room 2005  
Tenth Street Place, 1010 10th Street  
Modesto, California  
Tuesday July 31, 2012, at 10:00 a.m.

Roll Call Present: Mayor Marsh, Councilmembers Muratore and Geer  
Absent: None

**PUBLIC COMMENTS**

None

**UNFINISHED BUSINESS**

1. Consider accepting: (i) Internal Audit Status Report; (ii) Modesto Regional Fire Authority Purchasing Review Final Report; (iii) Modesto Regional Fire Authority Overtime Final Report; and (iv) W-2 Project-Scope, Work Plan and Budget from Moss Adams LLP as of July 25, 2012 by Moss Adams LLP and forwarding to Council for approval. (Funding Source: Not Applicable)  
*City Manager; Greg Nyhoff, 577-5404, gnyhoff@modestogov.com*

**ACTION:** **Motion (Muratore/Geer; unan.)** accepting: (i) Internal Audit Status Report; (ii) Modesto Regional Fire Authority Purchasing Review Final Report; (iii) Modesto Regional Fire Authority Overtime Final Report; (iv) W-2 Project-Scope, Work Plan and Budget from Moss Adams LLP as of July 25, 2012 by Moss Adams LLP and forwarding to Council for approval.

**COMMITTEE MEMBERS COMMENTS & REPORTS**

None

**MATTERS TOO LATE FOR THE AGENDA**

None

**ADJOURNMENT**

This meeting adjourned at 10:57 a.m.

## MINUTES

City of Modesto  
**SAFETY & COMMUNITIES COMMITTEE / COUNCIL  
WORKSHOP**

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

Monday, August 6, 2012, at 5:30 p.m.

Roll Call Present: Councilmembers Lopez, Gunderson, Burnside (alternate)  
Absent: Geer

### PUBLIC COMMENTS

None.

### UNFINISHED BUSINESS

1. Consider accepting an update on the Downtown Murals Project. (Funding Source: Not Applicable)  
*City Council; John Gunderson, 571-5597, jgunderson@modestogov.com*

**ACTION:** Motion (Burnside/Gunderson;unan.) accepting an update on the Downtown Murals Project.

### MATTERS TOO LATE FOR THE AGENDA

None.

**ADJOURNMENT**

This meeting adjourned at 6:50 p.m.

## MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Wednesday August 08, 2012, at 5:30 p.m.**

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,  
Mayor Marsh

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rick Fritzemeier, Youth for Christ

City Clerk's Announcements – Item 17 – Removed from Consent

Item 23 - Public Hearing to be heard first by Mayor Marsh for  
counting of mail ballots

Declaration of Conflicts of Interest - Lopez – Item 17

Cogdill – Items 17 and 18

Muratore - Item 20

Reports from Closed Session - City Attorney Wood reported on Closed Session matters

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to CareMore Health Plan declaring Spirit of 45 Day on August 12, 2012. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com*

**ACTION:** Mayor Marsh presented a Proclamation to CareMore Health Plan declaring Spirit of 45 Day on August 12, 2012.

### PUBLIC COMMENT PERIOD

- Oralía Ornellas announced August 17, 2012 to Hot August Nights at 1900 Coffee Road.
- Frank Johnson, NAACP, spoke regarding parking problems on 13th Street between G and F Streets. Mayor Marsh referred Mr. Johnson to Brent Sinclair, CED Director.
- Mack Wilson spoke regarding equality and justice in the City of Modesto.
- Ray Pefferini spoke regarding trees in the City of Modesto.

- Joan Rutschow, Stanislaus Taxpayers Association, and Reid Johnson spoke regarding proposed water sale to San Francisco by the Modesto Irrigation District.
- Ronald Jesky spoke regarding the importance of water, a new grocery store for Naraghi Lake area, and traffic on Floyd/Coffee and on Oakdale.
- Emerson Drake spoke regarding the possible Salida annexation.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 19**  
**ACTION CONSENT ITEMS 2-16; 19: (Lopez/Burnside;unan.)**  
**CONSENT ITEM 17: (Burnside/Geer;unan.; Cogdill, Lopez absent due to conflict of interest)**  
**CONSENT ITEM 18: (Lopez/Burnside;unan.; Cogdill absent due to conflict of interest)**

### CONSENT ITEMS

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

Consent

2. Consider approving the minutes from the July 10, 2012 City Council meeting.  
(Funding Source: Not Applicable)
  - Motion approving the minutes from the July 10, 2012 City Council meeting.  
*City Clerk; Stephanie Lopez, 577-5396, [slopez@modestogov.com](mailto:slopez@modestogov.com)*

**ACTION: Motion (Lopez/Burnside; 7/0)** approving the minutes from the July 10, 2012 City Council meeting.

Consent

3. Consider approving final adoption of **Ordinance No. 3572-C.S.** authorizing an amendment to the contract between the City of Modesto and the Board of Administration of the California Public Employees' Retirement System to provide 3% @ 55 Full Formula, Three-Year Final Compensation to local police safety members entering membership for the first time. (Funding Source: Not Applicable)
  - Motion approving final adoption of **Ordinance No. 3572-C.S** authorizing an amendment to the contract between the City of Modesto and the Board of Administration of the California Public Employees' Retirement System to provide 3% @ 55 Full Formula, Three-Year Final Compensation to local police safety members entering membership for the first time recommended.  
*City Clerk; Stephanie Lopez, 577-5396, [slopez@modestogov.com](mailto:slopez@modestogov.com)*

**ACTION: Motion (Lopez/Burnside; 7/0)** approving final adoption of **Ordinance No. 3572-C.S.** authorizing an amendment to the contract between the City of Modesto and the Board of Administration of the California Public Employees' Retirement System to provide 3% @ 55 Full Formula, Three-Year Final Compensation to local police safety members entering membership for the first time.

Consent

4. Consider (i) approving an Agreement for Purchase of Real Property interest of a Temporary Construction Easement with Mohammed S. Hussain and Khairul N. Hussain, in the amount of \$3,200.00, for the project. (Total estimated costs for land expenditures for the project are \$3,200.00.) (Funding Source: CIP, Pelandale Interchange Project #100046)
- Resolution approving an Agreement For Purchase of Real Property interest of a Temporary Construction Easement with Mohammed S. Hussain and Khairul N. Hussain., for a 907 sq. ft. (0.02 acres) parcel of land (APN 135-029-049), in the amount of \$3,200.00, for the Pelandale Avenue / SR 99 Interchange Reconstruction Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to finalize the acquisition recommended.
  - Resolution authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Temporary Construction Easement for the acquisition of property interests located at 4324 Salida Blvd., owned by Mohammed S. Hussain and Khairul N. Hussain, (APN 135-029-049) to be purchased by the City of Modesto for the Pelandale Avenue/SR 99 Interchange Reconstruction Project recommended.

*Community & Economic Development; Bill Sandhu, 577-5356,  
bsandhu@modestogov.com*

**ACTION: Resolution 2012-293 (Lopez/Burnside; 7/0)** approving an Agreement For Purchase of Real Property interest of a Temporary Construction Easement with Mohammed S. Hussain and Khairul N. Hussain., for a 907 sq. ft. (0.02 acres) parcel of land (APN 135-029-049), in the amount of \$3,200.00, for the Pelandale Avenue / SR 99 Interchange Reconstruction Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to finalize the acquisition.

**ACTION: Resolution 2012-294 (Lopez/Burnside; 7/0)** authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Temporary Construction Easement for the acquisition of property interests located at 4324 Salida Blvd., owned by Mohammed S. Hussain and Khairul N. Hussain, (APN 135-029-049) to be purchased by the City of Modesto for the Pelandale Avenue/SR 99 Interchange Reconstruction Project.

Consent

5. Consider approving the Maintenance Agreement between the City of Modesto and the California Department of Transportation (Caltrans) for maintenance of improvements within State Highway Right of Way on Route 132 (Yosemite Avenue) within the City of Modesto and authorizing the City Manager, or his designee, to execute the Agreement. (Funding Source: Surface Transportation Fund)
- Resolution approving a Maintenance Agreement between the City of Modesto and the California Department of Transportation for maintenance of improvements within State Highway Right of Way on Route 132 within the City of Modesto; and authorizing the City Manager, or his designee, to execute the Agreement

recommended.

*Community & Economic Development; Bill Sandhu, 577-5356,  
bsandhu@modestogov.com*

**ACTION: Resolution 2012-295 (Lopez/Burnside; 7/0)** approving a Maintenance Agreement between the City of Modesto and the California Department of Transportation for maintenance of improvements within State Highway Right of Way on Route 132 within the City of Modesto; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

6. Consider approving a Water Will Serve Letter for a water fire sprinkler system connection as introduced in Section 11-1.05 of Chapter 1 of Title 11 of the Modesto Municipal Code relating to water main connection charges and City Council Policy 5.001 regarding extension of water service into unincorporated areas. (Funding Source: Developer User Fees)

- Resolution approving a Water Will Serve Letter for the property located at 2200 Hoover Avenue, Modesto (APN: 036-001-078) for a water fire sprinkler system connection to City of Modesto's existing water system, and authorizing the City Manager, or his designee, to sign the Will Serve Letter recommended.

*Community & Economic Development; Bill Sandhu, 577-5356,  
bsandhu@modestogov.com*

**ACTION: Resolution 2012-296 (Lopez/Burnside; 7/0)** approving a Water Will Serve Letter for the property located at 2200 Hoover Avenue, Modesto (APN: 036-001-078) for a water fire sprinkler system connection to City of Modesto's existing water system, and authorizing the City Manager, or his designee, to sign the Will Serve Letter.

Consent

7. Consider approving the revised Debt Management Policy. (Funding Source: Not Applicable)

- Resolution approving changes to the City's Debt Management Policy recommended.

*Finance; DeAnna Espinoza, 577-5387, daespinoza@modestogov.com*

**ACTION: Resolution 2012-297 (Lopez/Burnside; 7/0)** approving changes to the City's Debt Management Policy.

Consent

8. Consider accepting the revised Annual Investment Policy. (Funding Source: Not Applicable)

- Motion accepting the revised Investment Policy recommended.

*Finance; DeAnna Espinoza, 577-5387, daespinoza@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** accepting the revised Investment Policy.

Consent

9. Consider accepting the Monthly Investment Report for May, 2012. (Funding Source: Not Applicable)
- Motion accepting the Monthly Investment Report for May, 2012 recommended.  
*Finance; Deanna Espinoza, 577-5387, daespinoza@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** accepting the Monthly Investment Report for May, 2012.

Consent

10. Consider approving a professional services consulting contract with CGI Technologies and Solutions Inc. in an amount not to exceed \$56,000 to analyze and produce W-2c forms for City of Modesto employees and magnetic media for the IRS for the following four calendar years: 2007, 2008, 2009, and 2010 and authorizing the City Manager, or his designee, to execute any and all related documents. (Funding Source: Multiple City Funds)
- Resolution approving a professional services consulting contract with CGI Technologies and Solutions Inc. (CGI) in an amount not to exceed \$56,000 to analyze and produce W-2c forms for City of Modesto employees and magnetic media for the IRS for the following four calendar years: 2007, 2008, 2009, and 2010 and authorizing the City Manager, or his designee, to execute any and all related documents recommended.  
*Finance; DeAnna Espinoza, 577-5387, daespinoza@modestogov.com*

**ACTION: Resolution 2012-298 (Lopez/Burnside; 7/0)** approving a professional services consulting contract with CGI Technologies and Solutions Inc. (CGI) in an amount not to exceed \$56,000 to analyze and produce W-2c forms for City of Modesto employees and magnetic media for the IRS for the following four calendar years: 2007, 2008, 2009, and 2010 and authorizing the City Manager, or his designee, to execute any and all related documents.

Consent

11. Consider approving an annual retail advertising contract with the Modesto Bee (McClatchy Newspaper Group). (Funding Source: Various Funds)
- Resolution approving an annual retail advertising contract with the Modesto Bee (McClatchy Newspaper Group); and authorizing the City Manager, or his designee, to execute the contract recommended.  
*Finance; Mark L. Averell, 577-5412, maverell@modestogov.com*

**ACTION: Resolution 2012-299 (Lopez/Burnside; 7/0)** approving an annual retail advertising contract with the Modesto Bee (McClatchy Newspaper Group); and authorizing the City Manager, or his designee, to execute the contract.

Consent

12. Consider accepting monthly budget adjustments. (Funding Source: Various Funds)
- Resolution amending the Fiscal Year Fiscal Year 2011-2012 and Fiscal Year 2012-2013 Annual Operating Budgets recommended.  
*Finance; Terri Swearingen, 577-5369, tswearingen@modestogov.com*

**ACTION: Resolution 2012-300 (Lopez/Burnside; 7/0)** amending the Fiscal Year Fiscal Year 2011-2012 and Fiscal Year 2012-2013 Annual Operating Budgets.

Consent

13. Consider: (i) amending the position allocation in the City Clerk's Department adopted by the City Council as part of the FY 12-13 budget to reallocate one (1) Administrative Office Assistant II (\$2,533-\$3,079 monthly) to one (1) Administrative Office Assistant III (Confidential) (\$2,927- \$3,567 monthly) in Cost Center 05010; (ii) amending the position allocation in the Parks, Recreation and Neighborhoods-Housing Department to reallocate one (1) Administrative Office Assistant II (\$2,533-\$3,079 monthly) to one (1) Administrative Office Assistant III (\$2,796-\$3,399 monthly) in Cost Center 38200; (iii) amending the position allocation in the Public Works Waste Water Services Department to reallocate one (1) Administrative Office Assistant III (\$2,796-\$3,399 monthly) to one (1) Senior Administrative Office Assistant (\$3,087-\$3,752 monthly) in Cost Center 54310; (iv) amending the position allocation in the Community and Economic Development-IFP Department to reallocate one (1) Administrative Office Assistant II (\$2,533- \$3,079 monthly) to one (1) Senior Administrative Office Assistant (\$3,087-\$3,752 monthly) in Cost Center 14160. (Funding Source: Various Funds)

- Resolution amending the position allocation in the City Clerk's Department adopted by the City Council as part of the FY 12-13 budget to reallocate one (1) Administrative Office Assistant II (\$2,533-\$3,079 monthly) to one (1) Administrative Office Assistant III (Confidential) (\$2,927- \$3,567 monthly) in Cost Center 05010; (ii) amending the position allocation in the Parks, Recreation and Neighborhoods-Housing Department to reallocate one (1) Administrative Office Assistant II (\$2,533-\$3,079 monthly) to one (1) Administrative Office Assistant III (\$2,796-\$3,399 monthly) in Cost Center 38200; (iii) amending the position allocation in the Public Works Waste Water Services Department to reallocate one (1) Administrative Office Assistant III (\$2,796-\$3,399 monthly) to one (1) Senior Administrative Office Assistant (\$3,087-\$3,752 monthly) in Cost Center 54310; (iv) amending the position allocation in the Community and Economic Development-IFP Department to reallocate one (1) Administrative Office Assistant II (\$2,533- \$3,079 monthly) to one (1) Senior Administrative Office Assistant (\$3,087-\$3,752 monthly) in Cost Center 14160 recommended.

*Human Resources; Kimberly Murdaugh, 577-5409, kmurdaugh@modestogov.com*

**ACTION: Resolution 2012-301 (Lopez/Burnside; 7/0)** amending the position allocation in the City Clerk's Department adopted by the City Council as part of the FY 12-13 budget to reallocate one (1) Administrative Office Assistant II (\$2,533-\$3,079 monthly) to one (1) Administrative Office Assistant III (Confidential) (\$2,927- \$3,567 monthly) in Cost Center 05010; (ii) amending the position allocation in the Parks, Recreation and Neighborhoods-Housing Department to reallocate one (1) Administrative Office Assistant II (\$2,533-\$3,079 monthly) to one (1) Administrative Office Assistant III (\$2,796-\$3,399 monthly) in Cost Center 38200; (iii) amending the position allocation in the Public Works Waste Water Services Department to reallocate one (1) Administrative Office Assistant III (\$2,796-\$3,399 monthly)

to one (1) Senior Administrative Office Assistant (\$3,087-\$3,752 monthly) in Cost Center 54310; (iv) amending the position allocation in the Community and Economic Development-IFP Department to reallocate one (1) Administrative Office Assistant II (\$2,533- \$3,079 monthly) to one (1) Senior Administrative Office Assistant (\$3,087-\$3,752 monthly) in Cost Center 14160.

Consent

14. Consider approving an agreement for the purchase of retired City of Modesto Police canine, Zak, by its handler, Officer Jesse Gutierrez, Jr. (Funding Source: General Fund Revenue)
- Resolution approving an Agreement between the City of Modesto and Officer Jesse Gutierrez, Jr. for the purchase of retired City of Modesto Police canine, Zak, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

*Police; Rick Armendariz, 572-9612, armendarizr@modestopd.com*

**ACTION: Resolution 2012-302 (Lopez/Burnside; 7/0)** approving an Agreement between the City of Modesto and Officer Jesse Gutierrez, Jr. for the purchase of retired City of Modesto Police canine, Zak, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

15. Consider accepting the Edward Byrne Memorial Justice Assistance Grant (JAG), for a joint award with the County of Stanislaus and the City of Modesto, in the amount of \$145,713. (Funding Source: Operation Grants Reimbursed)
- Resolution accepting the Edward Byrne Memorial Justice Assistance Grant, for a joint award with the County of Stanislaus and the City of Modesto in the amount of \$145,713; and authorizing the City Manager, or his designee, to execute the necessary grant documents recommended.
  - Resolution amending the Multi-Year 2012/2013 Operating Budget, estimating revenue of \$105,553 from the Edward Byrne Memorial Justice Assistance Grant Program, and appropriating funds recommended.

*Police; Gene Balentine, 572-9505, balentineg@modestopd.com*

**ACTION: Resolution 2012-303 (Lopez/Burnside; 7/0)** accepting the Edward Byrne Memorial Justice Assistance Grant, for a joint award with the County of Stanislaus and the City of Modesto in the amount of \$145,713; and authorizing the City Manager, or his designee, to execute the necessary grant documents.

**ACTION: Resolution 2012-304 (Lopez/Burnside; 7/0)** amending the Multi-Year 2012/2013 Operating Budget, estimating revenue of \$105,553 from the Edward Byrne Memorial Justice Assistance Grant Program, and appropriating funds.

Consent

16. Consider authorizing a Request for Proposal application for the City of Modesto to apply to become a “Host City” for the eighth annual Amgen Tour of California, and

authorizing the City Manager, or his designee, to sign the application and related documents. (Funding Source: Not Applicable)

- Resolution Approving a Request for Proposal Applications for the City of Modesto to apply to become a “Host City” for the 2013 Amgen Tour of California, and authorizing the City Manager or his Designee, to sign the application and related documents recommended.

*Parks, Recreation & Neighborhoods; Andy Johnson, 571-5582,  
ajohnson@modestogov.com*

**ACTION: Resolution 2012-305 (Lopez/Burnside; 7/0)** approving a Request for Proposal Applications for the City of Modesto to apply to become a “Host City” for the 2013 Amgen Tour of California, and authorizing the City Manager or his Designee, to sign the application and related documents.

*Removed from Consent-Councilmembers Cogdill and Lopez absent due to conflict of interest*

17. Consider accepting the work by DSS Company dba Knife River Construction for the ARRA Overlay and ADA Curb Ramp Improvement Project as complete. (Total construction cost is \$2,739,345, with a total project cost of \$3,454,905.) (Funding Source: Federal American Recovery and Reinvestment Act (ARRA) Grant)

- Resolution accepting the work by DSS Company dba Knife River Construction for the ARRA Overlay and ADA Curb Ramp Improvement Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$2,739,345 recommended.

*Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION: Resolution 2012-306 (Burnside/Geer; 5/0; Cogdill, Lopez absent due to conflict of interest)** accepting the work by DSS Company dba Knife River Construction for the ARRA Overlay and ADA Curb Ramp Improvement Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$2,739,345.

*Consent-Councilmember Cogdill absent due to conflict of interest*

18. Consider: (i) approving a Purchase and Sale Agreement to acquire real property interests for the Downstream Water Improvements, Tier 2 Pressure Regulating Valves Project with A. E. Kline, Trustee of the A.E. Kline Living Trust, in the amount of \$7,640, and the transfer and conveyance documents; and (ii) approving and accepting real property interests with Modesto City School District. (Total estimated costs for land expenditures for the project are \$9,035.) (Funding Source: Water Fund-CIP)

- Resolution approving a Purchase and Sale Agreement with A. E. Kline, Trustee of the A. E. Kline Living Trust for acquisition of the following property interests: (1) a 600 s.f. Permanent Utility Easement, and (2) a 1,400 s.f. Temporary Construction Easement, located at 3924 Oakdale Road (APN 083-004-041), in the amount of \$7,640, for the Downstream Water Improvements Tier 2 Pressure Regulating Valves Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow recommended.

- Resolution authorizing the City Manager, or his designee, to sign Certificates of Acceptance for the Permanent Utility Easement and Temporary Construction Easement for the acquisition of property interests located at 3924 Oakdale Road (APN 083-004-041), owned by A. E. Kline, Trustee of the A. E. Kline Living Trust, to be purchased by the City of Modesto for the Downstream Water Improvements Tier 2 Pressure Regulating Valves Project recommended.
- Resolution authorizing the City Manager, or his designee, to sign Certificates of Acceptance for the Permanent Utility Easement and Temporary Construction Easement for the acquisition of property interests located at 515 Sutter Avenue (APN 037-047-039), owned by Modesto City School District to be purchased by the City of Modesto for the Downstream Water Improvements Tier 2 Pressure Regulation Valves Project recommended.

*Utility Planning and Projects; Jon Yuriar, 577-5399, jyuriar@modestogov.com*

**ACTION: Resolution 2012-307 (Lopez/Burnside; 6/0; Cogdill absent due to conflict of interest)** approving a Purchase and Sale Agreement with A. E. Kline, Trustee of the A. E. Kline Living Trust for acquisition of the following property interests: (1) a 600 s.f. Permanent Utility Easement, and (2) a 1,400 s.f. Temporary Construction Easement, located at 3924 Oakdale Road (APN 083-004-041), in the amount of \$7,640, for the Downstream Water Improvements Tier 2 Pressure Regulating Valves Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.

**ACTION: Resolution 2012-308 (Lopez/Burnside; 6/0; Cogdill absent due to conflict of interest)** authorizing the City Manager, or his designee, to sign Certificates of Acceptance for the Permanent Utility Easement and Temporary Construction Easement for the acquisition of property interests located at 3924 Oakdale Road (APN 083-004-041), owned by A. E. Kline, Trustee of the A. E. Kline Living Trust, to be purchased by the City of Modesto for the Downstream Water Improvements Tier 2 Pressure Regulating Valves Project.

**ACTION: Resolution 2012-309 (Lopez/Burnside; 6/0; Cogdill absent due to conflict of interest)** authorizing the City Manager, or his designee, to sign Certificates of Acceptance for the Permanent Utility Easement and Temporary Construction Easement for the acquisition of property interests located at 515 Sutter Avenue (APN 037-047-039), owned by Modesto City School District to be purchased by the City of Modesto for the Downstream Water Improvements Tier 2 Pressure Regulation Valves Project.

#### Consent

19. Consider accepting the work by A. Teichert & Son, Inc. dba Teichert Construction for the Downstream Water System Improvements-Tier 1, North Tank Water Transmission Mains Project as complete. (Total construction cost is \$4,565,339.11, with a total project cost of \$5,459,745.13.) (Funding Source: Water Fund-CIP)
  - Resolution accepting the work by to A. Teichert & Son, Inc. dba Teichert Construction, for the Downstream Water System Improvements-Tier 1, North Tank Water Transmission Mains Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder, and authorizing payment of amounts totaling \$4,565,339.11 recommended.

*Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION: Resolution 2012-310 (Lopez/Burnside; 7/0)** accepting the work by to A. Teichert & Son, Inc. dba Teichert Construction, for the Downstream Water System Improvements-Tier 1, North Tank Water Transmission Mains Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder, and authorizing payment of amounts totaling \$4,565,339.11.

### **COUNCIL COMMENTS & REPORTS**

Mayor Marsh recognized Boy Scout Troop 11 at the Council meeting; recognized Outback Steakhouse fundraiser in support of an injured CalFire fireman; recognized X-Fest held the past weekend; National Night Out held last night - over 100 different locations participating; and encouraging everyone to vote for Enslin Park upgrade of baseball fields.

Councilmember Lopez thanked everyone for National Night Out last night; fire on Sunday in Modesto and thanking firefighter; and Kick Ball Event on August 19, 2012 at Enslin Park fundraiser for Partners in Paint.

Councilmember Geer thanked Parks, Recreation & Neighborhoods for their assistance at the National Night Out event at Maddux Youth Center last night; he also thanked Target Stores.

### **CITY MANAGER COMMENTS & REPORTS**

None.

### **UNFINISHED BUSINESS**

*Councilmember Muratore absent due to conflict of interest*

20. Consider approving loan documents in the amount of \$1,000,000 for Habitat for Humanity, Stanislaus County for acquisition of real property not to exceed \$315,000 or current market appraised value, pre-development, and construction costs for a 21-unit subdivision located at Signature Court in Modesto also known as "Sportsmen Estates" contingent upon the satisfactory completion of environmental review and a release of funds from the U.S. Department of Housing and Urban Development under 24 CFR Part 58. Habitat is to leverage funds with approximately \$1.8 million in non-NSP3 funds. (Funding Source: NSP3 Grant)

- Resolution approving Loan Documents in the amount of \$1,000,000 for Habitat for Humanity, Stanislaus County (Habitat) for acquisition of real property not to exceed \$315,000 or current market appraised value, pre-development, and construction costs for a 21-unit subdivision located at Signature Court in Modesto also known as Sportsmen Estates contingent upon the satisfactory completion of environmental review and a release of funds from the U.S. Department of Housing and Urban Development under 24 CFR Part 58; Habitat to leverage funds with approximately \$1.8 million in non-NSP3 funds; and authorizing the City Manager, or his designee, to sign any and all related documents recommended.

*Parks, Recreation & Neighborhoods; Hugo Ramirez, 577-5368,  
hramirez@modestogov.com*

**ACTION: Resolution 2012-311 (Lopez/Geer; 6/0; Muratore absent due to conflict of interest)** approving Loan Documents in the amount of \$1,000,000 for Habitat for Humanity, Stanislaus County (Habitat) for acquisition of real property not to exceed \$315,000 or current market appraised value, pre-development, and construction costs for a 21-unit subdivision located at Signature Court in Modesto also known as Sportsmen Estates contingent upon the satisfactory completion of environmental review and a release of funds from the U.S. Department of Housing and Urban Development under 24 CFR Part 58; Habitat to leverage funds with approximately \$1.8 million in non-NSP3 funds; and authorizing the City Manager, or his designee, to sign any and all related documents.

21. Consider amending Fiscal Year 2011-2012 and Fiscal Year 2012-2013 Annual Operating Budgets to increase the budgets an additional \$1.9M to allow for the payment of services associated with repairs and renovations due to fire damage at the McHenry Mansion on December 6, 2011. (Funding Source: General Fund (pass through account))
- Resolution amending Fiscal Year 2011-2012 Annual Operating Budget to add \$339,613 to the Insurance Settlement Fund budget in Cost Center 32010 of the General Fund (0100) for repairs and renovations of the McHenry Mansion due to fire damage, and authorizing the Finance Director, or her designee, to implement the provision of this resolution recommended.
  - Resolution amending Fiscal Year 2012-2013 Annual Operating Budget to add \$1,560,387 to the Insurance Settlement Fund budget in Cost Center 32010 of the General Fund (0100) for repairs and renovations of the McHenry Mansion due to fire damage, and authorizing the Finance Director, or her designee, to implement the provision of this resolution recommended.

*Parks, Recreation & Neighborhoods; Jody Christiansen, 342-4707,  
mjchristiansen@modestogov.com*

**ACTION: Resolution 2012-312 (Lopez/Geer; 7/0)** amending Fiscal Year 2011-2012 Annual Operating Budget to add \$339,613 to the Insurance Settlement Fund budget in Cost Center 32010 of the General Fund (0100) for repairs and renovations of the McHenry Mansion due to fire damage, and authorizing the Finance Director, or her designee, to implement the provision of this resolution.

**ACTION: Resolution 2012-313 (Lopez/Geer; 7/0)** amending Fiscal Year 2012-2013 Annual Operating Budget to add \$1,560,387 to the Insurance Settlement Fund budget in Cost Center 32010 of the General Fund (0100) for repairs and renovations of the McHenry Mansion due to fire damage, and authorizing the Finance Director, or her designee, to implement the provision of this resolution.

22. Consider approving a four-year, nine-month agreement with Veolia Transportation Services, Inc. commencing September 29, 2012 and terminating June 30, 2017, to

provide drivers and other services for the operation of the Modesto Area Express (MAX) transit system, at an annual cost of approximately \$6,934,794. (Funding Source: Transit Fund)

- Resolution approving a four-year, nine-month agreement with Veolia Transportation Services, Inc. commencing September 29, 2012, and terminating June 30, 2017, to provide drivers and other services for the operation of the Modesto Area Express transit system at an annual cost of approximately \$6,934,794, and authorizing the City Manager, or his designee, to execute the agreement recommended.

*Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com*

**ACTION: Resolution 2012-314 (Lopez/Gunderson; 7/0)** approving a four-year, nine-month agreement with Veolia Transportation Services, Inc. commencing September 29, 2012, and terminating June 30, 2017, to provide drivers and other services for the operation of the Modesto Area Express transit system at an annual cost of approximately \$6,934,794, and authorizing the City Manager, or his designee, to execute the agreement.

## HEARINGS

*Published in the Modesto Bee on July 28, 2012*

23. Hearing to consider declaring the results of the property owner protest ballot proceedings conducted for the levy of assessments related to the formation of City of Modesto Landscape Maintenance Assessment District No. 2012-1 and, if appropriate, ordering formation of the City of Modesto Landscape Maintenance Assessment District No. 2012-1, confirming the Engineer's Report and the Assessment Diagram and ordering the levy and collection of assessments for Fiscal Year 2012-13. (Funding Source: Landscape Maintenance Assessment Districts Nos. 1 & 2)
- Resolution Declaring the Results of the Property Owner Protest Ballot Proceedings Conducted for the Levy of Assessments Related to the Formation of Landscape Maintenance Assessment District No. 2012-1 recommended.
  - Resolution ordering the Formation of the Landscape Maintenance Assessment District No. 2012-1, Confirming the Engineer's Report and the Assessment Diagram and Ordering the Levy and Collection of Assessments for Fiscal Year 2012-13 recommended.

*Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com*

**ACTION: Resolution 2012-315 (Burnside/Muratore; 7/0)** declaring the Results of the Property Owner Protest Ballot Proceedings Conducted for the Levy of Assessments Related to the Formation of Landscape Maintenance Assessment District No. 2012-1.

**(RESULTS: 83 votes (22.5%) - \$4,966.72 = YES  
285 (77.5%) - \$17,054.40 = NO  
MAJORITY PROTEST EXISTS)**

Resolution ordering the Formation of the Landscape Maintenance Assessment District No.

2012-1, Confirming the Engineer's Report and the Assessment Diagram and Ordering the Levy and Collection of Assessments for Fiscal Year 2012-13. **(RESOLUTION DID NOT PASS)**

*Published in the Modesto Bee on July 28, 2012*

24. Hearing to consider the Fiscal Year 2012-2013 annual assessment for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6. (Funding Source: Landscape Maintenance Assessment District No. 1)

- Resolution confirming the fiscal year 2012-2013 diagram and assessment, and ordering the levy and collection of charges within Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6 recommended.

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

**ACTION: Resolution 2012-316 (Cogdill/Lopez; 7/0)** confirming the fiscal year 2012-2013 diagram and assessment, and ordering the levy and collection of charges within Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6.

*Published in the Modesto Bee on July 28, 2012*

25. Hearing to consider the Fiscal Year 2012-2013 annual assessment for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision Units 1 & 2. (Funding Source: Landscape Maintenance Assessment District No. 2)

- Resolution confirming the fiscal year 2012-2013 diagram and assessment, and ordering the levy and collection of charges within Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units 1 & 2 recommended.

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

**ACTION: Resolution 2012-317 (Lopez/Geer; 7/0)** confirming the fiscal year 2012-2013 diagram and assessment, and ordering the levy and collection of charges within Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units 1 & 2.

*Published in the Modesto Bee on July 28, 2012*

26. Hearing to consider the Fiscal Year 2012-2013 annual assessment for the Shackelford Landscape and Lighting District. (Funding Source: Shackelford Landscape and Lighting District)

- Resolution confirming the Fiscal Year 2012-2013 diagram and assessment, and ordering the levy and collection of charges within the Shackelford Landscape and Lighting District recommended.

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

**ACTION: Resolution 2012-318 (Lopez/Geer; 7/0)** confirming the Fiscal Year 2012-2013 diagram and assessment, and ordering the levy and collection of charges within the Shackelford Landscape and Lighting District.

### **NEW BUSINESS**

27. Consider directing staff to negotiate an agreement with Stanislaus County and Goodwin Consulting Group, Inc. for preparation of a Salida Annexation Fiscal Impact Analysis and amending the Fiscal Year 2012-13 Operating Budget to appropriate \$33,000 in General Fund revenues to fund the Salida Annexation Fiscal Impact Analysis. (Funding Source: General Fund Reserves)
- Resolution directing staff to negotiate an agreement with Stanislaus County and Goodwin Consulting Group, Inc. for preparation of a Salida Annexation Fiscal Impact Analysis recommended.
  - Resolution amending the Fiscal Year 12-13 Budget to appropriate \$33,000 in General Fund revenues to fund the Salida Annexation Study recommended.
- Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com*

**ACTION: Resolution 2012-319 (Cogdill/Gunderson; 7/0)** directing staff to negotiate an agreement with Stanislaus County and Goodwin Consulting Group, Inc. for preparation of a Salida Annexation Fiscal Impact Analysis.

**ACTION: Resolution 2012-320 (Cogdill/Gunderson; 7/0)** amending the Fiscal Year 12-13 Budget to appropriate \$33,000 in General Fund revenues to fund the Salida Annexation Study.

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

None.

### **ADJOURNMENT**

This meeting adjourned at 7:41 p.m.

### **CLOSED SESSION**

*All Closed Session Matters Heard Prior to Meeting*

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto City Employees Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Confidential & Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Officers' Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Non Sworn Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto City Firefighters Association

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

Agency Negotiators: Greg Nyhoff, City Manager  
Employee Organization: Unrepresented Management and Confidential Employee

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

Name of case: Stanislaus Towing v. City of Modesto, et al.  
Stanislaus County Superior Court No. CV-1344-LJO-DLB

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code. One potential case.**

**MINUTES**  
City of Modesto  
**Special Economic Development Committee/  
City Council Workshop Meeting**

**Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California**

**Monday, August 13, 2012 at 5:30 p.m.**

Roll Call Present: Councilmembers Muratore, Geer (Alternate), and Gunderson (Alternate)  
Absent: Burnside, Cogdill

**PUBLIC COMMENTS**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-4**

**CONSENT**

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

Consent

1. Consider approving the Traffic Signals Near Schools report. (Funding Source: Gas Tax)  
*Community & Economic Development; Jeffrey Barnes, 577-5468,  
jbarnes@modestogov.com*

**ACTION:** This item is continued to the next Economic Development Committee meeting in September.

Consent

2. Consider approving the reappointment of Karen Swanson to the Disabled Access Appeals Board. (Funding Source: Not Applicable)
  - Resolution approving the reappointment of Karen Swanson to the Disabled Access Appeals Board recommended.  
*Community & Economic Development; William Crew, 577-5231, wcrew@modestogov.com*

**ACTION:** **Motion (Muratore/Geer;unan.)** approving the reappointment of Karen Swanson to the Disabled Access Appeals Board.

Consent

3. Consider approving the reappointment of Evan Yoshino to the Disabled Access Appeals

Board. (Funding Source: Not Applicable)

- Resolution approving the reappointment of Evan Yoshino to the Disabled Access Appeals Board recommended.

*Community & Economic Development; William Crew, 577-5231, wcrew@modestogov.com*

**ACTION:** **Motion (Muratore/Geer;unan.)** approving the reappointment of Evan Yoshino to the Disabled Access Appeals Board.

Consent

4. Consider accepting the status report of development projects processed by the Community and Economic Development Department. (Funding Source: Not Applicable)

*Community & Economic Development; Brent Sinclair, 577-5228, hbsinclair@modestogov.com*

**ACTION:** **Motion (Muratore/Geer;unan.)** accepting the status report of development projects processed by the Community and Economic Development Department.

### **COUNCIL COMMENTS & REPORTS**

Councilmember Gunderson is concerned about the traffic situation at Enochs High School and the roundabouts. Staff will research and return to the Economic Development Committee with an update.

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

None.

### **ADJOURNMENT**

This meeting adjourned at 5:45 p.m.

## MINUTES

**City of Modesto**  
**SPECIAL MODESTO PUBLIC**  
**FINANCING AUTHORITY MEETING**  
Tenth Street Place  
Chambers, Basement Level  
1010 10th Street  
Modesto, California

**Tuesday, August 14, 2011, 5:30 p.m.**

Roll Call - Present: Commissioners Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,  
Chairperson Marsh  
Absent: None

**PUBLIC COMMENT PERIOD**  
**Three minute time limit per speaker**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Item A  
**ACTION CONSENT ITEM A: (Lopez/Marsh; unan.)**

### CONSENT ITEMS

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

### CONSENT

- A. Consider approval of the minutes of the Public Financing Authority meeting of August 9, 2011.
- Motion approving recommended.  
*Clerk; Stephanie Lopez, 577-5397, [slopez@modestogov.com](mailto:slopez@modestogov.com)*

**ACTION: Motion (Lopez/Gunderson; 7/0) approving the minutes of the August 9, 2011 Public Financing Authority meeting.**

### NEW BUSINESS

- B. Consider authorizing a short-term extension of the irrevocable direct pay Letter of Credit (LOC) supporting General Fund's Lease Revenue Refunding Bonds, Series 2008 (Bonds).
- Resolution of the Modesto Public Financing Authority authorizing a short-term extension of the irrevocable direct pay Letter of Credit supporting General Fund's

Lease Revenue Refunding Bonds, Series 2008 recommended.  
*Finance; Gloriette Beck, 577-5371, [gbeck@modestogov.com](mailto:gbeck@modestogov.com)*

**ACTION: Resolution 01-2012 (Lopez/Burnside;7/0) of the Modesto Public Financing Authority relating to Modesto Public Financing Authority Lease Revenue Refunding Bonds Series 2008 approving the extension of a credit facility and approving the form of and authorizing the execution and delivery of an Amendment to the Amended and Restated Reimbursement Agreement and an Amendment to the Fee Letter, and authorizing certain other related actions.**

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 7:09 p.m.

# MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday August 14, 2012, at 5:30 p.m.**

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,  
Mayor Marsh  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Jeff Norman, Modesto Covenant Church

City Clerk's Announcements: Items 9, 13 and 14 - Removed from Consent  
Item 19 (Council) and Item B (Public Financing Authority) –  
to be heard together

Declaration of Conflicts of Interest: Cogdill - Items 9, 10, 14 and 16  
Muratore - Item 14  
Lopez - Item 14

Reports from Closed Session: City Attorney Wood reported on Closed Session matters

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by the Modesto Chamber of Commerce to new and growing businesses in Modesto. (Funding Source: Not Applicable)  
*Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION:** Cecil Russell, President of the Modesto Chamber of Commerce, acknowledged California Check Cashing, and Taxi's Hamburgers, Define Clothing.

2. Presentation regarding the Modesto Arch Restoration Project and 100-Year Celebration. (Funding Source: Not Applicable)  
*City Manager; Greg Nyhoff, 577-5224, gnyhoff@modestogov.com*

**ACTION:** City Manager, Greg Nyhoff, with Cecil Russell and Mike Moridian, made a Presentation regarding the Modesto Arch Restoration Project and 100-Year Celebration.

## PUBLIC COMMENT PERIOD

- Susan Beasley spoke regarding the International Festival on Saturday, October 6, 2012.
- Scott Calkins and Emerson Drake spoke regarding the possible sale of water by Modesto Irrigation District to San Francisco.
- Steve Bonrepos spoke regarding the Modesto Arch and water in Modesto.
- Kurt Abell spoke regarding the golf program in the City of Modesto. Mayor Marsh referred Mr. Abell to Parks, Recreation Director Julie Hannon.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 17**  
**ACTION CONSENT ITEMS 3-8; 11, 15-17: (Lopez/Gunderson;unan.)**  
**ACTION CONSENT ITEMS 10, 16: (Lopez/Geer; unan.; Cogdill absent due to conflict of interest)**

## CONSENT ITEMS

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

### Consent

3. Consider approving the minutes from the August 8, 2012 City Council meeting.  
(Funding Source: Not Applicable)
  - Motion approving the minutes from the August 8, 2012 City Council meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Gunderson; 7/0)** approving the minutes from the August 8, 2012 City Council meeting.

### Consent

4. Consider accepting a status report on the City of Modesto Redevelopment Successor Agency. (Funding Source: Not Applicable)
  - Motion accepting a status report on the City of Modesto Redevelopment Successor Agency recommended.  
*Community & Economic Development; Laurie A. Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Motion (Lopez/Gunderson; 7/0)** accepting a status report on the City of Modesto Redevelopment Successor Agency.

### Consent

5. Consider authorizing the award of proposal and contract for the furnishing of uniform

and laundry services for Citywide use to Aramark Uniform Services, Modesto, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$100,000, and over five (5) years of \$500,000. (Funding Source: Various)

- Resolution authorizing the award of proposal and contract for the furnishing of uniform and laundry services for Citywide use to Aramark Uniform Services, Modesto, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the City Manager, or his designee, to issue an agreement for an estimated annual cost of \$100,000, and over five (5) years of \$500,000 recommended.

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

**ACTION: Resolution 2012-321 (Lopez/Gunderson; 7/0)** authorizing the award of proposal and contract for the furnishing of uniform and laundry services for Citywide use to Aramark Uniform Services, Modesto, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the City Manager, or his designee, to issue an agreement for an estimated annual cost of \$100,000, and over five (5) years of \$500,000.

#### Consent

6. Consider authorizing the award of bid for the furnishing of Sodium Hypochlorite for the Public Works Department, Water Division, to Olin Chlor Alkali Products, Tracy, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$75,000 and over five (5) years of \$375,000. (Funding Source: Water Fund)

- Resolution authorizing the award of bid for the furnishing of Sodium Hypochlorite for the Public Works Department, Water Division, to Olin Chlor Alkali Products, Tracy, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$75,000, and over five (5) years of \$375,000 recommended.

*Finance and Public Works; Megan M. Torres, 571-5839, mtorres@modestogov.com*

**ACTION: Resolution 2012-322 (Lopez/Gunderson; 7/0)** authorizing the award of bid for the furnishing of Sodium Hypochlorite for the Public Works Department, Water Division, to Olin Chlor Alkali Products, Tracy, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$75,000, and over five (5) years of \$375,000.

#### Consent

7. Consider authorizing the award of bid for the purchase of three (3) front loaders for the Parks, Recreation and Neighborhoods Department, Solid Waste Pruned Refuse Collection Division, through the Public Works Department, Fleet Services Division, to Pape Machinery, French Camp, CA, for an estimated cost of \$281,048. (Funding Source: Fleet Replacement Funds)

- Resolution authorizing the award of bid for the purchase of three (3) front loaders for the Parks, Recreation and Neighborhoods Department, Solid Waste Pruned Refuse Collection Division, through the Public Works Department, Fleet Services Division, to Pape Machinery, French Camp, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$281,048 recommended.

*Finance and Public Works; Meagan M. Torres, 571-5839, mtorres@modestogov.com*

**ACTION: Resolution 2012-323 (Lopez/Gunderson; 7/0)** authorizing the award of bid for the purchase of three (3) front loaders for the Parks, Recreation and Neighborhoods Department, Solid Waste Pruned Refuse Collection Division, through the Public Works Department, Fleet Services Division, to Pape Machinery, French Camp, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$281,048.

Consent

8. Consider amending the Classification Plan to amend the minimum qualifications for the classification of Chief of Police. (Funding Source: General Fund)
  - Resolution amending the Position Classification Plan for the City of Modesto to amend the minimum qualifications for the classification of Chief of Police recommended.

*Human Resources; Kimberly Murdaugh, 577-5409, kmurdaugh@modestogov.com*

**ACTION: Resolution 2012-324 (Lopez/Gunderson; 7/0)** amending the Position Classification Plan for the City of Modesto to amend the minimum qualifications for the classification of Chief of Police.

*Removed from Consent – Councilmember Cogdill absent due to conflict of interest*

9. Consider: (i) approving the plans and specifications for the project titled, “Empire Avenue Street Improvements from Hillside Drive to Monterey Avenue”, (ii) accepting the bid and (iii) approving a contract with Knife River Construction in the amount of \$395,783.30. (Total estimated cost of the project is \$793,713.30. ) (Funding Source: CDBG and RLF funding)
  - Resolution approving the plans and specifications for the “Empire Avenue Street Improvements from Hillside Drive to Monterey Avenue” Project, accepting the bid, and approving a contract with Knife River Construction of Stockton, CA, in the amount of \$395,738.30; and authorizing the City Manager or his designee, to execute the contract recommended.

*Parks, Recreation & Neighborhoods; Ken Horrillo, 577-5419, khorrillo@modestogov.com*

**ACTION: Resolution 2012-325 (Lopez/Burnside; 6/0; Cogdill absent due to conflict of interest)** approving the plans and specifications for the “Empire Avenue Street Improvements from Hillside Drive to Monterey Avenue” Project, accepting the bid, and approving a contract with Knife River Construction of Stockton, CA, in the amount of \$395,738.30; and authorizing the City Manager or his designee, to execute the contract.

Consent – *Councilmember Cogdill absent due to conflict of interest*

10. Consider rejecting all bids for the Airport Neighborhood Community Center Project, and authorizing City staff to re-advertise the project. (Funding Source: Community Development Block Grant, Neighborhood Stabilization Program 1 and Community Development Block Grant-Recovery Grants)
- Resolution rejecting all bids for the Airport Neighborhood Community Center Project, and authorizing staff to re-advertise the Project recommended.  
*Parks, Recreation & Neighborhoods; Ken Horrillo, 577-5419, khorrillo@modestogov.com*

**ACTION: Resolution 2012-326 (Lopez/Geer; 6/0; Cogdill absent due conflict of interest)** rejecting all bids for the Airport Neighborhood Community Center Project, and authorizing staff to re-advertise the Project.

Consent

11. Consider approving an agreement with Reclamation District 2091 for the annual maintenance of the District's levee system located at the Jennings Wastewater Treatment Plant. (Funding Source: Wastewater Revenue)
- Resolution approving an Agreement with Reclamation District 2091 for the annual maintenance of the District's levee system located at the Jennings Wastewater Treatment Plant, and authorizing the City Manager, or his designee, to execute the Agreement recommended.  
*Public Works; Gary DeJesus, 577-6200, gdejesus@modestogov.com*

**ACTION: Resolution 2012-327 (Lopez/Gunderson; 7/0)** approving an Agreement with Reclamation District 2091 for the annual maintenance of the District's levee system located at the Jennings Wastewater Treatment Plant, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

12. Consider approving a one- time, non-precedent setting waiver of wastewater capacity charges to Squab Producers in the amount of \$198,753. (Funding Source: Wastewater Fund)
- Resolution approving a one-time, non-precedent setting waiver of wastewater capacity charges for Squab Producers in the amount of \$198,753 recommended.  
*Public Works; Gary DeJesus, 577-6200, gdejesus@modestogov.com*

**ACTION: Resolution 2012-328 (Lopez/Gunderson; 7/0)** approving a one-time, non-precedent setting waiver of wastewater capacity charges for Squab Producers in the amount of \$198,753.

*Removed from Consent*

13. Consider accepting a Federal Airport Improvement Program Grant Offer from the Federal Aviation Administration (FAA) for \$183,250.80 (Funding Source: Federal Grant Funds/Passenger Facility Charges)

- Resolution accepting a Federal Airport Improvement Program Grant Offer from the Federal Aviation Administration (FAA) for **up to** \$183,250.80; and authorizing the City Manager, or his designee, to accept the Grant Offer recommended.

*Public Works; Jerome Thiele, 577-5318, jthiele@modestogov.com*

**ACTION: Resolution 2012-329 (Cogdill/Geer; 7/0)** accepting a Federal Airport Improvement Program Grant Offer from the Federal Aviation Administration (FAA) for \$183,250.80; and authorizing the City Manager, or his designee, to accept the Grant Offer.

*Removed from Consent – Councilmembers Cogdill, Lopez, Muratore absent due to conflict of interest*

14. Consider accepting the work by Valley Slurry Seal for the ARRA of 2009 Funded Cape and Slurry Seal – Various Streets Project as complete. (Total construction cost is \$2,181,372.54, with a total project cost of \$2,427,782.54.) (Funding Source: ARRA - American Recovery and Reinvestment Act)

- Resolution accepting the work by Valley Slurry Seal for the ARRA of 2009 Funded Cape and Slurry Seal – Various Streets Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$2,181,372.54.

*Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION: Resolution 2012-330 (Burnside/Gunderson; 4/0; Cogdill, Lopez, Muratore absent due to conflict of interest)** accepting the work by Valley Slurry Seal for the ARRA of 2009 Funded Cape and Slurry Seal – Various Streets Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$2,181,372.54.

Consent

15. Consider authorizing additional change orders in the amount of \$24,446.00 for the Dale Road CCTV and CCTV System Upgrade Project; and accepting the work by Hansen Electric for the project as complete. (Total project cost is \$324,104.38.) (Funding Source: Congestion Mitigation and Air Quality [CMAQ] and Capital Facility Fees [CFF] providing the local match)

- Resolution authorizing change orders for the project titled “Dale Road CCTV and CCTV System Upgrade” project in the amount of \$24,446.00 recommended.
- Resolution accepting the work by Hansen Electric for the project titled “Dale Road CCTV and CCTV System Upgrade” as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder, upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$260,633.38.

*Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION: Resolution 2012-331 (Lopez/Gunderson; 7/0)** authorizing change orders for the project titled “Dale Road CCTV and CCTV System Upgrade” project in the amount of \$24,446.00.

**ACTION: Resolution 2012-332 (Lopez/Gunderson; 7/0)** accepting the work by Hansen Electric for the project titled “Dale Road CCTV and CCTV System Upgrade” as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder, upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$260,633.38.

Consent – *Councilmember Cogdill absent due to conflict of interest*

16. Consider accepting the work by Dan’s Water Well & Pump Service Inc. for the Hickman Test Well Project as complete. (Total construction cost is \$146,366, with a total project cost of \$223,417.) (Funding Source: Water Fund-CIP)
- Resolution accepting the work by Dan’s Water Well & Pump Service Inc., for Hickman Test Well Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$146,366 recommended.

*Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION: Resolution 2012-333 (Lopez/Geer; 6/0; Cogdill absent due to conflict of interest)** accepting the work by Dan’s Water Well & Pump Service Inc., for Hickman Test Well Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$146,366.

Consent

17. Consider approving an Amendment to the Agreement with Harris & Associates, Inc. for construction management services for the Carpenter Road Bridge Seismic Retrofit project at no additional cost. (Funding Source: Capital Grants, Streets Capital Facility Fees)
- Resolution approving an Amendment to Agreement with Harris & Associates, Inc. for construction management services for the Carpenter Road Bridge Seismic Retrofit project at no additional cost to the original contract, and authorizing the City Manager, or his designee, to execute the Amendment to Agreement.

*Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION: Resolution 2012-334 (Lopez/Gunderson; 7/0)** approving an Amendment to Agreement with Harris & Associates, Inc. for construction management services for the Carpenter Road Bridge Seismic Retrofit project at no additional cost to the original contract, and authorizing the City Manager, or his designee, to execute the Amendment to Agreement.

## COUNCIL COMMENTS & REPORTS

Councilmember Lopez announced the Kickball Tournament to benefit Partners in Paint

scheduled for this Sunday at Enslin Park.

## CITY MANAGER COMMENTS & REPORTS

None.

## UNFINISHED BUSINESS

18. Consider approving the Updated District Council Map to include the recently annexed Shackelford area as recommended by Citizens' Districting Commission. (Funding Source: Not Applicable)
- Resolution approving the Updated District Council Map to include the recently annexed Shackelford area as recommended by Citizens' Districting Commission recommended.

*City Council; Garrad Marsh, 571-5597, gmarsh@modestogov.com*

**ACTION: Resolution 2012-335 (Lopez/Gunderson; 7/0)** approving the Updated District Council Map to include the recently annexed Shackelford area as recommended by Citizens' Districting Commission.

19. Consider authorizing a short-term extension of the irrevocable direct pay Letter of Credit (LOC) supporting General Fund's Lease Revenue Refunding Bonds, Series 2008 (Bonds). (Funding Source: General Fund)
- Resolution authorizing a short-term extension of the irrevocable direct pay Letter of Credit supporting General Fund's Lease Revenue Refunding Bonds, Series 2008 recommended.

*Finance; Emma Loethen, 577-5394, eloethen@modestogov.com*

**ACTION: Resolution 2012-336 (Lopez/Burnside; 7/0)** authorizing a short-term extension of the irrevocable direct pay Letter of Credit supporting General Fund's Lease Revenue Refunding Bonds, Series 2008.

**ACTION: Resolution 2012-337 (Lopez/Burnside; 7/0) of the City Council of the City of Modesto, California, relating to Modesto Public Financing Authority Lease Revenue refunding Bonds Series 2008 approving the extension of a credit facility and approving the form of and authorizing the execution and delivery of an Amendment to the Amended and Restated Reimbursement Agreement and an Amendment to the Fee Letter, and authorizing certain other related actions.**

20. Consider (i) authorizing the issuance of change orders up to a maximum of 25.7% (\$101,415) of the original contract price with Haskell & Haskell Engineering & Construction Services, Inc.; and (ii) terminating the current construction contract with Haskell & Haskell Engineering & Construction Services, Inc. for the Modesto West Basin project; and (iii) approve amending the Fiscal Year 2012-2013 Capital Improvement Program budget by transferring \$173,678 to fund construction and contingency. (Following approval of recommended actions, the total construction cost

will be \$173,678.) (Funding Source: CFD No. 2004-1 (Village One #2) and Storm Drain Fund)

- Resolution authorizing the issuance of change orders up to 25.7% (\$101,415) of the original contract price with Haskell & Haskell Engineering & Construction Services, Inc. for the Modesto West Basin Improvements project recommended.
- Resolution terminating the current construction contract with Haskell & Haskell Engineering & Construction Services, Inc. for the Modesto West Basin Improvements project recommended.
- Resolution amending the Fiscal Year 2012-2013 Capital Improvement Program budget in the amount of \$173,678 to be transferred into the project from Storm Drain Fund Reserves in order to fully fund construction and contingency for the Modesto West Basin Improvements project recommended.

*Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION: Resolution 2012-338 (Cogdill/Gunderson; 7/0)** authorizing the issuance of change orders up to 25.7% (\$101,415) of the original contract price with Haskell & Haskell Engineering & Construction Services, Inc. for the Modesto West Basin Improvements project.

**ACTION: Resolution 2012-339 (Cogdill/Gunderson; 7/0)** terminating the current construction contract with Haskell & Haskell Engineering & Construction Services, Inc. for the Modesto West Basin Improvements project.

**ACTION: Resolution 2012-340 (Cogdill/Gunderson; 7/0)** amending the Fiscal Year 2012-2013 Capital Improvement Program budget in the amount of \$173,678 to be transferred into the project from Storm Drain Fund Reserves in order to fully fund construction and contingency for the Modesto West Basin Improvements project.

## HEARINGS

*Published in the Modesto Bee on July 30, 2012*

21. Hearing to consider amending Section 4-5.08 of Chapter 5 of Title 4 of the Modesto Municipal Code to allow the City Manager, or his designee, to authorize future sidewalk sales when sponsored by a bona fide merchants' association. (Funding Source: Not Applicable)

- Motion introducing an Ordinance amending Section 4-5.08 of Chapter 5 of Title 4 of the Modesto Municipal Code Relating to Advertising on Streets and Sidewalks recommended.

*Community & Economic Development; Laurie A. Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Motion (Lopez/Gunderson; 7/0)** introducing **Ordinance No. 3573-C.S.** amending Section 4-5.08 of Chapter 5 of Title 4 of the Modesto Municipal Code Relating to Advertising on Streets and Sidewalks.

## MATTERS TOO LATE FOR THE AGENDA

None.

**ADJOURNMENT**

This meeting adjourned at 7:09 p.m.

**CLOSED SESSION**

*All Closed Session Matters Heard Prior to and After Council Meeting*

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

**One Case (Pursuant to Section 54956.9(a) of the Government Code)**

Name of case:           Christiansen, et al v. City of Modesto  
                                  Stanislaus County Superior Court No. 653915

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto City Employees Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Confidential & Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Officers’ Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Non Sworn Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto City Firefighters Association

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

Agency Negotiators: Greg Nyhoff, City Manager  
Employee Organization: Unrepresented Management and Confidential Employee

Stephanie

Attest: \_\_\_\_\_  
Lopez, City Clerk

# MINUTES

**City of Modesto**  
**SPECIAL CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Monday August 20, 2012, at 4:00 p.m.**

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,  
Mayor Marsh  
Absent: None

Pledge of Allegiance to the Flag

Invocation: None

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: No Closed Session Matters

## PUBLIC COMMENT PERIOD

None.

## 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 from the August 14, 2012 City Council meeting.  
(Funding Source: Not Applicable)
  - Motion approving recommended.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Burnside/Cogdill; 7/0)** approving the Minutes from the August 14, 2012 City Council meeting.

## COUNCIL COMMENTS & REPORTS

None.

## CITY MANAGER COMMENTS & REPORTS

None.

### UNFINISHED BUSINESS

2. Review and consider recent correspondence from Doubletree, Inc. regarding stipulation that the Management Agreement for the management, maintenance and operations of the Modesto Centre Plaza (MCP) be coterminous with the existing catering agreement with Modesto Hospitality Lessee, LLC (Double Tree), and providing direction to staff on proceeding forward with contract negotiations. (Funding Source: General Fund)
  - Motion directing staff on proceeding forward with contract negotiations recommended.

*Finance; Mark Averell, 577-5412, maverell@modestogov.com*

**ACTION:** **Motion (Cogdill/Burnside; 4/3; Gunderson, Lopez, Mayor Marsh no)** directing staff to move forward with negotiations on the Management Agreement for the management, maintenance and operations of the Modesto Centre Plaza (MCP). The management agreement need not be coterminous with the existing catering agreement with Modesto Hospitality Lessee, LLC (Double Tree).

### MATTERS TOO LATE FOR THE AGENDA

None.

### ADJOURNMENT

This meeting adjourned at 5:28 p.m.

**MINUTES**  
**City of Modesto**  
**FINANCE COMMITTEE / COUNCIL**  
**WORKSHOP**  
**Second Floor, Room 2005**  
**1010 10th Street**  
**Modesto, California**  
**Monday, August 27, 2012, at 5:30 p.m.**

Roll Call - Present: Councilmembers Dave Cogdill, Jr., Stephanie Burnside and Dave Lopez  
Absent: None  
Also Present: Councilmember Dave Geer

**PUBLIC COMMENTS**

None.

**CONSENT**

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

Consent

1. Consider accepting the Quarterly Water Meter Installation Program Update. (Funding Source: Not Applicable)  
*Public Works; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION:** **Motion (Lopez/Burnside; unan.)** accepting the Quarterly Water Meter Installation Program Update

**UNFINISHED BUSINESS**

2. Consider accepting an informational report on the City's Golf Fund for the month of July 2012. (Funding Source: Golf Fund)  
*Parks, Recreation & Neighborhoods; Lisa Forester, 577-6444, lforester@modestogov.com*

**ACTION:** No reportable action.

**NEW BUSINESS**

3. Consider approving the sole source procurement of the GovNow Web Pay System for the Finance Department, Customer Services Division from SunGard Public Sector of Lake Mary, Florida, for an estimated cost of \$78,194 to provide citizens access to online bill payment options and account management features and forwarding to Council for approval. (Funding Source: Utility Enterprise and General Fund)

Expenditure)

*Finance; Leslie Curtin, 571-5889, lcurtin@modestogov.com*

**ACTION:** **Motion (Lopez/Burnside; unan.)** approving the sole source procurement of the GovNow Web Pay System for the Finance Department, Customer Services Division from SunGard Public Sector of Lake Mary, Florida, for an estimated cost of \$78,194 to provide citizens access to online bill payment options and account management features and forwarding to Council for approval.

4. Consider: (i) amending the position allocation in the Community and Economic Development Department adopted by the City Council as part of the FY 12-13 budget to add one (1) Development Services Technician II position (\$3,855-\$4,686 monthly) in Cost Center 14210; (ii) amending the position allocation in the Parks, Recreation and Neighborhoods Department to increase one (1) Recreation Coordinator .75 allocation to one (1) Recreation Coordinator 1.0 allocation for a limited term through the end of FY 2012/2013 in Cost Center 33130; **(iii) amending the position allocation in the Parks, Recreation and Neighborhoods Department to increase one (1) Senior Administrative Office Assistant .25 allocation to one (1) Senior Administrative Office Assistant 1.0 allocation for a limited term through the end of FY 2012/2013 in Cost Center 34110.**and forwarding to Council for approval.  
(Funding Source: General Fund)

*Human Resources; Kimberly Murdaugh, 577-5409, kmurdaugh@modestogov.com*

**ACTION:** **Motion (Lopez/Burnside; unan.)** (i) amending the position allocation in the Community and Economic Development Department adopted by the City Council as part of the FY 12-13 budget to add one (1) Development Services Technician II position (\$3,855-\$4,686 monthly) in Cost Center 14210; (ii) amending the position allocation in the Parks, Recreation and Neighborhoods Department to increase one (1) Recreation Coordinator .75 allocation to one (1) Recreation Coordinator 1.0 allocation for a limited term through the end of FY 2012/2013 in Cost Center 33130; **(iii) amending the position allocation in the Parks, Recreation and Neighborhoods Department to increase one (1) Senior Administrative Office Assistant .25 allocation to one (1) Senior Administrative Office Assistant 1.0 allocation for a limited term through the end of FY 2012/2013 in Cost Center 34110,** and forwarding to Council for approval.

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

None.

#### **ADJOURNMENT**

This meeting adjourned at 6:01 p.m.

## MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday September 04, 2012, at 5:30 p.m.**

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,  
Mayor Marsh  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Marvin Jacobo, Youth for Christ

City Clerk's Announcements: None

Declaration of Conflicts of Interest: Muratore – Item 18

Reports from Closed Session - City Attorney Wood reported on Closed Session matters.

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to AT&T proclaiming Sept. 19, 2012 as "It Can Wait - No Texting While Driving Pledge Day." (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com*

**ACTION:** Mayor Marsh presented a Proclamation to AT&T proclaiming Sept. 19, 2012 as It Can Wait - No Texting While Driving Pledge Day.

2. Presentation thanking the Friends of the Modesto Dog Park for their efforts to open the City of Modesto's 1st Dog Park. (Funding Source: Not Applicable)  
*Parks, Recreation and Neighborhoods; Andy Johnson, 571-5582, ajohnson@modestogov.com*

**ACTION:** Presentation made by Parks, Recreation & Neighborhoods thanking the Friends of the Modesto Dog Park for their efforts to open the City of Modesto's 1st Dog Park.

### MISCELLANEOUS

**Legislation**  
**Appointments**  
**Other**

3. Consider approving the reappointments of Karen Swanson and Evan Yoshino to the Disabled Access Appeals Board. (Funding Source: Not Applicable)
  - Resolution approving the reappointment of Karen Swanson to the Disabled Access Appeals Board for a term of four years, with a term expiration of January 1, 2016 recommended.
  - Resolution approving the reappointment of Evan Yoshino to the Disabled Access Appeals Board for a term of four years, with a term expiration of January 1, 2016 recommended.

*Community & Economic Development; William Crew, 577-5231 ,  
wcrew@modestogov.com*

**ACTION: Resolution 2012-341 (Lopez/Muratore; 7/0)** approving the reappointment of Karen Swanson to the Disabled Access Appeals Board for a term of four years, with a term expiration of January 1, 2016.

**ACTION: Resolution 2012-342 (Lopez/Muratore; 7/0)** approving the reappointment of Evan Yoshino to the Disabled Access Appeals Board for a term of four years, with a term expiration of January 1, 2016.

#### **PUBLIC COMMENT PERIOD**

- Loretta Carhart spoke regarding buses in City of Modesto and a stolen wheelchair at the Walmart on McHenry Avenue.
- Joan Rutschow spoke regarding the appearance of Senator Dianne Feinstein in Modesto and the possible sale of water by the Modesto Irrigation District to San Francisco.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through 17**  
**ACTION CONSENT ITEMS 4-17: (Lopez/Gunderson; unan.)**

#### **CONSENT ITEMS**

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

Consent

4. Consider approving the minutes from the August 20, 2012 Special City Council meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the August 20, 2012 City Council meeting recommended.

*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Gunderson; 7/0)** approving the minutes from the August 20, 2012 City Council meeting.

Consent

5. Consider approving final adoption of **Ordinance No. 3573-C.S.** amending Section 4-5.08 of Chapter 5 of Title 4 of the Modesto Municipal Code relating to advertising on streets and sidewalks. (Funding Source: Not Applicable)
  - Motion approving final adoption of **Ordinance No. 3573-C.S.** amending Section 4-5.08 of Chapter 5 of Title 4 of the Modesto Municipal Code relating to advertising on streets and sidewalks recommended.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Gunderson; 7/0)** approving final adoption of **Ordinance No. 3573-C.S.** amending Section 4-5.08 of Chapter 5 of Title 4 of the Modesto Municipal Code relating to advertising on streets and sidewalks.

Consent

6. Consider accepting the Fourth Quarter Update of the City of Modesto Capital Improvement Program for Fiscal Year 2011-2012. (Funding Source: Not Applicable)
  - Motion accepting the Fourth Quarter Update of City of Modesto Capital Improvement Program for Fiscal Year 2011-2012 recommended.  
*Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com*

**ACTION: Motion (Lopez/Gunderson; 7/0)** accepting the Fourth Quarter Update of City of Modesto Capital Improvement Program for Fiscal Year 2011-2012.

Consent

7. Consider approving a Water Will Serve Letter and an Outside Water Service Agreement for water connection as introduced in Section 11-1.05 of Chapter 1 of Title 11 of the Modesto Municipal Code relating to water main connection charges and City Council Policy 5.001 regarding extension of water service into unincorporated areas (7414 River Nine Drive, Modesto). (Funding Source: General Fund and Water Fund)
  - Resolution approving a Water Will Serve Letter for the property located at 7414 River Nine Drive, Modesto (APN: 004-092-016), for a domestic water connection to the City of Modesto's existing water system; and authorizing the City Manager, or his designee, to sign the Water Will Serve letter recommended.
  - Resolution approving an Outside Service Agreement between the City of Modesto and Rajesh and Anuradha Dubey for water service for the property located at 7414 River Nine Drive, Modesto (APN: 004-092-016); and authorizing the City Manager, or his designee, to execute the Agreement recommended.  
*Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com*

**ACTION: Resolution 2012-343 (Lopez/Gunderson; 7/0)** approving a Water Will Serve Letter for the property located at 7414 River Nine Drive, Modesto (APN: 004-092-016), for a domestic water connection to the City of Modesto's existing water system; and authorizing the City Manager, or his designee, to sign the Water Will Serve letter.

**ACTION: Resolution 2012-344 (Lopez/Gunderson; 7/0)** approving an Outside Service Agreement between the City of Modesto and Rajesh and Anuradha Dubey for water service for the property located at 7414 River Nine Drive, Modesto (APN: 004-092-016); and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

8. Consider approving a Water Will Serve Letter and an Outside Water Service Agreement for water connection as introduced in Section 11-1.05 of Chapter 1 of Title 11 of the Modesto Municipal Code relating to water main connection charges and City Council Policy 5.001 regarding extension of water service into unincorporated areas. (7453 River Nine Drive) (Funding Source: General Fund and Water Fund)
- Resolution approving a Water Will Serve Letter for the property located at 7453 River Nine Drive, Modesto (APN: 004-093-012) to connect to the City of Modesto's existing water system; and authorizing the City Manager, or his designee, to sign the Water Will Serve letter recommended.
  - Resolution approving an Outside Service Agreement between the City of Modesto and Don Lee and Margaret Barnett Lee for water service for the property located at 7453 River Nine Drive, Modesto (APN: 004-093-012); and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com*

**ACTION: Resolution 2012-345 (Lopez/Gunderson; 7/0)** approving a Water Will Serve Letter for the property located at 7453 River Nine Drive, Modesto (APN: 004-093-012) to connect to the City of Modesto's existing water system; and authorizing the City Manager, or his designee, to sign the Water Will Serve letter.

**ACTION: Resolution 2012-346 (Lopez/Gunderson; 7/0)** approving an Outside Service Agreement between the City of Modesto and Don Lee and Margaret Barnett Lee for water service for the property located at 7453 River Nine Drive, Modesto (APN: 004-093-012); and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

9. Consider approving a Water Will Serve Letter and an Outside Water Service Agreement for water connection as introduced in Section 11-1.05 of Chapter 1 of Title 11 of the Modesto Municipal Code relating to water main connection charges and City Council Policy 5.001 regarding extension of water service into unincorporated areas. (7410 River Nine Drive) (Funding Source: General Fund and Water Fund)
- Resolution approving a Water Will Serve Letter for the property located at 7410 River Nine Drive, Modesto (APN: 004-093-021), to connect to the City of Modesto's existing water system; and authorizing the City Manager, or his designee, to sign the Water Will Serve letter recommended.
  - Resolution approving an Outside Service Agreement between the City of Modesto and Mark Goering and Marie Jean Macarubbo-Goering for water service for the property located at 7410 River Nine Drive in Modesto (APN: 004-093-021); and

authorizing the City Manager, or his designee, to execute the Agreement recommended.

*Community & Economic Development; Bill Sandhu, 577-5356,  
bsandhu@modestogov.com*

**ACTION: Resolution 2012-347 (Lopez/Gunderson; 7/0)** approving a Water Will Serve Letter for the property located at 7410 River Nine Drive, Modesto (APN: 004-093-021), to connect to the City of Modesto's existing water system; and authorizing the City Manager, or his designee, to sign the Water Will Serve letter.

**ACTION: Resolution 2012-348 (Lopez/Gunderson; 7/0)** approving an Outside Service Agreement between the City of Modesto and Mark Goering and Marie Jean Macarubbo-Goering for water service for the property located at 7410 River Nine Drive in Modesto (APN: 004-093-021); and authorizing the City Manager, or his designee, to execute the Agreement.

#### Consent

10. Consider authorizing the award of proposal and contract for the furnishing of an employee group insurance program for the Department of Human Resources to Gallagher Benefit Services, Inc., Fresno, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$43,000, and over five (5) years of \$215,000. (Funding Source: Employee Benefits Administration)

- Resolution authorizing the award of proposal and contract for the furnishing of an employee group insurance program for the Department of Human Resources to Gallagher Benefit Services, Inc., Fresno, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the City Manager, or his designee, to issue an agreement for an estimated annual cost of \$43,000, and over five (5) years of \$215,000 recommended.

*Finance and Human Resources; Ken Masasso, 577-5420, kmasasso@modestogov.com*

**ACTION: Resolution 2012-349 (Lopez/Gunderson; 7/0)** authorizing the award of proposal and contract for the furnishing of an employee group insurance program for the Department of Human Resources to Gallagher Benefit Services, Inc., Fresno, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the City Manager, or his designee, to issue an agreement for an estimated annual cost of \$43,000, and over five (5) years of \$215,000.

#### Consent

11. Consider approving an amendment to the City's Labor Policy for paying and reporting the value of employer paid member contributions to CalPERS on behalf of employees represented by Modesto Police Officers Association (MPOA) and Modesto Police Management Association (MPMA) and Unrepresented Management Police Safety member. (Funding Source: Future cost savings to various funds.)

- Resolution amending a labor policy for paying and reporting the value of employer paid member contributions to the California Public Employees' Retirement System

(CalPERS) on behalf of employees represented by the Modesto Police Officers Association (MPOA) recommended.

- Resolution amending a labor policy for paying and reporting the value of employer paid member contributions to the California Public Employees' Retirement System (CalPERS) on behalf of employees represented by the Modesto Police Management Association (MPMA) recommended.
- Resolution amending a labor policy for paying and reporting the value of employer paid member contributions to the California Public Employees' Retirement System (CalPERS) on behalf of unrepresented Management Police Safety Members recommended.

*Human Resources; Rosemary Harless, 577-5403, rharless@modestogov.com*

**ACTION: Resolution 2012-350 (Lopez/Gunderson; 7/0)** amending a labor policy for paying and reporting the value of employer paid member contributions to the California Public Employees' Retirement System (CalPERS) on behalf of employees represented by the Modesto Police Officers Association (MPOA).

**ACTION: Resolution 2012-351 (Lopez/Gunderson; 7/0)** amending a labor policy for paying and reporting the value of employer paid member contributions to the California Public Employees' Retirement System (CalPERS) on behalf of employees represented by the Modesto Police Management Association (MPMA).

**ACTION: Resolution 2012-352 (Lopez/Gunderson; 7/0)** amending a labor policy for paying and reporting the value of employer paid member contributions to the California Public Employees' Retirement System (CalPERS) on behalf of unrepresented Management Police Safety Members.

#### Consent

12. Consider: (i) amending the position allocation in the Community and Economic Development Department adopted by the City Council as part of the FY 12/13 budget to add one (1) Development Services Technician II position (\$3,855-\$4,686 monthly) in Cost Center 14210; (ii) amending the position allocation in the Parks, Recreation and Neighborhoods Department to increase one (1) Recreation Coordinator .75 allocation to one (1) Recreation Coordinator 1.0 allocation for a limited term through the end of FY 12/13 in Cost Center 33130; (iii) amending the position allocation in the Parks, Recreation and Neighborhoods Department to increase one (1) Senior Administrative Office Assistant .25 allocation to one (1) Senior Administrative Office Assistant 1.0 allocation for a limited term through the end of FY 12/13 in Cost Center 34110. (Funding Source: General Fund)

- Resolution amending the position allocation in the Community and Economic Development Department adopted by the City Council as part of the FY 12/13 budget to add one (1) Development Services Technician II position (\$3,855-\$4,686 monthly) in Cost Center 14210; (ii) amending the position allocation in the Parks, Recreation and Neighborhoods Department to increase one (1) Recreation Coordinator .75 allocation to one (1) Recreation Coordinator 1.0 allocation for a

limited term through the end of FY 12/13 in Cost Center 33130; (iii) amending the position allocation in the Parks, Recreation and Neighborhoods Department to increase one (1) Senior Administrative Office Assistant .25 allocation to one (1) Senior Administrative Office Assistant 1.0 allocation for a limited term through the end of FY 12/13 in Cost Center 34110 recommended.

*Human Resources; Kimberly Murdaugh, 571-5409, kmurdaugh@modestogov.com*

**ACTION: Resolution 2012-353 (Lopez/Gunderson; 7/0)** amending the position allocation in the Community and Economic Development Department adopted by the City Council as part of the FY 12/13 budget to add one (1) Development Services Technician II position (\$3,855-\$4,686 monthly) in Cost Center 14210; (ii) amending the position allocation in the Parks, Recreation and Neighborhoods Department to increase one (1) Recreation Coordinator .75 allocation to one (1) Recreation Coordinator 1.0 allocation for a limited term through the end of FY 12/13 in Cost Center 33130; (iii) amending the position allocation in the Parks, Recreation and Neighborhoods Department to increase one (1) Senior Administrative Office Assistant .25 allocation to one (1) Senior Administrative Office Assistant 1.0 allocation for a limited term through the end of FY 12/13 in Cost Center 34110.

#### Consent

13. Consider accepting a grant from the Office of Traffic Safety (OTS) Sobriety Checkpoint Grant Program in the amount of \$96,450 for overtime to conduct sobriety checkpoints. (Funding Source: Grants - Operations Grants Reimbursed)
- Resolution accepting a grant in the amount of \$96,450.00 from the Office of Traffic Safety Sobriety Checkpoint Grant Program, to conduct sobriety checkpoints; and authorizing the City Manager, or his designee, to execute the necessary program documents recommended.
  - Resolution amending the Multi-Year 2012/2013 Operating Budget to appropriate revenues and expenditures of \$96,450.00 to conduct sobriety checkpoints recommended.

*Police; Scott Blom, 572-9678, bloms@modestopd.com*

**ACTION: Resolution 2012-354 (Lopez/Gunderson; 7/0)** accepting a grant in the amount of \$96,450.00 from the Office of Traffic Safety Sobriety Checkpoint Grant Program, to conduct sobriety checkpoints; and authorizing the City Manager, or his designee, to execute the necessary program documents.

**ACTION: Resolution 2012-355 (Lopez/Gunderson; 7/0)** amending the Multi-Year 2012/2013 Operating Budget to appropriate revenues and expenditures of \$96,450.00 to conduct sobriety checkpoints.

#### Consent

14. Consider: (i) accepting the 2013 Selective Traffic Enforcement Program (STEP) Grant in the amount of approximately \$100,000 from the Office of Traffic Safety (OTS); and (ii) amending the FY2012/13 Operating and Multi-Year Grant Budget, estimating revenue of approximately \$100,000 for the STEP Grant. (Funding Source: Grants - Operations Grants Reimbursed)

- Resolution accepting the 2013 Selective Traffic Enforcement Program Grant in the amount of approximately \$100,000 from the Office of Traffic Safety to increase enforcement for speed, DUI, and other special traffic enforcement operations; and authorizing the City Manager, or his authorized designee, to execute the necessary documents recommended.
- Resolution amending the FY 2012-2013 Operating and Multi-Year Budget to appropriate revenue and expenses in the amount of \$100,000 related to the Selective Traffic Enforcement Program Grant to Increase Enforcement for Speed, DUI, and Other Special Traffic Enforcement Operations recommended.

*Police; Scott Blom, 572-9678, bloms@modestopd.com*

**ACTION: Resolution 2012-356 (Lopez/Gunderson; 7/0)** accepting the 2013 Selective Traffic Enforcement Program Grant in the amount of approximately \$100,000 from the Office of Traffic Safety to increase enforcement for speed, DUI, and other special traffic enforcement operations; and authorizing the City Manager, or his authorized designee, to execute the necessary documents.

**ACTION: Resolution 2012-357 (Lopez/Gunderson; 7/0)** amending the FY 2012-2013 Operating and Multi-Year Budget to appropriate revenue and expenses in the amount of \$100,000 related to the Selective Traffic Enforcement Program Grant to Increase Enforcement for Speed, DUI, and Other Special Traffic Enforcement Operations.

#### Consent

15. Consider approving agreements for HOME Community Housing Development Organization operating funds in the amount of \$50,000 to Stanislaus County Affordable Housing Corporation and \$50,000 to Habitat for Humanity, Stanislaus. (Funding Source: HOME Investment Partnership Program Funds)
- Resolution approving agreements for HOME Community Housing Development Organization (CHDO) operating funds in the amount of \$50,000 to Stanislaus County Affordable Housing Corporation (STANCO) and \$50,000 to Habitat for Humanity, Stanislaus (Habitat) and authorizing the City Manager, or his designee, to execute the CHDO agreements recommended.

*Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com*

**ACTION: Resolution 2012-358 (Lopez/Gunderson; 7/0)** approving agreements for HOME Community Housing Development Organization (CHDO) operating funds in the amount of \$50,000 to Stanislaus County Affordable Housing Corporation (STANCO) and \$50,000 to Habitat for Humanity, Stanislaus (Habitat) and authorizing the City Manager, or his designee, to execute the CHDO agreements.

#### Consent

16. Consider authorizing the purchase of parts and services from Envirogen Technologies, Inc., Rancho Cucamonga, CA, for repairs at the Grayson Water System for a cost not to exceed \$80,182.23. (Funding Source: Water Fund)
- Resolution authorizing the purchase of parts and services from Envirogen Technologies, Inc., Rancho Cucamonga, Ca., for Repairs at the Grayson Water

System for a cost not to exceed \$80,182.23 recommended.  
*Public Works; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Resolution 2012-359 (Lopez/Gunderson; 7/0)** authorizing the purchase of parts and services from Envirogen Technologies, Inc., Rancho Cucamonga, Ca., for Repairs at the Grayson Water System for a cost not to exceed \$80,182.23.

#### Consent

17. Consider accepting the work by Collins Electrical Company, Inc. for the ARRA Modesto Centre Plaza Lighting Improvements Project as complete. (Total construction cost is \$679,523.41, with a total project cost of \$748,118.) (Funding Source: Federal American Recovery and Reinvestment Act – Energy Efficiency and Conservation Block Grant Fund Program (ARRA-EECBG) & Solid Waste Fund)

- Resolution accepting the work by Collins Electrical Company, Inc., for the ARRA Modesto Centre Plaza Lighting Improvements Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$679,523.41 recommended.

*Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION: Resolution 2012-360 (Lopez/Gunderson; 7/0)** accepting the work by Collins Electrical Company, Inc., for the ARRA Modesto Centre Plaza Lighting Improvements Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$679,523.41.

### COUNCIL COMMENTS & REPORTS

Councilmember Lopez spoke regarding the August 17, 2012 kickball tournament to benefit Partners in Paint and thanked the sponsors.

### CITY MANAGER COMMENTS & REPORTS

None.

### UNFINISHED BUSINESS

*Councilmember Muratore absent due to conflict of interest*

18. Consider approving: (i) a Memorandum of Understanding (MOU) not to exceed \$2 million with the Housing Authority of the County of Stanislaus (HACS) for the Neighborhood Stabilization Program 2 (NSP2); and all standard loan agreements to be used in each Council approved HACS transaction.

- Resolution approving a Memorandum of Understanding (MOU) not to exceed \$2 million with the Housing Authority of the County of Stanislaus (HACS) for the Neighborhood Stabilization Program 2 (NSP2) and authorizing the City Manager, or his designee, to sign any and all related documents recommended.

- Resolution approving Neighborhood Stabilization Program 2 (NSP2) Loan Document templates for use with all acquisition and rehabilitation loan agreements with the Housing Authority of the County of Stanislaus (HACS) under the NSP2 “General Acquisition and Rehabilitation” activity recommended.

*Parks, Recreation & Neighborhoods; Scott Humphries, 571-5506, shumphries@modestogov.com*

**ACTION: Resolution 2012-361 (Lopez/Cogdill; 6/0; Muratore absent due to conflict of interest)** approving a Memorandum of Understanding (MOU) not to exceed \$2 million with the Housing Authority of the County of Stanislaus (HACS) for the Neighborhood Stabilization Program 2 (NSP2) and authorizing the City Manager, or his designee, to sign any and all related documents.

**ACTION: Resolution 2012-362 (Lopez/Cogdill; 6/0; Muratore absent due to conflict of interest)** approving Neighborhood Stabilization Program 2 (NSP2) Loan Document templates for use with all acquisition and rehabilitation loan agreements with the Housing Authority of the County of Stanislaus (HACS) under the NSP2 “General Acquisition and Rehabilitation” activity.

#### **NEW BUSINESS**

19. Consider amending Municipal Code Section 8-3.102 to extend the Contracting Authority of the City Manager for public works projects consisting of the design, purchase, and installation of water lines and associated appurtenances used to upgrade water mains in the Airport Neighborhood service area for a not-to-exceed amount of \$1,405,166. (Funding Source: Water Fund CIP)
  - Motion introducing 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, to extend the Contracting Authority of the City Manager for public works projects consisting of the design, purchase, and installation of water mains and associated appurtenances used to upgrade the water system in the Airport Neighborhood service area to an amount not-to-exceed \$1,405,166 recommended.

*Public Works; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Motion (Lopez/Geer; 7/0)** introducing **Ordinance No. 3574-C.S.** amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts, to extend the Contracting Authority of the City Manager for public works projects consisting of the design, purchase, and installation of water mains and associated appurtenances used to upgrade the water system in the Airport Neighborhood service area to an amount not-to-exceed \$1,405,166.

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

None.

#### **ADJOURNMENT**

This meeting adjourned at 6:26 p.m.

## **CLOSED SESSION**

*All Closed Session Matters Heard Prior to and After Council Meeting*

### **CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) - MCEA**

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto City Employees Association

### **CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MCMA**

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Confidential & Management Association

### **CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MPOA**

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Officers' Association

### **CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MPNSA**

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Non Sworn Association

### **CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –MPMA**

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Management Association

### **CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) - MCFFA**

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto City Firefighters Association

### **CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – Unrepresented**

Agency Negotiators: Greg Nyhoff, City Manager  
Employee Organization: Unrepresented Management and Confidential Employee

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

**One Case (Pursuant to Section 54956.9(a) of the Government Code)**

Name of case: Jane Doe v. City of Modesto, et al.

USDC

Case No.: 1:12-CV-01255-LJO-GSA

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION One Case**

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

Name of case: City of Modesto Redevelopment Agency v. The Dow Chemical Company, et al  
San Francisco County Superior Court No. 999345 and 999643

**MINUTES**  
City of Modesto  
**Special Economic Development Committee/  
City Council Workshop Meeting**

**Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California**

**Monday, September 10, 2012 at 5:30 p.m.**

Roll Call Present: Councilmembers Burnside, Cogdill Jr., and Geer (Alternate)  
Absent: Muratore

**PUBLIC COMMENTS**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-2**

**CONSENT**

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

Consent

1. Consider approving the Traffic Signals Near Schools report. (Funding Source: Gas Tax)  
*Community & Economic Development; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com*

**ACTION: Motion (Cogdill/Geer;unan.)** approving the Traffic Signals Near Schools report.

Consent

2. Consider accepting the status report of development projects processed by the Community and Economic Development Department. (Funding Source: Not Applicable)  
*Community & Economic Development; Brent Sinclair, 577-5228, hbsinclair@modestogov.com*

**ACTION: Motion (Geer/Cogdill;unan.)** accepting the status report of development projects processed by the Community and Economic Development Department.

**UNFINISHED BUSINESS**

3. Consider an informational update on roundabouts near James C. Enochs High School. (Funding Source: Not Applicable)  
*Community & Economic Development; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com*

**ACTION:** **Motion (Geer/Cogdill;unan.)** accepting an informational update on roundabouts near James C. Enochs High School

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 6:00 p.m.



\*Councilmember Muratore  
Marriott  
4525 Collins Ave.  
Miami Beach, Fl 33140

## MODESTO CITY COUNCIL

[www.modestogov.com](http://www.modestogov.com)

### MINUTES

City of Modesto

### CITY COUNCIL MEETING

Chambers, Basement Level

Tenth Street Place, 1010 10th Street

Modesto, California

Tuesday September 11, 2012, at 5:30 p.m.

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, \*Muratore,  
Mayor Marsh  
Absent: None

Mayor Marsh announced a moment of silence in memory of the 11th Anniversary of the September 11, 2001 attacks.

Pledge of Allegiance to the Flag

Invocation: Rick Fritzemeier, Youth for Christ

City Clerk's Announcements: Items 5 and 10 - Removed from Consent

Declaration of Conflicts of Interest: Muratore - Items 9, 12, 13 and 14

Reports from Closed Session: City Attorney Wood reported on Closed Session matters

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by the Modesto Chamber of Commerce to new and growing businesses in Modesto. (Funding Source: Not Applicable)  
*Community & Economic Development; Laurie Smith, 577-5347,  
lsmith@modestogov.com*

**ACTION:** Cecil Russell, President of the Modesto Chamber of Commerce, acknowledged Miceli-Watters Staffing Partners LLC, Medics Plus, Keller-Williams Realty, and Wal-Mart.

2. Presentation of Certificate of Recognition to Cub Scout Ethan Eve. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com*

**ACTION:** Mayor Marsh presented a Certificate of Recognition to Cub Scout Ethan Eve. Interim Police Chief Balentine also presented a Certificate to Cub Scout Ethan Eve.

### **PUBLIC COMMENT PERIOD**

- Jenny Kenoyer spoke regarding a dangerous crosswalk at Ralston Towers.
- Ray Pepperini spoke regarding trees in the City of Modesto.
- Debra Harper spoke regarding the bus service in the City of Modesto and the declaration of human rights.
- Ronda Lucas, Environmental Attorney, and John Duarte spoke regarding the possible sale of water by Modesto Irrigation District to San Francisco and minimum 3 week public review period.
- Carmen Sabatino spoke regarding his request for a special City Council meeting regarding the possible water sale by Modesto Irrigation District to San Francisco.
- Cecil Russell recognized Dave Geer for his help in eliminating weeds on Pelandale Avenue.
- Emerson Drake spoke regarding the possible sale of water by Modesto Irrigation District to San Francisco and possible annexation of Salida.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 10**

**ACTION CONSENT ITEMS 3-4, 6-8: (Lopez/Gunderson;unan.)**

**ACTION CONSENT ITEM 9: (Lopez/Burnside; unan.; Muratore absent due to conflict of interest)**

### **CONSENT ITEMS**

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

Consent

3. Consider approving the minutes from the September 4, 2012 City Council meeting. (Funding Source: Not Applicable)

- Motion approving the minutes from the September 4, 2012 City Council meeting recommended.

*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Gunderson; 7/0)** approving the minutes from the September 4, 2012 City Council meeting.

Consent

4. Consider approving final adoption of **Ordinance No. 3574-C.S.** amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts, to extend the Contracting Authority of the City Manager for public works projects consisting of the design, purchase, and installation of water mains and associated appurtenances used to upgrade the water system in the Airport Neighborhood service area to an amount not-to-exceed \$1,405,166. (Funding Source: Not Applicable)

- Motion approving final adoption of **Ordinance No. 3574-C.S.** amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts, to extend the Contracting Authority of the City Manager for public works projects consisting of the design, purchase, and installation of water mains and associated appurtenances used to upgrade the water system in the Airport Neighborhood service area to an amount not-to-exceed \$1,405,166 recommendations.

*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Gunderson; 7/0)** approving final adoption of **Ordinance No. 3574-C.S.** amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts, to extend the Contracting Authority of the City Manager for public works projects consisting of the design, purchase, and installation of water mains and associated appurtenances used to upgrade the water system in the Airport Neighborhood service area to an amount not-to-exceed \$1,405,166.

*Removed from Consent*

5. Consider accepting the Quarterly Travel Information for Mayor and Councilmembers, Charter Officers, Deputy City Manager and Department Directors for April, May and June, 2012. (Funding Source: Various Funds)

- Motion accepting the Quarterly Travel Information for Mayor and Councilmembers, Charter Officers, Deputy City Manager and Department Directors for April, May and June, 2012 recommended.

*City Manager; Tish Foley, 577-5224, tfoley@modestogov.com*

**ACTION: Motion (Gunderson/Lopez; 7/0)** accepting the Quarterly Travel Information for Mayor and Councilmembers, Charter Officers, Deputy City Manager and Department Directors for April, May and June, 2012.

Consent

6. Consider authorizing the award of contract for the furnishing of security guard services for Citywide use, to Cypress Private Security, San Jose, CA, for a one-year agreement

with six (6) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$397,000, and over seven (7) years of \$2,907,300. (Funding Source: Various Funds)

- Resolution authorizing the award of contract for the furnishing of security guard services for Citywide use, to Cypress Private Security, San Jose, CA, for a one-year agreement with six (6) one-year extension options at the sole discretion of the City, and authorizing the City Manager, or his designee, to issue an agreement for an estimated annual cost of \$397,000, and over seven (7) years of \$2,907,300 recommended.

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

**ACTION: Resolution 2012-363 (Lopez/Gunderson; 7/0)** authorizing the award of contract for the furnishing of security guard services for Citywide use, to Cypress Private Security, San Jose, CA, for a one-year agreement with six (6) one-year extension options at the sole discretion of the City, and authorizing the City Manager, or his designee, to issue an agreement for an estimated annual cost of \$397,000, and over seven (7) years of \$2,907,300.

Consent

7. Consider authorizing the award of bid for the purchase of Federal Brand ammunition for the Modesto Police Department to San Diego Police Equipment Co., Inc., San Diego, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$92,307, and over five (5) years of \$461,535 (Funding Source: Police Support Services)

- Resolution authorizing the award of bid for the purchase of Federal Brand ammunition for the Modesto Police Department to San Diego Police Equipment Co., Inc., San Diego, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$92,307, and over five (5) years of \$461,535 recommended.

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

**ACTION: Resolution 2012-364 (Lopez/Gunderson; 7/0)** authorizing the award of bid for the purchase of Federal Brand ammunition for the Modesto Police Department to San Diego Police Equipment Co., Inc., San Diego, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$92,307, and over five (5) years of \$461,535.

Consent

8. Consider authorizing: (i) the award of contract for the purchase of a packer truck for the Parks, Recreation and Neighborhoods Department, Solid Waste Pruned Refuse Collection Division, through the Public Works Department, Fleet Services Division, by “piggybacking” off the City’s own competitively bid contract, to Western Truck Center, Stockton, CA, for an estimated total cost of \$197,269; and (ii) amending the Fiscal Year 2012-13 Adopted Operated budget to increase the Fleet Replacement Fund (5409-53246-57003) from Fleet Reserves by \$200,000 for the purchase of a packer

truck. (Funding Source: Fleet Replacement Funds)

- Resolution authorizing the award of contract for the purchase of a packer truck for the Parks, Recreation and Neighborhoods Department, Solid Waste Pruned Refuse Collection Division, through the Public Works Department, Fleet Services Division, by “piggybacking” off the City’s own competitively bid contract, to Western Truck Center, Stockton, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$197,269 recommended.
- Resolution authorizing to amend the Fiscal Year 2012-13 Adopted Operated budget to increase the Fleet Replacement Fund (5409-53246-57003) from Fleet Reserves by \$200,000 for the purchase of a packer truck recommended.

*Finance and Public Works; Megan M. Torres, 571-5839, mtorres@modestogov.com*

**ACTION: Resolution 2012-365 (Lopez/Gunderson; 7/0)** authorizing the award of contract for the purchase of a packer truck for the Parks, Recreation and Neighborhoods Department, Solid Waste Pruned Refuse Collection Division, through the Public Works Department, Fleet Services Division, by “piggybacking” off the City’s own competitively bid contract, to Western Truck Center, Stockton, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$197,269.

**ACTION: Resolution 2012-366 (Lopez/Gunderson; 7/0)** authorizing to amend the Fiscal Year 2012-13 Adopted Operated budget to increase the Fleet Replacement Fund (5409-53246-57003) from Fleet Reserves by \$200,000 for the purchase of a packer truck.

Consent – *Councilmember Muratore absent due to conflict of interest*

9. Consider approving First Amendment to City of Modesto Neighborhood Stabilization Program 2 between the City of Modesto and the Housing Authority of the County of Stanislaus (HACS) to incorporate the “Buy American” requirement in accordance with NSP regulations for the development of affordable housing units located at 605 E. Coolidge Avenue, Modesto for the Emancipated Foster and Homeless Youth Program (EFY&HYP), also known as Meadow Glen Project and authorizing the City Manager, or his designee, to execute the loan agreement and related documents. (Funding Source: NSP2)

- Resolution approving First Amendment to City of Modesto NSP2 Loan Agreement between the City of Modesto and the Housing Authority of the County of Stanislaus (HACS) to incorporate the “Buy American” requirement in accordance with NSP regulations for the development of affordable housing for the Emancipated Foster and Homeless Youth Program and authorizing the City Manager, or his designee, to execute the First Amendment to City of Modesto’s NSP2 Loan Agreement and related documents recommended.

*Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com*

**ACTION: Resolution 2012-367 (Lopez/Burnside; 6/0; Muratore absent due to conflict of interest)** approving First Amendment to City of Modesto NSP2 Loan Agreement between the City of Modesto and the Housing Authority of the County of Stanislaus (HACS) to incorporate

the “Buy American” requirement in accordance with NSP regulations for the development of affordable housing for the Emancipated Foster and Homeless Youth Program and authorizing the City Manager, or his designee, to execute the First Amendment to City of Modesto’s NSP2 Loan Agreement and related documents.

*Removed from Consent*

10. Consider approving the plans and specifications for the Emerald & Maze Storm Drain Project, accepting the bid, and approving a contract with Allen A. Waggoner Construction, Inc. of Ripon, California in the amount of \$183,288. (Total estimated cost for the construction portion of the project is \$243,274.) (Funding Source: Storm Drain Fund)
  - Resolution approving the plans and specifications for the Emerald & Maze Storm Drain Project, accepting the bid, and approving a contract with Allen A. Waggoner Construction, Inc. of Ripon, California in the amount of \$183,288, and authorizing the City Manager, or his designee, to execute the contract recommended.  
*Utility Planning & Projects; William Wong, 571-5801, wwong@modestogov.com*

**ACTION: Resolution 2012-368 (Lopez/Gunderson; 7/0)** approving the plans and specifications for the Emerald & Maze Storm Drain Project, accepting the bid, and approving a contract with Allen A. Waggoner Construction, Inc. of Ripon, California in the amount of \$183,288, and authorizing the City Manager, or his designee, to execute the contract.

**COUNCIL COMMENTS & REPORTS**

Mayor Marsh announced his attendance at the League of California Cities in San Diego; also attending were Vice Mayor Burnside, City Manager Nyhoff, Deputy City Manager Williams-Ridley, and Finance Director Genereux.

Vice Mayor Burnside announced the Community Brunch last Sunday benefitting area non-profits at John Thurman Field.

**CITY MANAGER COMMENTS & REPORTS**

City Manager Nyhoff thanked Community & Economic Director Brent Sinclair who was Acting City Manager while he was out of town last week.

**UNFINISHED BUSINESS**

11. Consider approving a number of agreed upon modification to benefits provided to non-sworn Unrepresented Employees including Charter Officers and Department Directors for Fiscal Year 2012-2013 through fiscal year 2013-2014 including: suspending management leave cash out; continuing unpaid furloughs; freeze sick leave conversion to retiree medical; and incorporate previously authorized benefits regarding Health Reimbursement Arrangement Accounts. Additionally, grant an across the board salary increase of 1.5% to non-sworn unrepresented employees including Charter Officers and Department Directors effective July 2, 2013. Amend the labor policy for paying

and reporting the value of Employer Paid Member Contributions to the California Public Employee's Retirement System (CALPERS) on behalf of the non-sworn Unrepresented City employees; and Rescind Resolution No. 2011-197. (Funding Source: General Fund and Non-General Fund)

- Resolution granting salary changes to Unrepresented Management and Confidential employees, including Charter Officers and Executives, effective July 2, 2013 recommended.
- Resolution amending exhibits "A" and "C" of resolution no. 2007-385 which amended the class range tables for Unrepresented Management and Confidential non-sworn classes and Executives, including Charter Officers to establish a new effective date of July 2, 2013 recommended.
- Resolution suspending management leave cash-out for Unrepresented employees, including Executives and Charter Officers for 2012; continuing unpaid furloughs for non-sworn unrepresented employees through fiscal year 2012-13; freeze sick leave conversion to retiree medical for non-sworn unrepresented employees; incorporating previously authorized benefits for Unrepresented Management employees, including Charter Officers and Executives; and rescinding resolution no. 2011-197 recommended.
- Resolution amending a labor policy for paying and reporting the value of employer paid member contributions to the California Public Employees' Retirement Systems (CALPERS) on behalf of miscellaneous Unrepresented Management and Confidential employees recommended.
- Resolution amending a labor policy for paying and reporting the value of employer paid member contributions to the California Public Employees' Retirement Systems (CALPERS) on behalf of miscellaneous Unrepresented Management Fire Safety employees recommended.

*Human Resources; Joseph Lopez, 571-5126, joelopez@modestogov.com*

**ACTION: Resolution 2012-369 (Lopez/Burnside; 7/0)** granting salary changes to Unrepresented Management and Confidential employees, including Charter Officers and Executives, effective July 2, 2013.

**ACTION: Resolution 2012-370 (Lopez/Burnside; 7/0)** amending exhibits "A" and "C" of resolution no. 2007-385 which amended the class range tables for Unrepresented Management and Confidential non-sworn classes and Executives, including Charter Officers to establish a new effective date of July 2, 2013.

**ACTION: Resolution 2012-371 (Lopez/Burnside; 7/0)** suspending management leave cash-out for Unrepresented employees, including Executives and Charter Officers for 2012; continuing unpaid furloughs for non-sworn unrepresented employees through fiscal year 2012-13; freeze sick leave conversion to retiree medical for non-sworn unrepresented employees; incorporating previously authorized benefits for Unrepresented Management employees, including Charter Officers and Executives; and rescinding resolution no. 2011-197.

**ACTION: Resolution 2012-372 (Lopez/Burnside; 7/0)** amending a labor policy for paying and reporting the value of employer paid member contributions to the California Public

Employees' Retirement Systems (CALPERS) on behalf of miscellaneous Unrepresented Management and Confidential employees.

**ACTION: Resolution 2012-373 (Lopez/Burnside; 7/0)** amending a labor policy for paying and reporting the value of employer paid member contributions to the California Public Employees' Retirement Systems (CALPERS) on behalf of miscellaneous Unrepresented Management Fire Safety employees.

*Councilmember Muratore absent due to conflict of interest*

12. Consider accepting the response to the Stanislaus Civil Grand Jury Report 12-03C and 12-04C and authorizing the City Manager or his designee to submit the response.

(Funding Source: Not Applicable)

- Resolution accepting the City of Modesto response to the Stanislaus County Civil Grand Jury Report 12-03C and 12-04C and authorizing the City Manager or his designee to submit the response recommended.

*Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417,  
jhannon@modestogov.com*

**ACTION: Resolution 2012-374 (Cogdill/Burnside; 6/0; Muratore absent due to conflict of interest)** accepting the City of Modesto response to the Stanislaus County Civil Grand Jury Report 12-03C and 12-04C and authorizing the City Manager or his designee to submit the response.

*Councilmember Muratore absent due to conflict of interest*

13. Consider: (i) rescinding Resolution No. 2012-240 only as it applies to a Neighborhood Stabilization Program 3 (NSP3) Memorandum of Understanding (MOU) with the Housing Authority of the County of Stanislaus (HACS) dated June 12, 2012; (ii) approving an NSP3 MOU with the HACS; (iii) authorizing the City Manager, or his designee, to execute the NSP3 MOU with the HACS; and (iv) approving standardized NSP3 Loan Documents to be used for NSP3 acquisition and rehabilitation loan transactions with the HACS, which will be brought before the City Council for approval of individual NSP3 projects. (Funding Source: NSP3)

- Resolution rescinding Resolution No. 2012-240 only as it applies to a Neighborhood Stabilization Program 3 (NSP3) Memorandum of Understanding (MOU) with the Housing Authority of the County of Stanislaus (HACS) dated June 12, 2012 recommended.
- Resolution approving a Neighborhood Stabilization Program 3 (NSP3) Memorandum of Understanding (MOU) with the Housing Authority of the County of Stanislaus (HACS), and authorizing the City Manager, or his designee, to execute the NSP3 MOU with the HACS recommended.
- Resolution approving standardized Neighborhood Stabilization Program 3 (NSP3) Loan Documents for use with all acquisition and rehabilitation loan transactions with the Housing Authority of the County of Stanislaus (HACS), which will be brought before the City Council for approval of individual NSP3 projects recommended.

*Parks, Recreation & Neighborhoods; Hugo H Ramirez, 577-5368,  
hramirez@modestogov.com*

**ACTION: Resolution 2012-375 (Burnside/Cogdill; 6/0; Muratore absent due to conflict of interest)** rescinding Resolution No. 2012-240 only as it applies to a Neighborhood Stabilization Program 3 (NSP3) Memorandum of Understanding (MOU) with the Housing Authority of the County of Stanislaus (HACS) dated June 12, 2012.

**ACTION: Resolution 2012-376 (Burnside/Cogdill; 6/0; Muratore absent due to conflict of interest)** approving a Neighborhood Stabilization Program 3 (NSP3) Memorandum of Understanding (MOU) with the Housing Authority of the County of Stanislaus (HACS), and authorizing the City Manager, or his designee, to execute the NSP3 MOU with the HACS.

**ACTION: Resolution 2012-377 (Burnside/Cogdill; 6/0; Muratore absent due to conflict of interest)** approving standardized Neighborhood Stabilization Program 3 (NSP3) Loan Documents for use with all acquisition and rehabilitation loan transactions with the Housing Authority of the County of Stanislaus (HACS), which will be brought before the City Council for approval of individual NSP3 projects.

*Councilmember Muratore absent due to conflict of interest*

14. Consider approving: (i) First Amendment to City of Modesto Neighborhood Stabilization Program 3 (NSP3) Memorandum of Understanding (MOU) with Stanislaus County Affordable Housing Corporation (STANCO), and authorizing the City Manager, or his designee, to sign the MOU; and (ii) NSP3 Loan Documents in an amount of \$558,000 for a project involving the acquisition and rehabilitation of real property located at 416 6th Street, which purchase price is not to exceed current market appraised value, and authorizing the City Manager, or his designee, to sign the loan documents any and all related documents. (Funding Source: NSP3)
- Resolution approving First Amendment to City of Modesto Neighborhood Stabilization Program 3 (NSP3) Memorandum of Understanding (MOU) with Stanislaus County Affordable Housing Corporation (STANCO), and authorizing the City Manager, or his designee, to sign the MOU recommended.
  - Resolution approving Neighborhood Stabilization Program 3 (NSP3) Loan Documents in an of \$558,000 for a project involving the acquisition and rehabilitation of real property located at 416 6th Street, of which purchase price is not to exceed current market appraised value, and authorizing the City Manager, or his designee, to sign the loan documents and any and all related documents recommended.

*Parks, Recreation & Neighborhoods; Hugo Ramírez, 577-5368,  
hramirez@modestogov.com*

**ACTION: Resolution 2012-378 (Burnside/Cogdill; 6/0; Muratore absent due to conflict of interest)** approving First Amendment to City of Modesto Neighborhood Stabilization Program 3 (NSP3) Memorandum of Understanding (MOU) with Stanislaus County Affordable Housing Corporation (STANCO), and authorizing the City Manager, or his designee, to sign the MOU.

**ACTION: Resolution 2012-379 (Burnside/Cogdill; 6/0; Muratore absent due to conflict**

**of interest)** approving Neighborhood Stabilization Program 3 (NSP3) Loan Documents in an amount of \$558,000 for a project involving the acquisition and rehabilitation of real property located at 416 6th Street, of which purchase price is not to exceed current market appraised value, and authorizing the City Manager, or his designee, to sign the loan documents and any and all related documents.

15. Consider: (i) approving an Agreement with Global Leadership Alliance, Inc. for Partnering Process Services for the Phase 2 BNR/Tertiary Treatment Facility in an amount not to exceed \$84,200; and (ii) approving an Agreement with G S E Construction Company, Inc. for Cost Sharing for Partnering Process Services for the Phase 2 BNR/Tertiary Treatment Facility in an amount not to exceed \$38,400. (Total estimated maximum cost for the City's portion of the partnering process is \$48,326) (Funding Source: Wastewater Fund)
- Resolution approving an agreement with Global Leadership Alliance, Inc. for Partnering Process Services for Phase 2 BNR/Tertiary Treatment Facility project in an amount not to exceed \$84,200, and authorizing the City Manager, or his designee, to execute the agreement recommended.
  - Resolution approving an agreement with G S E Construction Company, Inc. for Cost Sharing for Partnering Process Services for Phase 2 BNR/Tertiary Treatment Facility project in an amount not to exceed \$38,400, and authorizing the City Manager, or his designee, to execute the agreement recommended.

*Utility Planning and Projects; Jennifer Pratt, 341-2915, jpratt@modestogov.com*

**ACTION: Resolution 2012-380 (Burnside/Lopez; 7/0)** approving an agreement with Global Leadership Alliance, Inc. for Partnering Process Services for Phase 2 BNR/Tertiary Treatment Facility project in an amount not to exceed \$84,200, and authorizing the City Manager, or his designee, to execute the agreement.

**ACTION: Resolution 2012-381 (Burnside/Lopez; 7/0)** approving an agreement with G S E Construction Company, Inc. for Cost Sharing for Partnering Process Services for Phase 2 BNR/Tertiary Treatment Facility project in an amount not to exceed \$38,400, and authorizing the City Manager, or his designee, to execute the agreement.

## NEW BUSINESS

16. Consider authorizing: (i) the City Manager to enter into negotiations with the City of Waterford for the sale of the Waterford and Hickman water systems; and (ii) the reimbursement to the City of Waterford for one-half the cost of the Waterford and Hickman water systems appraisal upon the completion of the sale to the City of Waterford. (Funding Source: Water System Sale Proceeds)
- Resolution authorizing the City Manager to enter into negotiations with the City of Waterford for the sale of the Waterford and Hickman water systems recommended.
  - Resolution authorizing reimbursement to the City of Waterford for one-half the cost of the Waterford and Hickman water systems appraisal upon the completion of the sale to the City of Waterford.

*Public Works; Dennis Turner, 341-2906, dTurner@modestogov.com*

**ACTION: Resolution 2012-382 (Burnside/Cogdill; 7/0)** authorizing the City Manager to enter into negotiations with the City of Waterford for the sale of the Waterford and Hickman water systems.

**ACTION: Resolution 2012-383 (Burnside/Cogdill; 7/0)** authorizing reimbursement to the City of Waterford for one-half the cost of the Waterford and Hickman water systems appraisal **up to the amount of \$10,000.00** upon the completion of the sale to the City of Waterford.

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

None.

### **ADJOURNMENT**

This meeting adjourned at 7:21 p.m.

### **CLOSED SESSION**

*All Closed Session Matters Heard Prior to Meeting*

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto City Employees Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Confidential & Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Officers' Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Non Sworn Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto City Firefighters Association

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

Agency Negotiators: Greg Nyhoff, City Manager  
Employee Organization: Unrepresented Management and Confidential Employee

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

Name of case: *K. J. Woods v. City of Modesto*

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

Name of case: *Stanislaus Towing v. City of Modesto, et al.; Stanislaus County Superior Court*  
No. CV-1344-LJO-DLB

**MINUTES**  
**City of Modesto**  
**SPECIAL FINANCE COMMITTEE / COUNCIL**  
**WORKSHOP**

**Second Floor, Room 2005**  
**1010 10th Street**  
**Modesto, California**  
**Monday, September 17, 2012 at 3:00 p.m.**

Roll Call - Present: Councilmembers Dave Cogdill, Jr., Dave Lopez, and Dave Geer  
(Alternate)  
Absent: Councilmember Burnside

**PUBLIC COMMENTS**

None.

**CONSENT**

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

None.

**NEW BUSINESS**

- 1 Consider amending the Fiscal Year 2011/2012 and Fiscal Year 2012/2013 Operating Budgets to recognize savings achieved through labor concessions and other means and forwarding to Council for approval. (Funding Source: Various Funds)  
*Finance; Stephan Christensen, 577-5390, [schristensen@modestogov.com](mailto:schristensen@modestogov.com)*

**ACTION: Motion (Lopez/Geer; unan.)** amending the Fiscal Year 2011/2012 and Fiscal Year 2012/2013 Operating Budgets to recognize savings achieved through labor concessions and other means and forwarding to Council for approval.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 3:30 p.m.

**MINUTES**  
**City of Modesto**  
**FINANCE COMMITTEE / COUNCIL**  
**WORKSHOP**  
**Second Floor, Room 2005**  
**1010 10th Street**  
**Modesto, California**  
**Monday, September 24, 2012, at 5:30 p.m.**

Roll Call - Present: Councilmembers Dave Cogdill, Jr., Dave Geer (Alternate), and John Gunderson (Alternate)  
Absent: Councilmembers Burnside and Lopez

**PUBLIC COMMENTS**

None.

**PRESENTATIONS**

1. Presentation by Public Works regarding street conditions, maintenance efforts, and funding. (Funding Source: Not Applicable)  
*Public Works; Jim Burch, 577-5462, jburch@modestogov.com*

**CONSENT**

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

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 4**

Consent

2. Consider requiring that Modesto City Council Candidates pay a \$500.00 deposit and Mayor and Modesto City School Board Candidates pay a \$1,000 deposit towards their Candidate Statements at the time of filing their nomination papers, and pay the actual cost of printing their Candidate Statements in the sample ballot in all future City of Modesto Council and Modesto City School Board Elections beginning with the November 5, 2013 election and forwarding to Council for approval. (Funding Source: Elections)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** **Motion (Geer/Gunderson;unan.)** requiring that Modesto City Council Candidates pay a \$500.00 deposit and Mayor and Modesto City School Board Candidates pay a \$1,000 deposit towards their Candidate Statements at the time of filing their nomination papers, and pay the actual cost of printing their Candidate Statements in the sample ballot in all future City of Modesto Council and

Modesto City School Board Elections beginning with the November 5, 2013 election and forwarding to Council for approval.

Consent

3. Consider accepting an informational report on the City's Golf Fund for the month of August 2012. (Funding Source: Not Applicable)  
*Parks, Recreation & Neighborhoods; Lisa Forester , 577-6444, lforester@modestogov.com*

**ACTION:** **Motion (Geer/Gunderson;unan.)** accepting an informational report on the City's Golf Fund for the month of August 2012.

Consent

4. Consider accepting the recommended budget adjustments and forwarding to Council for approval. (Funding Source: Various Funds)  
*Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

**ACTION:** **Motion (Gunderson/Geer;unan.)** accepting the recommended budget adjustments and forwarding to Council for approval.

**UNFINISHED BUSINESS**

5. Consider accepting an informational report on a Property Assessed Clean Energy (PACE) program developed by Placer County and directing staff to proceed with the development of a similar program for the City of Modesto. (Funding Source: Not Applicable)  
*Finance and Community & Economic Development; Gloriette Genereux, 577-5371, ggenereux@modestogov.com*

**ACTION:** **Motion (Geer/Gunderson;unan.)** accepting an informational report on a Property Assessed Clean Energy (PACE) program developed by Placer County and directing staff to proceed with the development of a similar program for the City of Modesto.

6. Consider amending the position allocation in the Modesto Regional Fire Authority (MRFA) adopted by the City Council as part of the FY 12-13 budget to: (i) increase one (1) Emergency Medical Services Coordinator .75 allocation to one (1) Emergency Medical Services Coordinator 1.0 allocation in Cost Center 80121; (ii) add one (1) Fire Battalion Chief allocation in Cost Center 80121; (iii) delete one (1) Public Safety Business Services Analyst allocation from Cost Center 80121 and forwarding to Council for approval. (Funding Source: MRFA Fund)  
*Human Resources; Kimberly Murdaugh, 577-5409, kmurdaugh@modestogov.com*

**ACTION:** **Motion (Geer/Gunderson;unan.)** amending the position allocation in the Modesto Regional Fire Authority (MRFA) adopted by the City Council as part of the FY 12-13 budget to: (i) increase one (1) Emergency Medical Services

Coordinator .75 allocation to one (1) Emergency Medical Services Coordinator 1.0 allocation in Cost Center 80121; (ii) add one (1) Fire Battalion Chief allocation in Cost Center 80121; (iii) delete one (1) Public Safety Business Services Analyst allocation from Cost Center 80121; **(iv) adding two (2) firefighter positions;** and forwarding to Council for approval.

**COMMITTEE MEMBERS COMMENTS AND REPORTS**

Councilmember Gunderson commented on sales tax revenues.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 7:42 p.m.

**MINUTES**  
City of Modesto  
**SPECIAL AUDIT COMMITTEE / COUNCIL**  
**WORKSHOP**

Second Floor, Room 2005  
Tenth Street Place, 1010 10th Street  
Modesto, California  
Tuesday August 25, 2012, at 10:00 a.m.

Roll Call Present: Mayor Marsh, Councilmembers Muratore and Geer  
Absent: None

**PUBLIC COMMENTS**

None

**UNFINISHED BUSINESS**

1. Consider accepting a City of Modesto Performance Improvement Assessment prepared by Moss Adams LLP and providing direction on next performance audit projects to pursue. (Funding Source: Not Applicable)  
*City Auditor; Tom Krippaehne, (206) 302-6409, Tom.Krippaehne@mossadams.com*

**ACTION:** **Motion (Muratore/Geer;unan.)** accepting a City of Modesto Performance Improvement Assessment prepared by Moss Adams LLP and providing direction on next performance audit projects to pursue:

- A.** Department/Function Organization Opportunities Restructuring
- B.** Water and Wastewater Benchmarking
- C.** Cost Allocation/Service Credits
- D.** Alternative Work Schedule, to include scoping of police scheduling and optimization of services, and bring forward at the next Audit Committee meeting.

**COMMITTEE MEMBERS COMMENTS & REPORTS**

None

**MATTERS TOO LATE FOR THE AGENDA**

None

**ADJOURNMENT**

This meeting adjourned at 11:19 a.m.

# MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday September 25, 2012, at 5:30 p.m.**

Roll Call – Present: Councilmembers Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh  
Absent: Councilmember Burnside

Pledge of Allegiance to the Flag

Invocation: Jeff Norman, Modesto Covenant Church

City Clerk's Announcements – None

Declaration of Conflicts of Interest – None

Reports from Closed Session - City Attorney Wood reported on Closed Session matters

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation declaring October 1, 2012 as World Habitat Day in the City of Modesto. (Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** Mayor Marsh presented a Proclamation declaring October 1, 2012 as World Habitat Day in the City of Modesto

2. Presentation of the City of Modesto Performance Measures Update. (Funding Source: Not Applicable)  
*City Manager; Dee Williams-Ridley, 571-5809, dwilliams-ridley@modestogov.com*

**ACTION:** Deputy City Manager Dee Williams-Ridley gave a Presentation of the City of Modesto Performance Measures Update.

## PUBLIC COMMENT PERIOD

- Ray Pefferini spoke regarding trees in the City of Modesto.
- Joan Rutschow, Stanislaus Taxpayers Association, thanked the Modesto City Councilmembers who were not in support of the water sale by Modesto Irrigation

District to San Francisco.

- Patrick McGrath spoke regarding his daughter's assault at Enochs High School last week. Mr. McGrath was referred to Interim Police Chief Balentine.
- Emerson Drake thanked the Modesto City Councilmembers who were not in support of the water sale by Modesto Irrigation District to San Francisco. He also spoke regarding 4 homeless men who assisted a young girl being assaulted on a City bus.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 9**  
**ACTION CONSENT ITEMS 3-9: (Lopez/Cogdill; unan.; Burnside absent)**

### CONSENT ITEMS

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

Consent

3. Consider approving the minutes from the September 11, 2012 City Council meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the September 11, 2012 City Council meeting. *City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Cogdill; 6/0; Burnside absent)** approving the minutes from the September 11, 2012 City Council meeting.

Consent

4. Consider: (i) amending Resolution Nos. 2003-446 and 2011-104, rescinding Resolution Nos. 96-227 and 2000-232, and eliminating the Street Tree Development User Fee; and (ii) introducing an Ordinance amending Article 8 of Chapter 4 of Title 4 of the Modesto Municipal Code relating to Subdivision of Land - Improvements; (iii) introducing an Ordinance amending Section 4-4.404 of Chapter 4 of Title 4 of the Modesto Municipal Code relating to Action on Tentative Map; (iv) introducing an Ordinance amending Chapter 5 of Title 7 of the Modesto Municipal Code relating to Street Trees; and (v) introducing an Ordinance amending Sections 4-4.502, 4-4.503, 4-4.509, 4-4.510, 4-4.511, 4-4.513, 4-4.515, 4-4.516, 4-4.517 and 4-4.518 of Chapter 4 of Title 4 of the Modesto Municipal Code relating to Subdivision of Land - Parcel Maps. (Funding Source: Not applicable)
  - Resolution Amending Resolution Nos. 2003-446 and 2011-104, rescinding Resolution Nos. 96-227 and 2000-232, and eliminating the Street Tree Development User Fee recommended.
  - Motion introducing an Ordinance Amending Article 8 of Chapter 4 of Title 4 of the Modesto Municipal Code Relating to Subdivision of Land – Improvements recommended.
  - Motion introducing an Ordinance Amending Section 4-4.404 of Chapter 4 of Title 4 of the Modesto Municipal Code Relating to Action on Tentative Map recommended.

- Motion introducing an Ordinance Amending Chapter 5 of Title 7 of the Modesto Municipal Code Relating to Street Trees recommended.
- Motion introducing an Ordinance Amending Sections 4-4.502, 4-4.503, 4-4.509, 4-4.510, 4-4.511, 4-4.513, 4-4.515, 4-4.516, 4-4.517 and 4-4.518 of Chapter 4 of Title 4 of the Modesto Municipal Code Relating to Subdivision of Land – Parcel Maps recommended.

*Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

**ACTION: Resolution 2012-384 (Lopez/Cogdill; 6/0; Burnside absent)** amending Resolution Nos. 2003-446 and 2011-104, rescinding Resolution Nos. 96-227 and 2000-232, and eliminating the Street Tree Development User Fee.

**ACTION: Motion (Lopez/Cogdill; 6/0; Burnside absent)** introducing **Ordinance No. 3575-C.S.** amending Article 8 of Chapter 4 of Title 4 of the Modesto Municipal Code Relating to Subdivision of Land – Improvements.

**ACTION: Motion (Lopez/Cogdill;6/0; Burnside absent)** introducing **Ordinance No. 3576-C.S.** amending Section 4-4.404 of Chapter 4 of Title 4 of the Modesto Municipal Code Relating to Action on Tentative Map.

**ACTION: Motion (Lopez/Cogdill; 6/0; Burnside absent)** introducing **Ordinance No. 3577-C.S.** amending Chapter 5 of Title 7 of the Modesto Municipal Code Relating to Street Trees.

**ACTION: Motion (Lopez/Cogdill; 6/0; Burnside absent)** introducing **Ordinance No. 3578-C.S.** amending Sections 4-4.502, 4-4.503, 4-4.509, 4-4.510, 4-4.511, 4-4.513, 4-4.515, 4-4.516, 4-4.517 and 4-4.518 of Chapter 4 of Title 4 of the Modesto Municipal Code Relating to Subdivision of Land – Parcel Maps.

#### Consent

5. Consider approving the sole source procurement of the GovNow Web Pay System for the Finance Department, Customer Services Division from SunGard Public Sector of Lake Mary, Florida, for an estimated cost of \$78,194 to provide citizens access to online bill payment options and account management features. (Funding Source: Utility Enterprise and General Fund Expenditure)

- Resolution authorizing the sole source procurement of the GovNow Web Pay System for the Finance Department, Customer Services Division from SunGard Public Sector of Lake Mary, Florida, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$78,194 recommended.

*Finance; Leslie Curtin, 571-5889, lcurtin@modestogov.com*

**ACTION: Resolution 2012-385 (Lopez/Cogdill;6/0; Burnside absent)** authorizing the sole source procurement of the GovNow Web Pay System for the Finance Department, Customer Services Division from SunGard Public Sector of Lake Mary, Florida, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$78,194.

Consent

6. Consider authorizing the award of bid for the furnishing of hot patch work for the Department of Public Works, Water Division, to Garrett Thompson Construction, Inc., Modesto, CA as “primary” contractor, United Pavement Maintenance, Hughson, CA as “secondary” contractor, and Patch Crew, Modesto CA as “third” contractor, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$749,700, and over five (5) years of \$3,886,000. (Funding Source: Water CIP Fund)

- Resolution authorizing the award of bid for the furnishing of hot patch work for the Department of Public Works, Water Division, to Garrett Thompson Construction, Inc., Modesto, CA as “primary” contractor, United Pavement Maintenance, Hughson, CA as “secondary” contractor, and Patch Crew, Modesto CA as “third” contractor, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue purchase agreements for an estimated annual cost of \$749,700, and over five (5) years of \$3,886,000 recommended.

*Finance and Public Works; Ken Masasso, 577-5420, kmasasso@modestogov.com*

**ACTION: Resolution 2012-386 (Lopez/Cogdill; 6/0; Burnside absent)** authorizing the award of bid for the furnishing of hot patch work for the Department of Public Works, Water Division, to Garrett Thompson Construction, Inc., Modesto, CA as “primary” contractor, United Pavement Maintenance, Hughson, CA as “secondary” contractor, and Patch Crew, Modesto CA as “third” contractor, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue purchase agreements for an estimated annual cost of \$749,700, and over five (5) years of \$3,886,000.

Consent

7. Consider approving an Agreement for the purchase of retired City of Modesto Police canine, Caesar, by its handler, Officer James Murphy. (Funding Source: General Fund Revenue)

- Resolution approving an Agreement between the City of Modesto and Officer James Murphy for the purchase of retired City of Modesto Police canine, Caesar, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

*Police; Rick Armendariz, 572-9612, armendarizr@modestopd.com*

**ACTION: Resolution 2012-387 (Lopez/Cogdill; 6/0; Burnside absent)** approving an Agreement between the City of Modesto and Officer James Murphy for the purchase of retired City of Modesto Police canine, Caesar, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

8. Consider approving the prequalified consultant list for real property appraisal services for various Capital Improvement Program (CIP) projects for a period not to exceed

three years. (Funding Source: Various CIP)

- Resolution approving the prequalified consultant list consisting of Burchard & Rinehart, Bender Rosenthal, Inc., Associated Right of Way Services, Inc., Hulberg & Associates, Inc., and BC Valu for On-Call Real Property Appraisal Services for various Capital Improvement Program projects for a period not to exceed three years recommended.

*Utility Planning and Projects; Jon Yuriar, 577-5399, jyuriar@modestogov.com*

**ACTION: Resolution 2012-388 (Lopez/Cogdill; 6/0; Burnside absent)** approving the prequalified consultant list consisting of Burchard & Rinehart, Bender Rosenthal, Inc., Associated Right of Way Services, Inc., Hulberg & Associates, Inc., and BC Valu for On-Call Real Property Appraisal Services for various Capital Improvement Program projects for a period not to exceed three years.

Consent

9. Consider approving the prequalified consultant list for development of utility cost of service and connection fee studies for a period not to exceed three years. (Funding Source: Water, Wastewater, and Storm Drain Funds)

- Resolution approving the prequalified consultant list, consisting of Bartle Wells Associates, Carollo Engineers, Inc., the FCS Group, HF&H Consultants LLC, and Municipal Financial Services, to provide development of utility cost of service and connection fee studies for a period not to exceed three years recommended.

*Utility Planning and Projects; Richard Ulm, 577-5213, rulm@modestogov.com*

**ACTION: Resolution 2012-389 (Lopez/Cogdill; 6/0; Burnside absent)** approving the prequalified consultant list, consisting of Bartle Wells Associates, Carollo Engineers, Inc., the FCS Group, HF&H Consultants LLC, and Municipal Financial Services, to provide development of utility cost of service and connection fee studies for a period not to exceed three years.

## COUNCIL COMMENTS & REPORTS

Mayor Marsh thanked the Sierra Chapter of American Institute of Architects hosting a week of free events and also announced Love Modesto this Saturday, September 29, 2012.

Councilmember Lopez announced Taking it to the Streets on September 29, 2012 in conjunction with Love Modesto; announced Modesto Regional Fire Authority Board Alternates to be included at the dais; recognized Chief Hinshaw and Operations Chief Slamon; and October 13, 2012 Council in the Park at 10:00 am at Freedom Park.

Councilmember Gunderson spoke regarding mural art and art in public places in Modesto; he would like Safety & Communities to adopt guidelines; and Mayor Marsh referred to Safety & Communities for discussion of a policy on art on public facilities and public places.

## CITY MANAGER COMMENTS & REPORTS

None.

## UNFINISHED BUSINESS

10. Consider approving a status report from Moss Adams LLP, including reports on the Modesto Regional Fire Authority Overtime and Purchasing Review. (Funding Source: Not Applicable)
- Motion approving a status report from Moss Adams LLP recommended.  
*City Auditor; Tom Krippaehne, (206) 302-6409, Tom.Krippaehne@mossadams.com*

**ACTION: Motion (Muratore/Geer; 6/0; Burnside absent)** approving a status report from Moss Adams LLP, including reports on the Modesto Regional Fire Authority Overtime and Purchasing Review.

11. Consider: (i) amending the position allocation for Fiscal Year 2012/13 to reflect the restoration of positions through the use of savings achieved via labor concessions, including: 2.0 Police Officer positions in the Police Department, 0.6 Infrastructure Financing Program Administrator in the Community and Economic Development Department, and 0.5 Financial Analyst II position in the Finance Department; (ii) accepting the report back on savings received through labor concessions; (iii) amending the Fiscal Year 2011/12 Annual Operating Budget to create a transfer from General Fund to the Worker's Compensation Fund in the amount of \$1,750,000 and to rescind the General Fund rate holiday taken against the Worker's Compensation Fund; and (iv) amending the Fiscal Year 2012/13 Annual Operating Budget to recognize labor concession savings and implement the Mayor's recommended budget adjustments. (Funding Source: General Fund)
- Resolution amending the position allocations for Fiscal Year 2012-13 to reflect the restoration of positions through the use of savings achieved via labor concessions recommended.
  - Resolution accepting the report back on savings received through labor concessions recommended.
  - Resolution amending the Fiscal Year 2011-12 Annual Operating Budget to create a transfer from the General Fund to the Worker's Compensation Fund and to rescind the General Fund rate holiday taken against the Worker's Compensation Fund as described in Exhibit A recommended.
  - Resolution amending the Fiscal Year 2012-13 Annual Operating Budget to recognize labor concession savings and implement the Council approved use of the savings described in Exhibit B recommended.  
*Finance; Stephan Christensen, 577-5390, schristensen@modestogov.com*

**ACTION: Resolution 2012-390 (Cogdill/Gunderson; 6/0; Burnside absent)** amending the position allocations for Fiscal Year 2012-13 to reflect the restoration of positions through the use of savings achieved via labor concession.

**ACTION: Resolution 2012-391 (Cogdill/Gunderson; 6/0; Burnside absent)** accepting the report back on savings received through labor concessions.

**ACTION: Resolution 2012-392 (Cogdill/Gunderson; 6/0; Burnside absent)** amending the Fiscal Year 2011-12 Annual Operating Budget to create a transfer from the General Fund to the Worker's Compensation Fund and to rescind the General Fund rate holiday taken against the Worker's Compensation Fund as described in Exhibit A.

**ACTION: Resolution 2012-393 (Cogdill/Gunderson; 6/0; Burnside absent)** amending the Fiscal Year 2012-13 Annual Operating Budget to recognize labor concession savings and implement the Council approved use of the savings described in Exhibit B.

## HEARINGS

*Published in the Modesto Bee on August 23, 2012 and Vida Del Valle on August 29, 2012*

12. Hearing to consider approving the submission of the City of Modesto Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2011-2012, and authorizing the City Manager, or his designee, to execute all documents related to the submission of the Consolidated Annual Performance and Evaluation Report. (Funding Source: CDBG, HOME and ESG Funds)

- Resolution approving the submission of the City of Modesto Consolidated Annual Performance and Evaluation Report for Fiscal Year 2011-2012 to the Department of Housing and Urban Development, and authorizing the City Manager, or his designee, to execute all documents related to the submission of the Consolidated Annual Performance and Evaluation Report recommended.

*Parks, Recreation & Neighborhoods; Mary Otten, 571-5863, motten@modestogov.com*

**ACTION: Resolution 2012-394 (Lopez/Gunderson; 6/0; Burnside absent)** approving the submission of the City of Modesto Consolidated Annual Performance and Evaluation Report for Fiscal Year 2011-2012 to the Department of Housing and Urban Development, and authorizing the City Manager, or his designee, to execute all documents related to the submission of the Consolidated Annual Performance and Evaluation Report.

## NEW BUSINESS

13. Consider accepting the State of California (Caltrans) Fiscal Year 2012-13 Environmental Justice Planning Grant, in the amount of \$247,500, on behalf of the Community and Economic Development Department, and authorizing the City Manager, or his designee, to execute any necessary grant acceptance and administration documents and consider amending the Fiscal Year 2012-13 Multi-Year Operating Grant Fund Budget to establish a new multi-year budget for the State of California (Caltrans) Fiscal Year 2012-13 Environmental Justice Planning Grant and to appropriate \$247,500 in grant revenue and expense. (Funding Source: General Fund Match)

- Resolution accepting the State of California (Caltrans) Fiscal Year 2012-13 Environmental Justice Planning Grant, in the amount of \$247,500, on behalf of the Community and Economic Development Department, and authorizing the City Manager, or his designee, to execute any necessary grant acceptance documents recommended.
- Resolution amending the Fiscal Year 2012-13 Multi-Year Operating Grant Fund

Budget to establish a new multi-year budget for the State of California (Caltrans) Fiscal Year 2012-13 Environmental Justice Planning Grant and to appropriate \$247,500 in grant revenue and expense recommended.

*Community & Economic Development; Brad Wall, 577-5273, bwall@modestogov.com*

**ACTION: Resolution 2012-395 (Geer/Muratore; 6/0; Burnside absent)** accepting the State of California (Caltrans) Fiscal Year 2012-13 Environmental Justice Planning Grant, in the amount of \$247,500, on behalf of the Community and Economic Development Department, and authorizing the City Manager, or his designee, to execute any necessary grant acceptance documents.

**ACTION: Resolution 2012-396 (Geer/Muratore; 6/0; Burnside absent)** amending the Fiscal Year 2012-13 Multi-Year Operating Grant Fund Budget to establish a new multi-year budget for the State of California (Caltrans) Fiscal Year 2012-13 Environmental Justice Planning Grant and to appropriate \$247,500 in grant revenue and expense.

14. Consider accepting the Annual Investment Report for Fiscal Year 2011-12. (Funding Source: Not Applicable)

- Motion accepting the Investment Report for the 2011-12 Fiscal Year recommended.

*Finance; Deanna Espinoza, 577-5387, daespinoza@modestogov.com*

**ACTION: Motion (Lopez/Cogdill; 6/0; Burnside absent)** accepting the Investment Report for the 2011-12 Fiscal Year.

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

None.

#### **ADJOURNMENT**

This meeting adjourned at 7:38 p.m.

#### **CLOSED SESSION**

*All Closed Session Matters Heard Prior to Meeting*

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto City Employees Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Confidential & Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Officers' Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Non Sworn Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto City Firefighters Association

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

Agency Negotiators: Greg Nyhoff, City Manager  
Employee Organization: Unrepresented Management and Confidential Employee

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

Name of case: Black & Veatch v. Modesto Irrigation District, et al.; USDC Fresno Case No. 1:11-CV-00695-LJO-SKO

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

Name of case: Jane Doe v. City of Modesto, et al.; USDC Case No.: 1:12-CV-01255-LJO-GSA

**CONFERENCE WITH LEGAL COUNSEL - THREATENED LITIGATION**  
**Exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code.** One potential case.

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

Property: Purchase of the following properties located within the block of 10th and 9th streets; G and H streets:

APN: 106-42-005 Property Owner: Rugani, Gina et al TRS  
APN: 106-42-006 Property Owner: G&K Enterprises LLC  
APN: 106-42-007 Property Owner: Silva, Helen L TRS et al  
APN: 106-42-012 Property Owner: G&K Enterprises LLC  
APN: 106-42-011 Property Owner: Mote, Curtis W.  
APN: 106-42-010 Property Owner: Gervasoni, Gary C. & Gervasoni, Myrna

Property: Sale of fee interest of real property of the following properties located within the block of 10th and 9th streets; G and H streets:

APN: 106-042-001 Property Owner: Modesto RDA (Successor) APN: 106-042-002  
Property Owner: Modesto RDA (Successor)  
APN: 106-042-003 Property Owner: Modesto RDA (Successor) APN: 106-042-004  
Property Owner: Modesto RDA (Successor)  
APN: 106-42-005 Property Owner: Rugani, Gina et al TRS APN: 106-42-006  
Property Owner: G&K Enterprises LLC  
APN: 106-42-007 Property Owner: Silva, Helen L TRS et al APN: 106-42-012  
Property Owner: G&K Enterprises LLC  
APN: 106-42-011 Property Owner: Mote, Curtis W. APN: 106-42-010  
Property Owner: Gervasoni, Gary C. & Gervasoni, Myrna  
APN: 106-042-013 Property Owner: City of Modesto

Property: Sale of property at the southeast corner of 9th and I streets

APN: 105-042-013 Property Owner: City of Modesto

Negotiating parties: Brent Sinclair, Director of Community & Economic Development

Under negotiation: Purchase and sale of properties for the Superior Court Site Project

## MINUTES

City of Modesto  
**SAFETY & COMMUNITIES COMMITTEE / COUNCIL  
WORKSHOP**

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

Monday, October 1, 2012, at 5:30 p.m.

Roll Call Present: Councilmembers Lopez, Geer, Gunderson  
Absent: None

### PUBLIC COMMENTS

None.

### CONSENT

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

#### Consent

1. Consider approving a passenger conduct policy for the Modesto Area Express (MAX) transit system and forwarding to Council for approval.  
*Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com*

**ACTION: Motion (Geer/Gunderson;unan.)** approving a passenger conduct policy for the Modesto Area Express (MAX) transit system and forwarding to Council for approval.

### UNFINISHED BUSINESS

2. Consider accepting an updated informational report on Animal Control Canvassing and Educational Items. (Funding Source: Not Applicable)  
*Police; John Bear, 342-6135, bearj@modestopd.com*

**ACTION: Motion (Geer/Gunderson;unan.)** accepting an updated informational report on Animal Control Canvassing and Educational Items.

### NEW BUSINESS

3. Consider accepting an informational report regarding Modesto's Crime Statistics for January through June 2012, as compared to January through June 2011. (Funding Source: Not Applicable)  
*Police; Scott Heller, 342-9129, hellers@modestopd.com*

**ACTION: Motion (Geer/Gunderson;unan.)** accepting an informational report regarding Modesto's Crime Statistics for January through June 2012, as compared to January through June 2011.

4. Consider a verbal report regarding proceeding with preparation of a council policy on art on public facilities and public places and provide direction to staff. (Funding Source: Not Applicable)

*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Gunderson/Geer;unan.)** appointing 7 members to a subcommittee/ task force (2 members of Public Art Committee, 2 members of Culture Commission, Artist Aaron Vickery, and 1 member of Downtown Improvement District, with a possible Police Department liaison) to draft policies and guidelines regarding art on public facilities and public places; said subcommittee/task force to be overseen by Parks, Recreation & Neighborhoods Dept.

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

None.

#### **ADJOURNMENT**

This meeting 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 October 02, 2012, at 5:30 p.m.**

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,  
Mayor Marsh  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Darryl Fair, Renaissance Christian Center

City Clerk's Announcements: Item 7 - Removed from Consent  
Item 12 - Removed from Agenda at request of Mr. Weidner

Declaration of Conflicts of Interest: Cogdill - Items 10 and 13

Reports from Closed Session: Closed Session to be held after Council meeting

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of a Proclamation declaring October as Fire Prevention Month in the City of Modesto. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza , 571-5597, kespinoza@modestogov.com*

**ACTION:** Mayor Marsh presented a Proclamation declaring October as Fire Prevention Month in the City of Modesto.

2. Presentation of a Proclamation declaring October 2012 as National Disability Employment Awareness Month in the City of Modesto. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com*

**ACTION:** Mayor Marsh presented a Proclamation declaring October 2012 as National Disability Employment Awareness Month in the City of Modesto.

## PUBLIC COMMENT PERIOD

- Gerald Bunch, Modesto Regional Fire Authority, thanked the City Council and

community for the "Fill the Boot" event over the weekend.

- Jenny Kenoyer spoke regarding Citizen's Housing and Community Development Committee vacancies. Mayor Marsh referred Ms. Kenoyer to Julie Hannon, Director of Parks, Recreation & Neighborhoods.
- Emerson Drake spoke regarding the DoubleTree Convention Center and Salida annexation.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 11**  
**ACTION CONSENT ITEMS 3-6, 9, 11: (Lopez/Geer;unan.)**  
**ACTION CONSENT ITEM 7: (Lopez/Burnside;unan.; Cogdill absent due to conflict of interest**

### CONSENT ITEMS

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

#### Consent

3. Consider approving the minutes from the September 25, 2012 City Council meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the September 25, 2012 City Council meeting recommended.

*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Geer; 7/0) approving the minutes from the September 25, 2012 City Council meeting.**

#### Consent

4. Consider approving final adoption of: (i) Ordinance No. 3575-C.S. amending Article 8 of Chapter 4 of Title 4 of the Modesto Municipal Code relating to Subdivision of Land - Improvements; (ii) Ordinance No. 3576-C.S. amending Section 4-4.404 of Chapter 4 of Title 4 of the Modesto Municipal Code relating to Action on Tentative Map; (iii) Ordinance No. 3577-C.S amending Chapter 5 of Title 7 of the Modesto Municipal Code relating to Street Trees; and (iv) Ordinance No. 3578-C.S. amending Sections 4-4.502, 4-4.503, 4-4.509, 4-4.510, 4-4.511, 4-4.513, 4-4.515, 4-4.516, 4-4.517 and 4.4-518 of Chapter 4 of Title 4 of the Modesto Municipal Code relating to Subdivision of Land - Parcel Maps. (Funding Source: Not Applicable)
  - Motion approving final adoption of: (i) Ordinance No. 3575-C.S. amending Article 8 of Chapter 4 of Title 4 of the Modesto Municipal Code relating to Subdivision of Land - Improvements; (ii) Ordinance No. 3576-C.S. amending Section 4-4.404 of Chapter 4 of Title 4 of the Modesto Municipal Code relating to Action on Tentative Map; (iii) Ordinance No. 3577-C.S amending Chapter 5 of Title 7 of the Modesto Municipal Code relating to Street Trees; and (iv) Ordinance No. 3578-C.S. amending Sections 4-4.502, 4-4.503, 4-4.509, 4-4.510, 4-4.511, 4-4.513, 4-4.515, 4-4.516, 4-4.517 and 4.4-518 of Chapter 4 of Title 4 of the Modesto Municipal Code relating to Subdivision of Land - Parcel Maps recommended.

*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Geer; 7/0)** approving final adoption of: (i) **Ordinance No. 3575-C.S.** amending Article 8 of Chapter 4 of Title 4 of the Modesto Municipal Code relating to Subdivision of Land - Improvements; (ii) **Ordinance No. 3576-C.S.** amending Section 4-4.404 of Chapter 4 of Title 4 of the Modesto Municipal Code relating to Action on Tentative Map; (iii) **Ordinance No. 3577-C.S.** amending Chapter 5 of Title 7 of the Modesto Municipal Code relating to Street Trees; and (iv) **Ordinance No. 3578-C.S.** amending Sections 4-4.502, 4-4.503, 4-4.509, 4-4.510, 4-4.511, 4-4.513, 4-4.515, 4-4.516, 4-4.517 and 4-4.518 of Chapter 4 of Title 4 of the Modesto Municipal Code relating to Subdivision of Land - Parcel Maps.

Consent

5. Consider requiring that Modesto City Council candidates pay a \$500.00 deposit and Mayor and Modesto City School Board Candidates pay a \$1,000 deposit towards their Candidate Statements at the time of filing their nomination papers, and pay the actual cost of printing their Candidate Statements in the sample ballot in all future City of Modesto Council and Modesto City School Board Elections beginning with the November 5, 2013 election. (Funding Source: Elections)

- Resolution requiring that Modesto City Council candidates pay a \$500.00 deposit and Mayor and Modesto City School Board Candidates pay a \$1,000 deposit towards their Candidate Statements at the time of filing their nomination papers, and pay the actual cost of printing their Candidate Statements in the sample ballot in all future City of Modesto Council and Modesto City School Board Elections beginning with the November 5, 2013 election recommended.

*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Resolution 2012-397 (Lopez/Geer; 7/0)** requiring that Modesto City Council candidates pay a \$500.00 deposit and Mayor and Modesto City School Board Candidates pay a \$1,000 deposit towards their Candidate Statements at the time of filing their nomination papers, and pay the actual cost of printing their Candidate Statements in the sample ballot in all future City of Modesto Council and Modesto City School Board Elections beginning with the November 5, 2013 election.

Consent

6. Consider approving an Outside Water Service Agreement for water connection (Will Serve letter was granted on December 14, 2011) as introduced in Section 11-1.05 of Chapter 1 of Title 11 of the Modesto Municipal Code relating to water main connection charges and City Council Policy 5.001 regarding extension of water service into unincorporated areas. (Funding Source: General Fund & Water Fund)

- Resolution approving an Outside Service Agreement between the City of Modesto and Raed F. Afani for water service for the property located at 4249 N. McHenry Avenue, Modesto, (APN: 046-008-011); and authorizing the City Manager, or his designee, to execute the Agreement recommended.

*Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com*

**ACTION: Resolution 2012-398 (Lopez/Geer; 7/0)** approving an Outside Service Agreement between the City of Modesto and Raed F. Afani for water service for the property located at 4249 N. McHenry Avenue, Modesto, (APN: 046-008-011); and authorizing the City Manager, or his designee, to execute the Agreement.

*Removed from Consent*

7. Consider approving Finance Director authority up to \$25,000 of Cash-On-Hand change funds (an increase of \$5,000). (Funding Source: Not Applicable)

- Resolution authorizing the Director of Finance to have the authority to approve up to \$25,000 of Cash-On-Hand change funds (an increase of \$5,000) recommended.

*Finance; DeAnna Espinoza, 577-5387, daespinoza@modestogov.com*

**ACTION: Resolution 2012-399 (Lopez/Muratore; 7/0)** authorizing the Director of Finance to have the authority to approve up to \$25,000 of Cash-On-Hand change funds (an increase of \$5,000).

Consent

8. Consider authorizing the award of a sole source procurement for the purchase and delivery of Sulfur Dioxide for the Public Works Department, Wastewater Division, to Sierra Chemical, Sparks, NV, for a one year agreement with four (4) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$90,233 and over five (5) years of \$451,165. (Funding Source: Wastewater Operations)

- Resolution authorizing the sole source procurement for the furnishing of Sulfur Dioxide for the Public Works Department, Wastewater Division, to Sierra Chemical, Sparks, NV, for a one year agreement with four (4) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$90,233 recommended.

*Finance and Public Works; Meagan M. Torres, 571-5839, mtorres@modestogov.com*

**ACTION: Resolution 2012-400 (Lopez/Geer; 7/0)** authorizing the sole source procurement for the furnishing of Sulfur Dioxide for the Public Works Department, Wastewater Division, to Sierra Chemical, Sparks, NV, for a one year agreement with four (4) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$90,233.

Consent

9. Consider approving an Agreement with Modesto City Schools for the services of four School Police Officers to provide direct law enforcement services to 7-12 campuses. (Funding Source: General Fund)

- Resolution approving an Agreement between the City of Modesto and Modesto City Schools for the services of four Modesto Police Officers/School Resource Officers to provide direct law enforcement services at 12 school sites, in an amount not to exceed \$448,000; and authorizing the City Manager, or his designee, to execute the Agreement recommended.

*Police; Andy Schlenker, 342-6179, schlenkera@modestopd.com*

**ACTION: Resolution 2012-401 (Lopez/Geer; 7/0)** approving an Agreement between the City of Modesto and Modesto City Schools for the services of four Modesto Police Officers/School Resource Officers to provide direct law enforcement services at 12 school sites, in an amount not to exceed \$448,000; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent – *Councilmember Cogdill absent due to conflict of interest*

10. Consider accepting the work by Dan's Water Well & Pump Service, Inc. for the Del Rio Replacement Test Well Project as complete. (Total construction cost is \$123,085 with a total project cost of \$276,442) (Funding Source: Water Fund-CIP)
- Resolution accepting the work by Dan's Water Well & Pump Service, Inc., for the Del Rio Replacement Test Well Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$123,085 recommended.

*Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION: Resolution 2012-402 (Lopez/Burnside; 6/0; Cogdill absent due to conflict of interest)** accepting the work by Dan's Water Well & Pump Service, Inc., for the Del Rio Replacement Test Well Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$123,085.

Consent

11. Consider approving an Agreement with George Osner, AICP, for On-call Environmental Planning Support Services in an amount not to exceed \$25,000 for one year, with two one-year extension options, at the sole discretion of the City. (Total maximum of \$25,000 for all services annually.) (Funding Source: Various Capital Improvement Program Projects)
- Resolution approving an agreement with George Osner, AICP, for On-call Environmental Planning Support Services for various City projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$25,000 per year, and authorizing the City Manager, or his designee, to execute the agreement, and up to two one-year extension options recommended.

*Utility Planning and Projects; Rob Christensen, 571-5869, rchristensen@modestogov.com*

**ACTION: Resolution 2012-403 (Gunderson/Geer; 7/0)** approving an agreement with George Osner, AICP, for On-call Environmental Planning Support Services for various City projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$25,000 per year, and authorizing the City Manager, or his designee, to execute the agreement, and up to two one-year extension options.

## COUNCIL COMMENTS & REPORTS

Councilmember Geer announced the Love Modesto event held on Saturday, the work on the Tuolumne River Regional Park and thanked everyone for their help.

Councilmember Gunderson discussed art in public places policies and guidelines to be drafted by a subcommittee appointed by the Safety & Communities Committee.

### **CITY MANAGER COMMENTS & REPORTS**

City Manager Nyhoff announced that Councilmember Geer became a grandfather.

### **WRITTEN COMMUNICATIONS**

*Removed from Agenda*

12. Consider written correspondence from Mr. Jeffrey Weidner in regards to property located at 1600 Tully Road, Modesto, CA. (Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** Removed from Agenda.

### **HEARINGS**

*Published in the Modesto Bee on September 12, 2012- Councilmember Cogdill absent due to conflict of interest*

13. Hearing to consider an application by Mr. Lyn Bright to rezone a 1.35-acre vacant and undeveloped parcel located on the west side of Coffee Road opposite of Thorsen Avenue from Medium Density Residential Zone, R-2, to Professional Office Zone, P-O. (Funding Source: Not Applicable)
  - Motion introducing an Ordinance amending Section 9-3-9 of the Zoning Map of the City of Modesto to Rezone from the Medium Density Residential Zone, R-2, to the Professional Office Zone, P-O, property located on the west side of Coffee Road opposite of Thorsen Avenue. (Mr. Lyn Bright) recommended.
  - Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH 2007072023): Amending Section 9-3-9 of the Zoning Map of the City of Modesto to rezone from the Medium Density Residential Zone, R-2, to the Professional Office Zone, P-O, property located at the west side of Coffee Road opposite Thorsen Avenue. (Mr. Lyn Bright) recommended.  
*Community & Economic Development; Katharine Martin, 577-5267, kamartin@modestogov.com*

**ACTION: Motion (Lopez/Gunderson; 6/0; Cogdill absent due to conflict of interest)** introducing an **Ordinance No. 3579-C.S.** amending Section 9-3-9 of the Zoning Map of the City of Modesto to Rezone from the Medium Density Residential Zone, R-2, to the Professional Office Zone, P-O, property located on the west side of Coffee Road opposite of Thorsen Avenue. (Mr. Lyn Bright).

**ACTION: Resolution 2012-404 (Lopez/Gunderson; 6/0; Cogdill absent due to conflict of interest)** finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH 2007072023): Amending Section 9-3-9 of the Zoning Map of the City of Modesto to rezone from the Medium Density Residential Zone, R-2, to the Professional Office Zone, P-O, property located at the west side of Coffee Road opposite Thorsen Avenue. (Mr. Lyn Bright).

*Published in the Modesto Bee on September 21, 2012*

14. Hearing to consider approving the expenditure plan for the FY 2012/2013 State Supplemental Law Enforcement Services Fund (SLESF) allocation of at least \$100,000 for police overtime, training, technology, and equipment. (Funding Source: 1340-Grants - Operation Block Grants)
- Resolution accepting the Supplemental Law Enforcement Grant, in the amount of at least \$100,000, from the State Supplemental Law Enforcement Services Fund for police overtime, training, technology, and equipment; and authorizing the City Manager, or his designee, to execute the necessary program documents recommended.
  - Resolution amending the Fiscal Year 2012/2013 Multi-Year Budget to appropriate revenues and expenditures of at least \$100,000 for the City of Modesto's allocation from the State Supplemental Law Enforcement Services Fund; and authorizing the Finance Director of Finance, or her designee, to implement the provisions of this resolution recommended.

*Police; Gene Balentine, 572-9501, balentineg@modestopd.com*

**ACTION: Resolution 2012-405 (Lopez/Geer; 7/0)** accepting the Supplemental Law Enforcement Grant, in the amount of at least \$100,000, from the State Supplemental Law Enforcement Services Fund for police overtime, training, technology, and equipment; and authorizing the City Manager, or his designee, to execute the necessary program documents.

**ACTION: Resolution 2012-406 (Lopez/Geer; 7/0)** amending the Fiscal Year 2012/2013 Multi-Year Budget to appropriate revenues and expenditures of at least \$100,000 for the City of Modesto's allocation from the State Supplemental Law Enforcement Services Fund; and authorizing the Finance Director of Finance, or her designee, to implement the provisions of this resolution.

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

None.

#### **ADJOURNMENT**

This meeting was adjourned to Closed Session at 6:15 p.m.; Council returned at 7:10 p.m. and reported on Closed Session matters.

**CLOSED SESSION**

*All Closed Session Matters Heard After Meeting*

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong

Employee Organization: Modesto City Employees Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong

Employee Organization: Modesto Confidential & Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong

Employee Organization: Modesto Police Officers' Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong

Employee Organization: Modesto Police Non Sworn Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong

Employee Organization: Modesto Police Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong

Employee Organization: Modesto City Firefighters Association

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

Agency Negotiators: Greg Nyhoff, City Manager

Employee Organization: Unrepresented Management and Confidential Employee

# MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday October 09, 2012, at 5:30 p.m.**

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,  
Mayor Marsh  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Councilmember Dave Lopez

City Clerk's Announcements: None

Declaration of Conflicts of Interest: Cogdill – Item 3

Reports from Closed Session : Asst. City Attorney Stevens reported on Closed Session matters

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of an update on the Historic Graffiti Cruise Route. (Funding Source: Not Applicable)  
*Community & Economic Development; Laurie Smith, 577-5347,  
lsmith@modestogov.com*

**ACTION:** Chris Murphy gave an update regarding the Historic Graffiti Cruise Route.

## PUBLIC COMMENT PERIOD

- Reid Johnson spoke regarding Defend Rural America movement and an event on Saturday, October 27, 2012 at Army National Guard Armory.
- Kurt Abell spoke regarding FM Golf Course contract, benches and restrooms at Dryden and Creekside Golf Courses, and loss of golfers.
- Emerson Drake thanked Chris Murphy; he also spoke regarding possible Modesto Irrigation District water sale.
- Jessie, a citizen spoke regarding moving to Modesto and the recent burglary at his

home. Mayor Marsh referred Jessie to Interim Police Chief Balentine.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 9**

**ACTION CONSENT ITEMS 2, 4-9: (Lopez/Burnside; unan.)**

**ACTION CONSENT ITEM 3: (Lopez/Geer; unan.; Cogdill absent due to conflict of interest)**

**CONSENT ITEMS**

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

Consent

2. Consider approving the minutes from the October 2, 2012 City Council meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the October 2, 2012 City Council meeting recommended.

*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** approving the minutes from the October 2, 2012 City Council meeting.

Consent – *Councilmember Cogdill absent due to conflict of interest*

3. Consider approving final adoption of **Ordinance No. 3579-C.S.** amending Section 9-3-9 of the Zoning Map of the City of Modesto to Rezone from the Medium Density Residential Zone, R-2, to the Professional Office Zone, P-O, property located on the west side of Coffee Road opposite of Thorsen Avenue. (Mr. Lyn Bright). (Funding Source: Not Applicable)
  - Motion approving final adoption of **Ordinance No. 3579-C.S.** amending Section 9-3-9 of the Zoning Map of the City of Modesto to Rezone from the Medium Density Residential Zone, R-2, to the Professional Office Zone, P-O, property located on the west side of Coffee Road opposite of Thorsen Avenue. (Mr. Lyn Bright) recommended.

*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Geer; 6/0; Cogdill absent due to conflict of interest)** approving final adoption of **Ordinance No. 3579-C.S.** amending Section 9-3-9 of the Zoning Map of the City of Modesto to Rezone from the Medium Density Residential Zone, R-2, to the Professional Office Zone, P-O, property located on the west side of Coffee Road opposite of Thorsen Avenue. (Mr. Lyn Bright).

Consent

4. Consider accepting the monthly budget adjustment report for September 2012 and amending the Fiscal Year 2012-2013 Annual Operating Budget. (Funding Source: Various Funds)
  - Resolution amending the Fiscal Year 2012-2013 Annual Operating Budget recommended.

*Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

**ACTION: Resolution 2012-407 (Lopez/Burnside; 7/0)** amending the Fiscal Year 2012-2013 Annual Operating Budget.

Consent

5. Consider authorizing four (4) designated City of Modesto staff to serve as General Services Administration (GSA) surplus property screeners. (Funding Source: Various Funds)

- Resolution authorizing four (4) designated City of Modesto staff to serve as General Services Administration (GSA) surplus property screeners recommended.

*Finance; Mark Averell, 577-5412, maverell@modestogov.com*

**ACTION: Resolution 2012-408 (Lopez/Burnside; 7/0)** authorizing four (4) designated City of Modesto staff to serve as General Services Administration (GSA) surplus property screeners.

Consent

6. Consider authorizing the award of contract for the purchase and delivery of liquid polymeric flocculants for the Public Works Department, Water Quality Control Division, by “piggybacking” on a competitively bid contract with the Bay Area Chemical Consortium, Pleasanton, CA, for a one year agreement with four (4) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$31,740 and over five (5) years of \$158,700. (Funding Source: Wastewater Fund)

- Resolution authorizing the award of contract for the purchase and delivery of liquid polymeric flocculants for the Public Works Department, Water Quality Control Division, by “piggybacking” on a competitively bid contract with the Bay Area Chemical Consortium, Pleasanton, CA, for a one year agreement with four (4) one-year extension options at the sole discretion of the City, and authorizing the Purchasing manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$31,740 recommended.

*Finance and Public Works; Megan Torres, 571-5839, mtorres@modestogov.com*

**ACTION: Resolution 2012-409 (Lopez/Burnside; 7/0)** authorizing the award of contract for the purchase and delivery of liquid polymeric flocculants for the Public Works Department, Water Quality Control Division, by “piggybacking” on a competitively bid contract with the Bay Area Chemical Consortium, Pleasanton, CA, for a one year agreement with four (4) one-year extension options at the sole discretion of the City, and authorizing the Purchasing manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$31,740.

Consent

7. Consider amending position allocations in Modesto Regional Fire Authority (MRFA) adopted by the City Council as part of the FY 12/13 budget to: (i) increase one (1) Emergency Medical Services Coordinator .75 allocation to one (1) Emergency Medical Services Coordinator 1.0 allocation in Cost Center 80121; (ii) add one (1) Fire

Battalion Chief allocation in Cost Center 80121; (iii) delete one (1) Public Safety Business Services Analyst allocation from Cost Center 80121. (Funding Source: MRFA Fund)

- Resolution amending the position allocation in the Modesto Regional Fire Authority adopted by the City Council as part of the FY 12/13 budget to: (i) increase one (1) Emergency Medical Services Coordinator .75 allocation to one (1) Emergency Medical Services Coordinator 1.0 allocation in Cost Center 80121; (ii) add one (1) Fire Battalion Chief allocation in Cost Center 80121; (iii) delete one (1) Public Safety Business Services Analyst allocation from Cost Center 80121 recommended.

*Human Resources; Kimberly Murdaugh, 577-5409, kmurdaugh@modestogov.com*

**ACTION: Resolution 2012-410 (Lopez/Burnside; 7/0)** amending the position allocation in the Modesto Regional Fire Authority adopted by the City Council as part of the FY 12/13 budget to: (i) increase one (1) Emergency Medical Services Coordinator .75 allocation to one (1) Emergency Medical Services Coordinator 1.0 allocation in Cost Center 80121; (ii) add one (1) Fire Battalion Chief allocation in Cost Center 80121; (iii) delete one (1) Public Safety Business Services Analyst allocation from Cost Center 80121.

#### Consent

8. Consider approving an Agreement with the Housing Authority of the County of Stanislaus for provision of a Police Officer to work up to 35-hours per week for the Westview Gardens Housing Complex, not to exceed \$5,615.75 per month. (Funding Source: General Fund - City Housing Authority Officer Reimbursement)
  - Resolution approving an Agreement with the Housing Authority of the County of Stanislaus in the amount not to exceed \$67,389.00, to provide up to 35-hour per week Community Police Officer for the Westview Gardens Housing Complex for a period of twelve (12) months from June 1, 2012 through May 31, 2013, with an option to extend the agreement for an additional twelve (12) months, and authorizing the City Manager, or his designee, to execute the agreement recommended.

*Police; Andy Schlenker, 342-6179, schlenker@modestogov.com*

**ACTION: Resolution 2012-411 (Lopez/Burnside; 7/0)** approving an Agreement with the Housing Authority of the County of Stanislaus in the amount not to exceed \$67,389.00, to provide up to 35-hour per week Community Police Officer for the Westview Gardens Housing Complex for a period of twelve (12) months from June 1, 2012 through May 31, 2013, with an option to extend the agreement for an additional twelve (12) months, and authorizing the City Manager, or his designee, to execute the agreement.

#### Consent

9. Consider accepting the work by Rolfe Construction for the Jet-Vac Dump Site Rehabilitation Project as complete. Total construction cost is \$209,978, with a total project cost of \$249,611 (Funding Source: Wastewater Fund)
  - Resolution accepting the work by Rolfe Construction for the Jet-Vac Dump Site Rehabilitation Project as complete, authorizing the City Clerk to file a Notice of

Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$198,764 recommended.

*Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION: Resolution 2012-412 (Lopez/Burnside; 7/0)** accepting the work by Rolfe Construction for the Jet-Vac Dump Site Rehabilitation Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$198,764.

### **COUNCIL COMMENTS & REPORTS**

Councilmember Lopez announced Council in the Park on Saturday, October 13, 2012 at Freedom Park.

Councilmember Burnside spoke regarding her recent surgery and thanked Councilmember Geer for filling in for her when she was out; she also thanked the community for their support.

### **CITY MANAGER COMMENTS & REPORTS**

None.

### **WRITTEN COMMUNICATIONS**

10. Consider a letter from Angel Polhemus, Three Golden Investments, regarding Coffee Plaza Shopping Center located at Coffee Road and Floyd Avenue. (Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** No reportable action; however, Mayor Marsh announced that he would like to set up a meeting (possibly early December) of community and business leaders; everyone will be invited to participate to find solutions to make Modesto better for all citizens; wants a permanent solution to eliminate gangs.

### **NEW BUSINESS**

11. Consider: (i) accepting a report on the Modesto Arch Restoration Project status and fundraising efforts; (ii) amending the Fiscal Year 2012-13 Multi-Year budget to establish the expense and revenue budgets for the Modesto Arch Restoration project; and (iii) amending the Fiscal Year 2012-13 Operating budget to create a transfer from the General Fund to the Modesto Arch Restoration project. (Funding Source: Not Applicable)
  - Motion accepting a report on the Modesto Arch Restoration Project status and fundraising efforts recommended.
  - Resolution amending the Fiscal Year 2012-13 Multi-Year budget to establish the expense and revenue budgets for the Modesto Arch Restoration project recommended.

- Resolution amending the Fiscal Year 2012-13 Operating budget to create a transfer from the General Fund to the Modesto Arch Restoration project recommended.  
*City Manager ; Greg Nyhoff, 577-5404, gnyhoff@modestogov.com*

**ACTION: Motion (Mayor Marsh/Cogdill; 7/0)** accepting a report on the Modesto Arch Restoration Project status and fundraising efforts.

**ACTION: Resolution 2012-413 (Mayor Marsh/Cogdill;7/0)** amending the Fiscal Year 2012-13 Multi-Year budget to establish the expense and revenue budgets for the Modesto Arch Restoration project **with \$15,807 from Brenden Mann Grant and any funds raised through the Chamber of Commerce (no other General Fund monies to be included).**

ACTION: Resolution amending the Fiscal Year 2012-13 Operating budget to create a transfer from the General Fund to the Modesto Arch Restoration project. **(continued to October 23, 2012 Council meeting)**

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

None.

#### **ADJOURNMENT**

This meeting was adjourned at 8:19 p.m.

#### **CLOSED SESSION**

*All Closed Session matters heard prior to meeting*

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto City Employees Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Confidential & Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Officers' Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Non Sworn Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto City Firefighters Association

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

Agency Negotiators: Greg Nyhoff, City Manager  
Employee Organization: Unrepresented Management and Confidential Employee

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code. One potential case.

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

Name of case: Black & Veatch v. Modesto Irrigation District, et al.; USDC Fresno Case No. 1:11-CV-00695-LJO-SKO

## MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday October 23, 2012, at 5:30 p.m.**

Roll Call – Present: Councilmembers Cogdill, Geer, Lopez, Muratore, Mayor Marsh, Burnside  
Absent: Councilmembers Gunderson

Pledge of Allegiance to the Flag

Invocation: Joel Richards, La Loma Grace Brethren Church

City Clerk's Announcements : Item 19 – Continued to November 6, 2012 Council meeting  
Item 22 – Removed from Agenda

Declaration of Conflicts of Interest: Muratore – Items 17, 18, 23, 24, 25 and 26

Reports from Closed Session: City Attorney Wood reported on Closed session matters

1. Oath of Office for appointed Modesto City Schools Board Member Stacie Morales.  
(Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** City Clerk Stephanie Lopez administered the oath of office to the newly appointed Modesto City Schools Board Member Stacie Morales.

- City Attorney Wood read letter from Attorney Stacy Henderson, Attorney for Naraghi Lake Neighborhood Preservation Association requesting Item 26 be continued for two weeks.

**ACTION: Motion (Cogdill/Lopez; majority; Muratore absent due to conflict; Gunderson absent)** Item 26 continued to November 6, 2012 Council meeting.

## ACKNOWLEDGEMENTS AND PRESENTATIONS

2. Presentation of commendations to Curtis Mitchell, Joseph Barretta, Kenneth Falls, Mandel Haynes, and David Brier for their heroic assistance to the Modesto Police Department on September 18, 2012 in preventing a minor child from being seriously injured by a violent criminal suspect (Funding Source: Not Applicable)  
*Police; Gene Balentine, 572-9501, gbalentine@modestogov.com*

**ACTION:** Mayor Marsh and Interim Chief of Police, Gene Balentine presented commendations to Curtis Mitchell, Joseph Barretta, Kenneth Falls, Mandel Haynes, and David Brier for their heroic assistance to the Modesto Police Department on September 18, 2012 in preventing a minor child from being seriously injured by a violent criminal suspect.

3. Presentation of a Plaque to Sister City Khmelnytsky, Ukraine Delegation from the Modesto City Council and Modesto Sister Cities. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com*

**ACTION:** Mayor Marsh presented a Plaque to Sister City Khmelnytsky, Ukraine Delegation from the Modesto City Council and Modesto Sister Cities.

4. Presentation by Michele Laverty, Director of the National Ag Science Center regarding the Ag In Motion Program. (Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** Presentation was given by Michele Laverty, Director of the National Ag Science Center regarding the Ag In Motion Program.

5. Presentation regarding Volunteer events held on September 29, 2012. (Funding Source: Not Applicable)  
*Public Works; Dennis Turner, 341-2906, dturner@modestogov.com*

**ACTION:** Public Works Director Dennis Turner and Parks, Recreation & Neighborhoods Director Julie Hannon gave a presentation regarding volunteer events: Taking it to the Streets, Love Modesto and Partners in Paint.

### MISCELLANEOUS

Legislation  
Appointments  
Other

6. Consider accepting the resignation of Bryan Sutterfield from the City of Modesto Human Relations Commission. (Funding Source: Not Applicable)
  - Resolution accepting the resignation of Bryan Sutterfield from the City of Modesto Human Relations Commission, effective August 28, 2012 recommended.  
*Human Resources; Scott Kasper, 577-5238, skasper@modestogov.com*

**ACTION: Resolution 2012-414 (Lopez/Cogdill; 6/0; Gunderson absent)** accepting the resignation of Bryan Sutterfield from the City of Modesto Human Relations Commission, effective August 28, 2012.

7. Consider accepting the resignation of Dana Culbertson from the Citizens' Housing and Community Development Committee. (Funding Source: Not Applicable)
  - Resolution accepting the resignation of Dana Culbertson from the City of Modesto's Citizens' Housing & Community Development Committee

recommended.

*Parks, Recreation & Neighborhoods; Mary Otten, 571-5863, motten@modestogov.com*

**ACTION: Resolution 2012-415 (Lopez/Cogdill; 6/0; Gunderson absent)** accepting the resignation of Dana Culbertson from the City of Modesto's Citizens' Housing & Community Development Committee.

8. Consider accepting the resignation of Jeannie MacDonald from the Housing Rehabilitation Loan Committee. (Funding Source: Not Applicable)
  - Resolution accepting the resignation of Jeannie MacDonald from the City of Modesto's Housing Rehabilitation Loan Committee recommended.  
*Parks, Recreation & Neighborhoods; Mary Otten, 571-5863, motten@modestogov.com*

**ACTION: Resolution 2012-416 (Lopez/Geer; 6/0; Gunderson absent)** accepting the resignation of Jeannie MacDonald from the City of Modesto's Housing Rehabilitation Loan Committee.

### **PUBLIC COMMENT PERIOD**

- Sally Mears, Sherry Poe, Lynn Abid, Hallie Robinson, Heather Sisk, Susan Robinson and Jim Aja spoke regarding cat dumping in Modesto.
- Ray Pefferini spoke regarding trees in Modesto.
- Carmen Sabatino spoke regarding cleaning up Pamela Monterosso Park in Modesto.
- Emerson Drake spoke regarding contributions made in the community, Modesto Irrigation District and Salida.

### **CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 9 through 21**

**ACTION CONSENT ITEMS: 9-16; 20, 21: (Lopez/Cogdill; 6/0; Gunderson absent)**

**ACTION CONSENT ITEMS 17, 18: (Lopez/Cogdill; 5/0; Muratore absent due to conflict of interest; Gunderson absent)**

### **CONSENT ITEMS**

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

#### **Consent**

9. Consider approving the minutes from the October 9, 2012 City Council meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the October 9, 2012 City Council meeting recommended.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Cogdill; 6/0; Gunderson absent)** approving the minutes from the October 9, 2012 City Council meeting.

Consent

10. Consider approving the 2013 City Council Meeting Calendar. (Funding Source: Not Applicable)
- Resolution approving the 2013 City Council Meeting Calendar recommended.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Resolution 2012-417 (Lopez/Cogdill; 6/0; Gunderson absent)** approving the 2013 City Council Meeting Calendar.

Consent

11. Consider accepting the First Quarter Update of the City of Modesto Capital Improvement Program for Fiscal Year 2012-2013. (Funding Source: Not Applicable)
- Motion accepting the First Quarter Update of City of Modesto Capital Improvement Program for Fiscal Year 2012-2013 recommended.  
*Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com*

**ACTION: Motion (Lopez/Cogdill; 6/0; Gunderson absent)** accepting the First Quarter Update of City of Modesto Capital Improvement Program for Fiscal Year 2012-2013.

Consent

12. Consider approving an Agreement to Construct Improvements and Grant Revocable License with the Salvation Army, and authorizing the City Manager, or his designee, to execute the Agreement as recommended. (Funding Source: Not Applicable)
- Resolution approving an Agreement with the Salvation Army to Construct Improvements and Grant Revocable License, and authorizing the City Manager, or his designee, to execute the Agreement recommended.  
*Community & Economic Development; Dan England, 571-5589, dengland@modestogov.com*

**ACTION: Resolution 2012-418 (Lopez/Cogdill; 6/0; Gunderson absent)** approving an Agreement with the Salvation Army to Construct Improvements and Grant Revocable License, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

13. Consider authorizing the award of bid for the furnishing of material hauling services for the Department of Public Works, Streets Division, to Destination Anywhere, Inc., Tracy, CA, as “primary” contractor, GCU Trucking, Inc., Oakdale, CA, as “secondary” contractor, and Bob Harkrader & Sons Trucking, Inc., Ceres, CA, as “third” contractor, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$83,650, and over five (5) years of \$433,620. (Funding Source: Surface Transportation Fund)

- Resolution authorizing the award of bid for the furnishing of material hauling services for the Department of Public Works, Streets Division, to Destination Anywhere, Inc., Tracy, CA, as “primary” contractor, GCU Trucking, Inc., Oakdale, CA, as “secondary” contractor, and Bob Harkrader & Sons Trucking, Inc., Ceres, CA, as “third” contractor, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue purchase agreements for an estimated annual cost of \$83,650, and over five (5) years of \$433,620 recommended.

*Finance and Public Works; Ken Masasso, 577-5420, kmasasso@modestogov.com*

**ACTION: Resolution 2012-419 (Lopez/Cogdill; 6/0; Gunderson absent)** authorizing the award of bid for the furnishing of material hauling services for the Department of Public Works, Streets Division, to Destination Anywhere, Inc., Tracy, CA, as “primary” contractor, GCU Trucking, Inc., Oakdale, CA, as “secondary” contractor, and Bob Harkrader & Sons Trucking, Inc., Ceres, CA, as “third” contractor, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue purchase agreements for an estimated annual cost of \$83,650, and over five (5) years of \$433,620.

#### Consent

14. Consider authorizing the award of contract for the purchase and installation of a Parking Access and Revenue Control System (PARCS) for the Public Works Department, Modesto City/County Airport, by accessing the terms of a competitively bid contract of the City of Modesto, to Amano McGann Inc., Sacramento, CA, for an estimated total cost of \$71,806. (Funding Source: Airport Reserves)
  - Resolution authorizing the award of contract for the purchase and installation of a Parking Access and Revenue Control System (PARCS) for the Public Works Department, Modesto City/County Airport, by accessing the terms of a competitively bid contract of the City of Modesto, to Amano McGann Inc., Sacramento, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$71,806 recommended.

*Finance and Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com*

**ACTION: Resolution 2012-420 (Lopez/Cogdill; 6/0; Gunderson absent)** authorizing the award of contract for the purchase and installation of a Parking Access and Revenue Control System (PARCS) for the Public Works Department, Modesto City/County Airport, by accessing the terms of a competitively bid contract of the City of Modesto, to Amano McGann Inc., Sacramento, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$71,806.

#### Consent

15. Consider rescinding:(i) Resolution No. 2009-223 for the sole brand procurement of Accu-Tab SI 3” Calcium Hypochlorite tablets for the Public Works Department, Water Operations Division, from Clear Solutions West, Atwater, CA; and (ii) rescinding Resolution No. 2012-61 for the sole brand procurement of Accu-Tab Powerpro Chlorination Systems for the Public Works Department, Water Operations Division, from Clear Solutions West, Atwater, CA; and (iii) authorizing the award of a sole

source procurement for the purchase and delivery of Accu-Tab Calcium Hypochlorite tablets, Accu-Tab Powerpro Chlorination Systems and related equipment, for the Public Works Department, Water Operations Division, to PPG Industries, Monroeville, PA, for a one-year agreement, with four (4) one-year extension options at the sole discretion of the City for an estimated annual cost of \$170,000 with a five (5) year total of \$850,000. (Funding Source: Water Fund)

- Resolution rescinding Resolution No. 2009-223 for the sole brand procurement of Accu-Tab SI 3” calcium hypochlorite tablets for the Public Works Department, Water Operations Division, from Clear Solutions West, Atwater, CA recommended.
- Resolution rescinding Resolution No. 2012-61 for the sole brand procurement of Accu-Tab PowerPro Chlorination Systems for the Public Works Department, Water Operations Division, from Clear Solutions West, Atwater, CA recommended.
- Resolution authorizing the sole source procurement for the purchase and delivery of Accu-Tab Calcium Hypochlorite tablets, Accu-Tab PowerPro Chlorination Systems and related equipment, for the Public Works Department, Water Operations Division, to PPG Industries, Monroeville, PA, for a one year agreement, with four (4) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$170,000 recommended.

*Finance and Public Works; Meagan M. Torres, 571-5839, mtorres@modestogov.com*

**ACTION: Resolution 2012-421 (Lopez/Cogdill; 6/0; Gunderson absent)** rescinding Resolution No. 2009-223 for the sole brand procurement of Accu-Tab SI 3” calcium hypochlorite tablets for the Public Works Department, Water Operations Division, from Clear Solutions West, Atwater, CA.

**ACTION: Resolution 2012-422 (Lopez/Cogdill; 6/0; Gunderson absent)** rescinding Resolution No. 2012-61 for the sole brand procurement of Accu-Tab PowerPro Chlorination Systems for the Public Works Department, Water Operations Division, from Clear Solutions West, Atwater, CA.

**ACTION: Resolution 2012-423 (Lopez/Cogdill; 6/0; Gunderson absent)** authorizing the sole source procurement for the purchase and delivery of Accu-Tab Calcium Hypochlorite tablets, Accu-Tab PowerPro Chlorination Systems and related equipment, for the Public Works Department, Water Operations Division, to PPG Industries, Monroeville, PA, for a one year agreement, with four (4) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$170,000.

#### Consent

16. Consider accepting the Monthly Investment Report for July, 2012 (Funding Source: Not Applicable)

- Motion accepting the Monthly Investment Report for July, 2012 recommended.

*Finance; DeAnna Espinoza, 577-5387, daespinoza@modestogov.com*

**ACTION: Motion (Lopez/Cogdill; 6/0; Gunderson absent)** accepting the Monthly Investment Report for July, 2012.

Consent – *Councilmember Muratore absent due to conflict of interest*

17. Consider approving a loan of NSP2 funds in the amount of \$165,000 to purchase and rehabilitate real property located at 2513 Pescadero Place. (This NSP2 activity will be carried out by the Housing Authority of the County of Stanislaus (HACS)). (Funding Source: NSP2)

- Resolution approving the release of funds in the amount of \$165,000 to purchase and rehabilitate real property which is located at 2513 Pescadero Place to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents any and all related closing documents recommended.

*Parks, Recreation & Neighborhoods; Mary Otten, 571-5863, motten@modestogov.com*

**ACTION: Resolution 2012-424 (Lopez/Cogdill; 5/0; Gunderson absent, Muratore absent due to conflict of interest)** approving the release of funds in the amount of \$165,000 to purchase and rehabilitate real property which is located at 2513 Pescadero Place to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents any and all related closing documents.

Consent – *Councilmember Muratore absent due to conflict of interest*

18. Consider approving a loan of NSP2 funds in the amount of \$165,000 to purchase and rehabilitate real property located at 1421 Entrada Way. (This NSP2 activity will be carried out by the Housing Authority of the County of Stanislaus (HACS)). (Funding Source: NSP2)

- Resolution approving the release of funds in the amount of \$165,000 to purchase and rehabilitate real property which is located at 1421 Entrada Way to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents recommended.

*Parks, Recreation & Neighborhoods; Mary Otten, 571-5863, motten@modestogov.com*

**ACTION: Resolution 2012-425 (Lopez/Cogdill; 5/0; Gunderson absent, Muratore absent due to conflict of interest)** approving the release of funds in the amount of \$165,000 to purchase and rehabilitate real property which is located at 1421 Entrada Way to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents.

*Continued to November 6, 2012 Council meeting*

19. Consider approving an on-call Environmental Studies Services agreement with Environmental Science Associates (ESA) to provide environmental services for a tree trimming and removal project on lands owned by the Modesto City-County Airport. (Funding Source: Airport Fund, FAA Grant)

- Resolution approving an on-call agreement with Environmental Science Associates

(ESA) to provide the City with Environmental Studies in support of tree trimming and removal on lands owned by the Modesto City-County Airport, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

*Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com*

**ACTION:** Continued to November 6, 2012 Council meeting.

Consent

20. Consider accepting the work by K.J. Woods Construction, Inc., for the Primary Outfall Rehabilitation Project – Phase II as complete. (Total construction contract cost is \$6,560,631, with a total project cost of \$7,564,590.) (Funding Source: Wastewater Fund)

- Resolution accepting the work by K.J. Woods Construction, Inc., for the Primary Outfall Rehabilitation Project – Phase II as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$6,560,631 recommended.

*Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION: Resolution 2012-426 (Lopez/Cogdill; 6/0; Gunderson absent)** accepting the work by K.J. Woods Construction, Inc., for the Primary Outfall Rehabilitation Project – Phase II as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$6,560,631.

Consent

21. Consider approving a Utility Agreement between the City of Modesto and County of Stanislaus for the Kiernan Avenue Water Main Extension project, in an amount not to exceed \$148,600. (Total estimated cost for the construction portion of the project is \$226,161.) (Funding Source: Water Fund-CIP)

- Resolution approving a Utility Agreement between the City of Modesto and County of Stanislaus for the Kiernan Avenue Water Main Extension project, in an amount not to exceed \$148,600, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

*Utility Planning and Projects; Rob Christensen, 571-5869, rchristensen@modestogov.com*

**ACTION: Resolution 2012-427 (Lopez/Cogdill; 6/0; Gunderson absent)** approving a Utility Agreement between the City of Modesto and County of Stanislaus for the Kiernan Avenue Water Main Extension project, in an amount not to exceed \$148,600, and authorizing the City Manager, or his designee, to execute the Agreement.

## COUNCIL COMMENTS & REPORTS

Councilmember Lopez spoke regarding Council in the Park on October 13, 2012 at Freedom Park.

Mayor Marsh spoke regarding his Sister City trip to Kerume, Japan and Mayor's Town Hall Meeting to be held at 10:00 am on November 3, 2012 at Senior Center.

### **CITY MANAGER COMMENTS & REPORTS**

City Manager Nyhoff spoke regarding the Modesto Arch celebration on Friday, October 26, 2012.

*Councilmember Burnside left meeting at 6:55 p.m.; returned at 7:30 p.m.*

### **UNFINISHED BUSINESS**

*Removed from Agenda*

22. Consider amending the Fiscal Year 2012-13 Operating budget to create a transfer from the General Fund to the Modesto Arch Restoration project (continued from October 9, 2012 Council meeting). (Funding Source: Not Applicable)

*City Manager; Greg Nyhoff, 577-5404, gnyhoff@modestogov.com*

**ACTION:** This item was removed from the Agenda.

*Councilmember Muratore absent due to conflict of interest*

23. Consider approving a conceptual revised plan for the Neighborhood Stabilization Program (NSP) 2 & 3 to allow for 29 units of undeveloped senior/special needs housing, as well as a reduction of the total funding allocation to the Emancipated Foster Youth and Homeless Youth Program (EFY&HY). (Funding Source: NSP2 and NSP3)

- Resolution approving the Revised NSP Expenditure Plan for the Neighborhood Stabilization Program for the addition of 29 units of new senior/special needs housing, and a reduction of the total funding allocation to the Emancipated Foster and Homeless Youth Program and authorize staff to prepare all necessary and specific documentation required to enact this Plan recommended.

*Parks, Recreation & Neighborhoods; Marco Sepulveda, 577-5275, msepulveda@modestogov.com*

**ACTION: Resolution 2012-428 (Cogdill/Lopez; 4/0; Burnside, Gunderson absent, Muratore absent due to conflict of interest)** approving the Revised NSP Expenditure Plan for the Neighborhood Stabilization Program for the addition of 29 units of new senior/special needs housing, and a reduction of the total funding allocation to the Emancipated Foster and Homeless Youth Program and authorize staff to prepare all necessary and specific documentation required to enact this Plan.

*Recess at 7:05 p.m.*

*Reconvened at 7:20 p.m.*

### **HEARINGS**

*Published in the Modesto Bee on October 5, 2012 – Councilmember Muratore absent due to conflict of interest*

24. Hearing to consider the application of Stanislaus County Affordable Housing Corporation to amend Planned Development Zone P-D(585) to allow non-seniors in addition to seniors in a previously-approved 18-unit senior housing complex, property located at 421 Lincoln Avenue. (Funding Source: Not Applicable)
- Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (Sch No. 2007072023): Amendment to Planned Development Zone, P-D(585), property located on the west side of Lincoln Avenue north of Poppypatch Drive South of Penny Lane, 421 Lincoln Avenue (Stanislaus County Affordable Housing Corporation) recommended.
  - Motion introducing an Ordinance Amending Section 2 of Ordinance No. 3483-C.S. Entitled “An Ordinance Amending Section Map 26-3-9 of the Zoning Map to Rezone from Medium Density Residential Zone, R-2, to Planned Development Zone , P-D(585), Property Located on the Northside of Poppypatch Drive, West of Lincoln Avenue at 421 Lincoln Avenue (Stanislaus County Affordable Housing Corporation) recommended.

*Community & Economic Development; Rita Doscher, 577-5279,  
rdoscher@modestogov.com*

**ACTION: Resolution 2012-429 (Lopez/Geer; 4/0; Burnside, Gunderson absent, Muratore absent due to conflict of interest)** finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (Sch No. 2007072023): Amendment to Planned Development Zone, P-D(585), property located on the west side of Lincoln Avenue north of Poppypatch Drive South of Penny Lane, 421 Lincoln Avenue (Stanislaus County Affordable Housing Corporation).

**ACTION: Motion (Lopez/Geer; 4/0; Burnside, Gunderson absent, Muratore absent due to conflict of interest)** introducing **Ordinance No. 3580-C.S.** amending Section 2 of Ordinance No. 3483-C.S. Entitled “An Ordinance Amending Section Map 26-3-9 of the Zoning Map to Rezone from Medium Density Residential Zone, R-2, to Planned Development Zone , P-D(585), Property Located on the Northside of Poppypatch Drive, West of Lincoln Avenue at 421 Lincoln Avenue (Stanislaus County Affordable Housing Corporation).

*Published in the Modesto Bee on October 1, 2012 – Councilmember Muratore absent due to conflict of interest*

25. Hearing to consider the application of Windward Pacific Builders for a General Plan Amendment to redesignate approximately two acres from Residential (R) to Mixed-Use (MU) and to rezone the same property from Low Density Residential (R-1), to Professional Office (P-O), property located on the south side of Standiford Avenue, west of McHenry Avenue. (Funding Source: Not Applicable)
- Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental

Impact Report (Sch No. 2007072023): General Plan Amendment to redesignate approximately 2 acres from Residential (R) to Mixed-Use (MU) and to rezone the same property from Low Density Residential (R-1), to Professional Office (P-O), property located on the south side of Standiford Avenue, west of McHenry Avenue (Windward Pacific Builders) recommended.

- Resolution approving an amendment to the Modesto Urban Area General Plan, property located on the south side of Standiford Avenue, west of McHenry Avenue (Windward Pacific Builders) recommended.
- Motion introducing an Ordinance amending Section 8-3-9 of the Zoning Map to rezone from Low Density Residential (R-1), to Professional Office (P-O), property located on the south side of Standiford Avenue, west of McHenry Avenue (Windward Pacific Builders) recommended.

*Community & Economic Development; David Wage, 577-5302,  
dwage@modestogov.com*

**ACTION: Resolution 2012-430 (Cogdill/Lopez; 4/0; Burnside, Gunderson absent, Muratore absent due to conflict of interest)** approving an amendment to the Modesto Urban Area General Plan, property located on the south side of Standiford Avenue, west of McHenry Avenue (Windward Pacific Builders).

**ACTION: Resolution 2012-431 (Cogdill/Lopez; 4/0; Burnside, Gunderson absent, Muratore absent due to conflict of interest)** finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (Sch No. 2007072023): General Plan Amendment to redesignate approximately 2 acres from Residential (R) to Mixed-Use (MU) and to rezone the same property from Low Density Residential (R-1), to Professional Office (P-O), property located on the south side of Standiford Avenue, west of McHenry Avenue (Windward Pacific Builders).

**ACTION: Motion (Cogdill/Lopez; 4/0; Burnside, Gunderson absent, Muratore absent due to conflict of interest)** introducing **Ordinance No. 3581-C.S.** amending Section 8-3-9 of the Zoning Map to rezone from Low Density Residential (R-1), to Professional Office (P-O), property located on the south side of Standiford Avenue, west of McHenry Avenue (Windward Pacific Builders).

*Published in the Modesto Bee on October 1, 2012 – continued to November 6, 2012 Council meeting*

26. Hearing to consider the application of Berberian Holdings, LP for a General Plan Amendment to redesignate approximately 18 acres from Mixed-use (MU) and Residential (R) to Commercial (C) and to rezone the same property from Planned Development Zone, P-D(211) to a new Planned Development Zone, (P-D) to allow development of a shopping center, property located at the southwest corner of Sylvan Avenue and Oakdale Road. (Funding Source: Not Applicable)
- Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (Sch No. 2007072023): General Plan Amendment to redesignate

approximately 18 acres from Mixed-Use (Mu) and Residential (R) to Commercial (C) and to rezone the same property from Planned Development Zone, P-D(211) to Planned Development Zone, P-D(595), to allow development of a shopping center, property located at the southwest corner of Sylvan Avenue and Oakdale Road (Berberian Holdings, LP) recommended.

- Resolution approving an amendment to the Modesto Urban Area General Plan, property located at the southwest corner of Sylvan Avenue and Oakdale Road (Berberian Holdings, LP) recommended.
- Motion introducing an Ordinance amending Section 10-3-9 of the Zoning Map to rezone from Planned Development Zone, P-D(211), to Planned Development Zone, P-D(595), property located at the southwest corner of Sylvan Avenue and Oakdale Road (Berberian Holdings, LP) recommended.
- Resolution approving a Development Plan for Planned Development Zone, P-D(595) (Berberian Holdings, LP) recommended.

*Community & Economic Development; David Wage, 577-5302, dwage@modestogov.com*

**ACTION:** This item continued to November 6, 2012 Council meeting.

## NEW BUSINESS

27. Consider approving a proposed agreement including language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and Modesto City Employees' Association (MCEA) for a term of June 19, 2012 to September 23, 2013; authorize the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreements; and amending a labor policy for paying and reporting the value of Employer Paid Member Contributions to the California Public Employee's Retirement System (CALPERS) on behalf of employee's represented by the Modesto City Employees' Association (MCEA). (Funding Source: General Fund and Other Funds)
- Resolution approving a proposed agreement including language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and Modesto City Employees' Association (MCEA) for a term of June 19, 2012 to September 23, 2013; and authorizing the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreements; recommended.
  - Resolution amending a labor policy for paying and reporting the value of Employer Paid Member Contributions to the California Public Employees' Retirement System (CALPERS) on behalf of employee's represented by the Modesto City Employees' Association (MCEA) recommended.

*Human Resources; Kimberly Murdaugh, 577-5409, kmurdaugh@modestogov.com*

**ACTION: Resolution 2012-432 (Lopez/Geer; 6/0; Gunderson absent)** approving a proposed agreement including language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and Modesto City Employees'

Association (MCEA) for a term of June 19, 2012 to September 23, 2013; and authorizing the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreements.

**ACTION: Resolution 2012-433 (Lopez/Geer; 6/0; Gunderson absent)** amending a labor policy for paying and reporting the value of Employer Paid Member Contributions to the California Public Employees' Retirement System (CALPERS) on behalf of employee's represented by the Modesto City Employees' Association (MCEA).

28. Consider approving a City of Modesto employee wellness policy that supports a program for healthy lifestyles and offers opportunities for employees to optimize their health and well-being (Funding Source: Employee Benefits Fund)

- Resolution approving a City of Modesto employee wellness policy that supports a program for healthy lifestyles and offers opportunities for employees to optimize their health and well-being recommended.

*Human Resources; Rosemary Harless, 577-5403, rharless@modestogov.com*

**ACTION: Resolution 2012-434 (Burnside/Muratore; 6/0; Gunderson absent)** approving a City of Modesto employee wellness policy that supports a program for healthy lifestyles and offers opportunities for employees to optimize their health and well-being.

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

None.

#### **ADJOURNMENT**

This meeting was adjourned at 7:54 p.m.

#### **CLOSED SESSION**

*All Closed Session matters heard prior to meeting*

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto City Employees Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Confidential & Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Officers' Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Non Sworn Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto City Firefighters Association

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

Agency Negotiators: Greg Nyhoff, City Manager  
Employee Organization: Unrepresented Management and Confidential Employee

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

Name of case: Riley v. City of Modesto, et al.; USDC Case No. 1:10–CV-02281-AWI-GSA

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

Name of case: Robles v. City of Modesto, et al.; Stanislaus County Superior Court Case No.: 677342

**MINUTES**  
**City of Modesto**  
**FINANCE COMMITTEE / COUNCIL**  
**WORKSHOP**  
**Second Floor, Room 2005**  
**1010 10th Street**  
**Modesto, California**  
**Wednesday, October 24, 2012, at 5:00 p.m.**

Roll Call - Present: Councilmembers Dave Cogdill, Jr., Stephanie Burnside and Dave Lopez  
Absent: None  
Also Present: Councilmember Dave Geer

**PUBLIC COMMENTS**

None.

**CONSENT**

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

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 2**

Consent

1. Consider approving the recommended budget adjustments for October 2012 and forwarding to Council for approval. (Funding Source: Various)  
*Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

**ACTION: Motion (Burnside/Lopez;unan.)** approving the recommended budget adjustments for October 2012 and forwarding to Council for approval.

Consent

2. Consider accepting an informational report on the City's Golf Fund for Fiscal Year 2012-13 through the month of September 2012. (Funding Source: Not Applicable)  
*Parks, Recreation & Neighborhoods; Lisa Forester, 577-6444, lforester@modestogov.com*

**ACTION: Motion (Lopez/Burnside;unan.)** accepting an informational report on the City's Golf Fund for Fiscal Year 2012-13 through the month of September 2012.

**NEW BUSINESS**

3. Consider recommending the award of proposal and contracts for professional assistance with plan review and inspection services to 4LEAF Inc., Bureau Veritas,

CSG Consultants Inc., and Interwest Consulting Group for a three (3) year professional services agreement with two (2) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$30,000.00 not to exceed \$90,000.00 and forwarding to Council for approval. (Funding Source: General Fund)  
*Community & Economic Development; William Crew, 577-5231, wcrew@modestogov.com*

**ACTION: Motion (Lopez/Burnside;unan.)** approving the award of proposal and contracts for professional assistance with plan review and inspection services to 4LEAF Inc., Bureau Veritas, CSG Consultants Inc., and Interwest Consulting Group for a three (3) year professional services agreement with two (2) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$30,000.00 not to exceed \$90,000.00 and forwarding to Council for approval.

4. Consider recommending to the City Council an amendment to the Classification Plan and Class Range Table for Represented Management and Confidential Non-Sworn Classes to: (i) amend the job specification for Business Development Manager and change the title to Business Center Manager; and (ii) re-allocate the Administrative Services Officer in the Community and Economic Development Department to Business Center Manager and forwarding to Council for approval. (Funding Source: General Fund)  
*Human Resources; Kimberly Murdaugh, 577-5409, kmurdaugh@modestogov.com*

**ACTION: Motion (Lopez/Burnside;unan.)** continuing to next Finance Committee meeting on November 26, 2012.

5. Consider amending the position allocation in the Modesto Regional Fire Authority (MRFA) adopted by the City Council as part of the FY 12/13 budget to: (i) add two (2) Fire Engineer allocations in Cost Center 80133; (ii) add one (1) Administrative Office Assistant III to Cost Center 80121 and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Human Resources; Kimberly Murdaugh, 577-5409, kmurdaugh@modestogov.com*

**ACTION: Motion (Lopez/Burnside;unan.)** amending the position allocation in the Modesto Regional Fire Authority (MRFA) adopted by the City Council as part of the FY 12/13 budget to: (i) add two (2) Fire Engineer allocations in Cost Center 80133; (ii) add one (1) Administrative Office Assistant III to Cost Center 80121 and forwarding to Council for approval.

6. Consider approving: (i) additional funding in the amount of \$261,170 to provide one additional Community Forestry tree crew and \$100,000 to provide overtime funding for a Mistletoe Abatement program; amend the position allocation in the Parks, Recreation and Neighborhoods Department adopted by the City Council as part of the FY2012-2013 budget; and (ii) adding two (2) Tree Trimmer allocations in Cost Center 35010 and forwarding to Council for approval. (Funding Source: General Fund Expenditure)

*Parks, Recreation & Neighborhoods; Debbie Fortino, 342-4579,  
dfortino@modestogov.com*

**ACTION:** **Motion (Burnside/Lopez;unan.)** approving: (i) additional funding in the amount of \$261,170 to provide one additional Community Forestry tree crew and \$100,000 to provide overtime funding for a Mistletoe Abatement program; amend the position allocation in the Parks, Recreation and Neighborhoods Department adopted by the City Council as part of the FY2012-2013 budget; and (ii) adding two (2) Tree Trimmer allocations in Cost Center 35010 and forwarding to Council for approval.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 7:08 p.m.

**MINUTES**  
**City of Modesto**  
**FINANCE COMMITTEE / COUNCIL**  
**WORKSHOP**  
**Second Floor, Room 2005**  
**1010 10th Street**  
**Modesto, California**  
**Wednesday, October 24, 2012, at 5:00 p.m.**

Roll Call - Present: Councilmembers Dave Cogdill, Jr., Stephanie Burnside and Dave Lopez  
Absent: None  
Also Present: Councilmember Dave Geer

**PUBLIC COMMENTS**

None.

**CONSENT**

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

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 2**

Consent

1. Consider approving the recommended budget adjustments for October 2012 and forwarding to Council for approval. (Funding Source: Various)  
*Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

**ACTION: Motion (Burnside/Lopez;unan.)** approving the recommended budget adjustments for October 2012 and forwarding to Council for approval.

Consent

2. Consider accepting an informational report on the City's Golf Fund for Fiscal Year 2012-13 through the month of September 2012. (Funding Source: Not Applicable)  
*Parks, Recreation & Neighborhoods; Lisa Forester, 577-6444, lforester@modestogov.com*

**ACTION: Motion (Lopez/Burnside;unan.)** accepting an informational report on the City's Golf Fund for Fiscal Year 2012-13 through the month of September 2012.

**NEW BUSINESS**

3. Consider recommending the award of proposal and contracts for professional assistance with plan review and inspection services to 4LEAF Inc., Bureau Veritas,

CSG Consultants Inc., and Interwest Consulting Group for a three (3) year professional services agreement with two (2) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$30,000.00 not to exceed \$90,000.00 and forwarding to Council for approval. (Funding Source: General Fund)  
*Community & Economic Development; William Crew, 577-5231, wcrew@modestogov.com*

**ACTION: Motion (Lopez/Burnside;unan.)** approving the award of proposal and contracts for professional assistance with plan review and inspection services to 4LEAF Inc., Bureau Veritas, CSG Consultants Inc., and Interwest Consulting Group for a three (3) year professional services agreement with two (2) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$30,000.00 not to exceed \$90,000.00 and forwarding to Council for approval.

4. Consider recommending to the City Council an amendment to the Classification Plan and Class Range Table for Represented Management and Confidential Non-Sworn Classes to: (i) amend the job specification for Business Development Manager and change the title to Business Center Manager; and (ii) re-allocate the Administrative Services Officer in the Community and Economic Development Department to Business Center Manager and forwarding to Council for approval. (Funding Source: General Fund)  
*Human Resources; Kimberly Murdaugh, 577-5409, kmurdaugh@modestogov.com*

**ACTION: Motion (Lopez/Burnside;unan.)** continuing to next Finance Committee meeting on November 26, 2012.

5. Consider amending the position allocation in the Modesto Regional Fire Authority (MRFA) adopted by the City Council as part of the FY 12/13 budget to: (i) add two (2) Fire Engineer allocations in Cost Center 80133; (ii) add one (1) Administrative Office Assistant III to Cost Center 80121 and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Human Resources; Kimberly Murdaugh, 577-5409, kmurdaugh@modestogov.com*

**ACTION: Motion (Lopez/Burnside;unan.)** amending the position allocation in the Modesto Regional Fire Authority (MRFA) adopted by the City Council as part of the FY 12/13 budget to: (i) add two (2) Fire Engineer allocations in Cost Center 80133; (ii) add one (1) Administrative Office Assistant III to Cost Center 80121 and forwarding to Council for approval.

6. Consider approving: (i) additional funding in the amount of \$261,170 to provide one additional Community Forestry tree crew and \$100,000 to provide overtime funding for a Mistletoe Abatement program; amend the position allocation in the Parks, Recreation and Neighborhoods Department adopted by the City Council as part of the FY2012-2013 budget; and (ii) adding two (2) Tree Trimmer allocations in Cost Center 35010 and forwarding to Council for approval. (Funding Source: General Fund Expenditure)

*Parks, Recreation & Neighborhoods; Debbie Fortino, 342-4579,  
dfortino@modestogov.com*

**ACTION:**    **Motion (Burnside/Lopez;unan.)** approving: (i) additional funding in the amount of \$261,170 to provide one additional Community Forestry tree crew and \$100,000 to provide overtime funding for a Mistletoe Abatement program; amend the position allocation in the Parks, Recreation and Neighborhoods Department adopted by the City Council as part of the FY2012-2013 budget; and (ii) adding two (2) Tree Trimmer allocations in Cost Center 35010 and forwarding to Council for approval.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 7:08 p.m.

# MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday November 06, 2012, at 5:30 p.m.**

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,  
Mayor Marsh  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Wayne Bridegroom, Central Community Church

City Clerk's Announcements: Item 16 - continued to November 13, 2012 Council meeting

Declaration of Conflicts of Interest: Muratore – Items 3, 4 and 9

Reports from Closed Session: City Attorney Wood reported on Closed Session matters

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of the State of the Streets. (Funding Source: Not Applicable)  
*Public Works; Jim Burch, 342-2257, jburch@modestogov.com*

**ACTION:** Presentation of the State of the Streets was made by Jim Burch, Public Works and Vickey Dion, Community & Economic Development.

## PUBLIC COMMENT PERIOD

- Debra Harper spoke regarding human rights and complaints with Police Department.
- Neal Griffin spoke regarding infrastructure needs on Crows Landing Road.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 15**

**ACTION CONSENT ITEMS: 2, 5-8, 10-15: (Lopez/Cogdill;unan.)**

**ACTION CONSENT ITEMS 3, 4, 9: (Lopez/Burnside; unan.; Muratore absent due to conflict of interest)**

## CONSENT ITEMS

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

### Consent

2. Consider approving the minutes from the October 23, 2012 City Council meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the October 23, 2012 City Council meeting recommended.

*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Cogdill; 7/0)** approving the minutes from the October 23, 2012 City Council meeting.

### Consent - *Councilmember Muratore absent due to conflict of interest*

3. Consider approving final adoption of **Ordinance No. 3580-C.S.** amending Section 2 of Ordinance No. 3483-C.S. Entitled “An Ordinance Amending Section Map 26-3-9 of the Zoning Map to Rezone from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(585), Property Located on the Northside of Poppypatch Drive, West of Lincoln Avenue at 421 Lincoln Avenue (Stanislaus County Affordable Housing Corporation). (Funding Source: Not Applicable)
  - Motion approving final adoption of Ordinance No. 3580-C.S. amending Section 2 of Ordinance No. 3483-C.S. Entitled “An Ordinance Amending Section Map 26-3-9 of the Zoning Map to Rezone from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(585), Property Located on the Northside of Poppypatch Drive, West of Lincoln Avenue at 421 Lincoln Avenue (Stanislaus County Affordable Housing Corporation recommended.

*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 6/0; Muratore absent due to conflict of interest)** approving final adoption of **Ordinance No. 3580-C.S.** amending Section 2 of Ordinance No. 3483-C.S. entitled “An Ordinance Amending Section Map 26-3-9 of the Zoning Map to Rezone from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(585), Property Located on the Northside of Poppypatch Drive, West of Lincoln Avenue at 421 Lincoln Avenue (Stanislaus County Affordable Housing Corporation.

### Consent – *Councilmember Muratore absent due to conflict of interest*

4. Consider approving final adoption **Ordinance No. 3581-C.S.** amending Section 8-3-9 of the Zoning Map to rezone from Low Density Residential (R-1), to Professional Office (P-O), property located on the south side of Standiford Avenue, west of McHenry Avenue (Windward Pacific Builders). (Funding Source: Not Applicable)
  - Motion approving final adoption of **Ordinance No. 3581-C.S.** amending Section 8-3-9 of the Zoning Map to rezone from Low Density Residential (R-1), to Professional Office (P-O), property located on the south side of Standiford Avenue, west of McHenry Avenue (Windward Pacific Builders) recommended.

*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 6/0; Muratore absent due to conflict of interest)** approving final adoption of **Ordinance No. 3581-C.S.** amending Section 8-3-9 of the Zoning Map to rezone from Low Density Residential (R-1), to Professional Office (P-O), property located on the south side of Standiford Avenue, west of McHenry Avenue (Windward Pacific Builders).

Consent

5. Consider accepting an Internal Audit Status Report from Moss Adams LLP. (Funding Source: Not Applicable)
  - Motion accepting an Internal Audit Status Report from Moss Adams LLP recommended.

*City Auditor ; Tom Krippaehne, (206) 302-6409, Tom.Krippaehne@mossadams.com*

**ACTION: Motion (Lopez/Cogdill; 7/0)** accepting an Internal Audit Status Report from Moss Adams LLP.

Consent

6. Consider authorizing the award of bid and contract for the Clarifier Coating Rehabilitation Project for the Public Works Department, Wastewater Division, to Certified Coatings Company, Fairfield, CA, for an estimated total cost of \$317,362. (Funding Source: Wastewater Operations)
  - Resolution authorizing the award of bid and contract for the Clarifier Coating Rehabilitation Project for the Public Works Department, Wastewater Division to Certified Coatings Company, Fairfield, CA, and authorizing the City Manager, or his designee, to execute a contract for a total estimated cost of \$317,362 recommended.

*Finance and Public Works; Meagan Torres, 571-5839, mtorres@modestogov.com*

**ACTION: Resolution 2012-435 (Lopez/Cogdill; 7/0)** authorizing the award of bid and contract for the Clarifier Coating Rehabilitation Project for the Public Works Department, Wastewater Division to Certified Coatings Company, Fairfield, CA, and authorizing the City Manager, or his designee, to execute a contract for a total estimated cost of \$317,362..

Consent

7. Consider amending the position allocation in the Modesto Regional Fire Authority (MRFA) adopted by the City Council as part of the FY 12/13 budget to: (i) add two (2) Fire Engineer allocations in Cost Center 80133; (ii) add one (1) Administrative Office Assistant III to Cost Center 80121. (Funding Source: MRFA Fund)
  - Resolution amending the position allocation in the Modesto Regional Fire Authority adopted by the City Council as part of the FY 12/13 budget to: (i) add two (2) Fire Engineer allocations in Cost Center 80133; (ii) add one (1) Administrative Office Assistant III to Cost Center 80121 recommended.

*Human Resources; Kimberly Murdaugh, 577-5409, kmurdaugh@modestogov.com*

**ACTION: Resolution 2012-436 (Lopez/Cogdill; 7/0)** amending the position allocation in the Modesto Regional Fire Authority adopted by the City Council as part of the FY 12/13 budget to: (i) add two (2) Fire Engineer allocations in Cost Center 80133; (ii) add one (1) Administrative Office Assistant III to Cost Center 80121.

Consent

8. Consider accepting a grant in the amount of \$26,531, from the California Office of Traffic Safety (OTS) Distracted Driving Grant, to participate in an expanded Distracted Driving High-Visibility Enforcement Demonstration Program. (Funding Source: Grants - Operations Grants Reimbursed)

- Resolution accepting a grant in the amount of \$26,531, from the Office of Traffic Safety (OTS), to participate in an expanded Distracted Driving High-Visibility Enforcement Demonstration Program; and authorizing the City Manager, or his designee, to execute the necessary program documents recommended.
- Resolution amending the Fiscal Year 2012/2013 Operating Budget and Multi-Year Grant Budget, to appropriate revenue and expenses in the amount of \$26,531, to participate in the Distracted Driving High-Visibility Enforcement Demonstration Program recommended.

*Police; Scott Blom, 652-0137, bloms@modestopd.com*

**ACTION: Resolution 2012-437 (Lopez/Cogdill; 7/0)** accepting a grant in the amount of \$26,531, from the Office of Traffic Safety (OTS), to participate in an expanded Distracted Driving High-Visibility Enforcement Demonstration Program; and authorizing the City Manager, or his designee, to execute the necessary program documents.

**ACTION: Resolution 2012-438 (Lopez/Cogdill; 7/0)** amending the Fiscal Year 2012/2013 Operating Budget and Multi-Year Grant Budget, to appropriate revenue and expenses in the amount of \$26,531, to participate in the Distracted Driving High-Visibility Enforcement Demonstration Program.

Consent – *Councilmember Muratore absent due to conflict of interest*

9. Consider approving the allocation of \$172,052.50 in NSP2 funds for the rehabilitation of a duplex located at 505 and 507 E. Coolidge Avenue. The property was purchased by the Housing Authority of the County of Stanislaus (HACS) with NSP2 funds to provide housing units for the NSP2 Emancipated Foster Youth and/or Homeless Youth Program Activity. (Funding Source: NSP2)

- Resolution authorizing the loan of \$172,052.50 in NSP2 funds for the rehabilitation of a duplex located at 505 and 507 E. Coolidge Avenue and authorizing the City Manager, or his designee, to execute the loan documents recommended.

*Parks, Recreation & Neighborhoods; Carol Averell, 577-5318, caverell@moderatogov.com*

**ACTION: Resolution 2012-439 (Lopez/Burnside; 6/0; Muratore absent due to conflict of interest)** authorizing the loan of \$172,052.50 in NSP2 funds for the rehabilitation of a duplex located at 505 and 507 E. Coolidge Avenue and authorizing the City Manager, or his designee,

to execute the loan documents.

Consent

10. Consider: (i) authorizing the Parks, Recreation and Neighborhoods Department to enter into an agreement with the San Joaquin Valley Air Pollution Control District (District) for the Cordless Zero-Emission Commercial Lawn and Garden Equipment Demonstration Program; (ii) accept funding not to exceed \$9,869.01 from the District to fund the equipment for the program. (Funding Source: General Fund)

- Resolution (i) authorizing the Parks, Recreation and Neighborhoods Department to enter into an agreement with the San Joaquin Valley Air Pollution Control District (District) for the Cordless Zero-Emission Commercial Lawn and Garden Equipment Demonstration Program; (ii) accept funding not to exceed \$9,869.01 from the District to fund the equipment for the program; and authorizing the City Manager, or his designee, to execute the necessary program documents recommended.

*Parks, Recreation & Neighborhoods; Debbie Fortino, 342-4579, dfortino@modestogov.com*

**ACTION: Resolution 2012-440 (Lopez/Cogdill; 7/0)** (i) authorizing the Parks, Recreation and Neighborhoods Department to enter into an agreement with the San Joaquin Valley Air Pollution Control District (District) for the Cordless Zero-Emission Commercial Lawn and Garden Equipment Demonstration Program; (ii) accept funding not to exceed \$9,869.01 from the District to fund the equipment for the program; and authorizing the City Manager, or his designee, to execute the necessary program documents.

Consent

11. Consider authorizing the award of a sole source procurement of nitrate analyzer equipment and maintenance services for the Department of Public Works, Water Operations Division from HACH Company, Loveland, CO, for a one year agreement with two (2) one-year extension options at the sole discretion of the City for an estimated annual cost of \$46,570, with a three year total of \$141,348. (Funding Source: Water Fund)

- Resolution authorizing the award of a sole source procurement of nitrate analyzer equipment and maintenance services for the Department of Public Works, Water Operations Division with HACH Company, Loveland, CO, for a one year agreement with two (2) one-year extension options at the sole discretion of the City and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated total annual cost of \$46,570 recommended.

*Public Works; Dave Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Resolution 2012-441 (Lopez/Cogdill; 7/0)** authorizing the award of a sole source procurement of nitrate analyzer equipment and maintenance services for the Department of Public Works, Water Operations Division with HACH Company, Loveland, CO, for a one year agreement with two (2) one-year extension options at the sole discretion of the City and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated total annual cost of \$46,570.

Consent

12. Consider approving the submittal of application(s) to The California Department of Resources Recycling and Recovery (CalRecycle) for all street-related grants that the City of Modesto is eligible, authorizing the Public Works Director, or his designee, to execute all grant-related documents, and enter into an agreement to receive the grant funds (if awarded). (Funding Source: Not Applicable)
- Resolution approving the submittal of application(s) to The California Department of Resources Recycling and Recovery (CalRecycle) for all street-related grants that the City of Modesto is eligible, authorizing the Public Works Director, or his designee, to execute all grant-related documents, and enter into an agreement to receive the grant funds (if awarded) recommended.
- Public Works; Jim Burch, 342-2247, jburch@modestogov.com*

**ACTION: Resolution 2012-442 (Lopez/Cogdill; 7/0)** approving the submittal of application(s) to The California Department of Resources Recycling and Recovery (CalRecycle) for all street-related grants that the City of Modesto is eligible, authorizing the Public Works Director, or his designee, to execute all grant-related documents, and enter into an agreement to receive the grant funds (if awarded).

Consent

13. Consider approving an on-call Environmental Studies Services agreement with Environmental Science Associates (ESA) to provide environmental services for a tree trimming and removal project on lands owned by the Modesto City-County Airport (continued from October 23, 2012 Council meeting). (Funding Source: Airport Fund, FAA Grant)
- Resolution approving an on-call agreement with Environmental Science Associates (ESA) to provide the City with Environmental Studies in support of tree trimming and removal on lands owned by the Modesto City-County Airport, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com*

**ACTION: Resolution 2012-443 (Lopez/Cogdill; 7/0)** approving an on-call agreement with Environmental Science Associates (ESA) to provide the City with Environmental Studies in support of tree trimming and removal on lands owned by the Modesto City-County Airport, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

14. Consider approving an agreement with Brown and Caldwell to provide annual wastewater rate review services for current and future years through Fiscal Year 2015-16 at a total cost not to exceed \$120,000. (Funding Source: Wastewater Fund)
- Resolution approving an agreement with Brown and Caldwell to provide annual wastewater rate review services for current and future years through Fiscal Year 2015-16 for a total cost not to exceed \$120,000, and authorizing the City Manager, or his designee, to execute the agreement recommended.
- Utility Planning and Projects; Richard Ulm, 577-5261, rulm@modestogov.com*

**ACTION: Resolution 2012-444 (Lopez/Cogdill; 7/0)** approving an agreement with Brown and Caldwell to provide annual wastewater rate review services for current and future years through Fiscal Year 2015-16 for a total cost not to exceed \$120,000, and authorizing the City Manager, or his designee, to execute the agreement..

Consent

15. Consider rejecting the bid for the Primary Outfall Rehabilitation Project - Phase III and authorizing City staff to re-advertise the project with a reduced scope of work.

(Funding Source: Wastewater Fund)

- Resolution rejecting all bids for the Primary Outfall Rehabilitation Project - Phase III and authorizing City staff to re-advertise the project with a reduced scope of work recommended.

*Utility Planning and Projects; William Wong, 571-5801, WWong@modestogov.com*

**ACTION: Resolution 2012-445 (Lopez/Cogdill; 7/0)** rejecting all bids for the Primary Outfall Rehabilitation Project - Phase III and authorizing City staff to re-advertise the project with a reduced scope of work.

### COUNCIL COMMENTS & REPORTS

Councilmember Muratore spoke regarding the planters and upgrades on 10th and J Streets and thanked Community & Economic Development Dept. Senior Planner Josh Bridegroom. Mayor Marsh requested a report back to a future Council meeting.

Councilmember Burnside spoke regarding Neighborhood Watch Associations and eyes on the street by City employees who are out in neighborhoods.

### CITY MANAGER COMMENTS & REPORTS

None.

### HEARINGS

*Published in the Modesto Bee on October 1, 2012*

16. Hearing to consider the application of Berberian Holdings, LP for a General Plan Amendment to redesignate approximately 18 acres from Mixed-use (MU) and Residential (R) to Commercial (C) and to rezone the same property from Planned Development Zone, P-D(211) to a new Planned Development Zone, (P-D) to allow development of a shopping center, property located at the southwest corner of Sylvan Avenue and Oakdale Road (continued from October 23, 2012 Council meeting).

(Funding Source: Not Applicable)

*Community & Economic Development; David Wage, 577-5302, dwage@modestogov.com*

**ACTION:** This item has been continued to the November 13, 2012 meeting.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting was adjourned 6:15 p.m.

**CLOSED SESSION**

*All Closed Session Matters Heard Prior to Meeting*

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto City Employees Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Confidential & Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Officers' Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Non Sworn Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto City Firefighters Association

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

Agency Negotiators: Greg Nyhoff, City Manager  
Employee Organization: Unrepresented Management and Confidential Employee

## MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday November 13, 2012, at 5:30 p.m.**

Roll Call – Present: Councilmembers Cogdill, Geer, Gunderson, Lopez, Muratore, Burnside  
Absent: Mayor Marsh

Pledge of Allegiance to the Flag

Invocation: Jeff Norman, Modesto Covenant Church

City Clerk's Announcements: Item 7 – Removed from Agenda  
Item 21 – continued to December 4, 2012 Council meeting

Declaration of Conflicts of Interest: Cogdill – Items 5, 6, 8 and 17  
Muratore – Items 5, 8, 9, 10, 11, 12, 13, 18, 19, 23 and 24  
Burnside – Item 14

Reports from Closed Session : City Attorney Wood reported on Closed session matters

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by the Modesto Chamber of Commerce to new and growing businesses in Modesto. (Funding Source: Not Applicable)  
*Community & Economic Development; Laurie Smith, 577-5347,  
lsmith@modestogov.com*

**ACTION:** Cecil Russell, President of the Modesto Chamber of Commerce, acknowledged Raymond James Associates, Inc.

### PUBLIC COMMENT PERIOD

- Ray Pefferini spoke regarding tree program in City of Modesto.
- Dominic Coleman, Todd Davis and Kimberly Vaughan spoke regarding policies at Modesto Centre Plaza events. Vice Mayor Burnside referred them to Parks, Recreation & Neighborhoods Director Julie Hannon.
- Kurt Abell thanked Councilmembers who visited Dryden Golf Course and regarding

FM Golf Course contract.

- Emerson Drake spoke regarding a Water Committee on the Modesto Irrigation District Board, Ad Hoc Committee regarding Salida annexation, and cat dumping in Modesto. Vice Mayor Burnside referred Mr. Drake to the City Attorney regarding cat dumping.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 19**

**ACTION CONSENT ITEMS 2, 3, 4, 15, 16: (Lopez/Geer; unan.; Mayor Marsh absent)**

**ACTION CONSENT ITEMS 9, 10, 11, 12, 13, 18 19: (Lopez/Cogdill; unan.; Muratore due to conflict of interest, Mayor Marsh absent)**

**ACTION CONSENT ITEMS 5, 8: (Lopez/Geer; unan.; Mayor Marsh absent; Cogdill, Muratore absent due to conflict of interest)**

**ACTION CONSENT ITEM 14: (Lopez/Muratore; unan.; Mayor Marsh absent; Burnside absent due to conflict of interest)**

**CONSENT ITEMS**

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

Consent

2. Consider approving the minutes from the November 6, 2012 City Council meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the November 6, 2012 City Council meeting recommended.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Geer; 6/0; Mayor Marsh absent)** approving the minutes from the November 6, 2012 City Council meeting.

Consent

3. Consider accepting the Quarterly Travel Information for Mayor and Councilmembers, Charter Officers, Deputy City Manager and Department Directors for July, August and September, 2012. (Funding Source: Various Funds)
  - Motion accepting the Quarterly Travel Information for Mayor and Councilmembers, Charter Officers, Deputy City Manager and Department Directors for July, August and September, 2012 recommended.  
*City Manager; Tish Foley, 577-5224, tfoley@modestogov.com*

**ACTION: Motion (Lopez/Geer; 6/0; Mayor Marsh absent)** accepting the Quarterly Travel Information for Mayor and Councilmembers, Charter Officers, Deputy City Manager and Department Directors for July, August and September, 2012.

Consent

4. Consider accepting the Monthly Budget Adjustment Report for October 2012. (Funding Source: Various)

- Resolution amending the Fiscal Year 2012-2013 Annual Operating Budget recommended.

*Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

**ACTION: Resolution 2012-446 (Lopez/Geer; 6/0; Mayor Marsh absent)** amending the Fiscal Year 2012-2013 Annual Operating Budget.

Consent- *Councilmembers Cogdill and Muratore absent due to conflict of interest*

5. Consider (i) approving plans and specifications for the Airport Neighborhood Community Center Project; (ii) accepting the bid; (iii) approving an agreement with Harris Builders, Inc., of Hilmar, CA, in the amount of \$327,450; and (iv) amending the Fiscal Year 2012-2013 Capital Improvement Program Budget in order to adjust the expense categories within the project account. (Total estimated project cost is \$369,141, which includes Design/Construction Documents, Construction, Construction Contingency and Construction Administration.) (Funding Source: CDBG and NSPI)
  - Resolution approving the plans and specifications for the Airport Neighborhood Community Center Project, accepting the bid, approving an agreement with Harris Builders, Inc. of Hilmar, CA in the amount of \$327,450.00; and authorizing the City Manager, or his designee, to execute the agreement recommended.
  - Resolution amending the Fiscal Year 2012-2013, Annual Operating and Capital Improvement Program Budget to adjust the expense categories within the project account, and authorizing the Finance Director, or her designee, to implement the provision of this resolution recommended.

*Parks, Recreation & Neighborhoods; Ken Horrillo, 577-5419, khorrillo@modestogov.com*

**ACTION: Resolution 2012-447 (Lopez/Geer; 4/0; Cogdill, Muratore absent due to conflict of interest, Mayor Marsh absent)** approving the plans and specifications for the Airport Neighborhood Community Center Project, accepting the bid, approving an agreement with Harris Builders, Inc. of Hilmar, CA in the amount of \$327,450.00; and authorizing the City Manager, or his designee, to execute the agreement.

**ACTION: Resolution 2012-448 (Lopez/Geer; 4/0; Cogdill, Muratore absent due to conflict of interest, Mayor Marsh absent)** amending the Fiscal Year 2012-2013, Annual Operating and Capital Improvement Program Budget to adjust the expense categories within the project account, and authorizing the Finance Director, or her designee, to implement the provision of this resolution.

Consent – *Councilmember Cogdill absent due to conflict of interest*

6. Consider approving a lease and management agreement with Modesto City Schools and a lease agreement with Tuolumne River Trust for the Airport Neighborhood Community Center, and authorizing the City Manager, or his designee, to sign these agreements. (Funding Source: CDBG)
  - Resolution approving a lease and management agreement with Modesto City Schools for the Airport Neighborhood Community Center and authorizing the City Manager, or his designee, to sign the lease and management agreement

recommended.

- Resolution approving a lease agreement with Tuolumne River Trust for the Airport Neighborhood Community Center, and authorizing the City Manager, or his designee, to sign the lease agreement recommended.

*Parks, Recreation & Neighborhoods; Hugo Ramirez, 577-5368, hramirez@modestogov.com*

**ACTION: Resolution 2012-449 (Lopez/Geer; 5/0; Cogdill absent due to conflict of interest, Mayor Marsh absent)** approving a lease and management agreement with Modesto City Schools for the Airport Neighborhood Community Center and authorizing the City Manager, or his designee, to sign the lease and management agreement.

**ACTION: Resolution 2012-450 (Lopez/Geer; 5/0; Cogdill absent due to conflict of interest, Mayor Marsh absent)** approving a lease agreement with Tuolumne River Trust for the Airport Neighborhood Community Center, and authorizing the City Manager, or his designee, to sign the lease agreement.

*Removed from Agenda*

7. Consider authorizing the award of quotation and contract for the purchase and installation of approximately 286,714 S.F. of synthetic turf with infill to Empire & Associates, Inc., dba Sprinturf, Atlanta, GA in the amount of \$987,796.16. (Funding Source: Parks Capital Facility Fees, Village One Capital Facility District, California Integrated Waste Management Board)
  - Resolution authorizing the award of quotation and contract for the purchase and installation of synthetic turf with infill to Empire & Associates, Inc., dba Sprinturf, Atlanta, GA, and authorizing the City Manager, or his designee, to execute a contract for an estimated total cost of \$987,796.16 recommended.
  - Resolution amending the FY 12-13 Operating Budget and Capital Improvement Project budget to transfer \$150,000 of California Integrated Waste Management Board grant funds into the Mary E. Grogan Community Park Synthetic Turf project recommended.

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

**ACTION:** Removed from the Agenda.

Consent – *Councilmembers Cogdill and Muratore absent due to conflict of interest*

8. Consider: (i) approving an Agreement to Convey Real Property and Mutual Release between the City of Modesto and Mission Housing Development Corporation (MHDC) for an NSP 2 property at 625 Benson Avenue and authorizing the City Manager, or his designee to execute the Agreement and related documents required to close the transaction; and (ii) authorizing City Manager, or his designee, to execute a Certificate of Acceptance accepting the grant deed transferring the real property at 625 Benson Avenue from MHDC to City of Modesto. (Funding Source: NSP2)
  - Resolution approving an Agreement To Convey Real Property and Mutual Release (Agreement) between the City of Modesto and Mission Housing Development Corporation and authorizing the City Manager, or his designee, to execute the

- Agreement and related documents required to close the transaction recommended.
- Resolution authorizing the City Manager, or his designee, to execute a Certificate of Acceptance accepting the grant deed transferring the real property at 625 Benson Avenue from MHDC to City of Modesto recommended.
- Parks, Recreation & Neighborhoods; Marco Sepulveda, 577-5275, msepulveda@modestogov.com*

**ACTION: Resolution 2012-451 (Lopez/Geer; 4/0; Cogdill, Muratore absent due to conflict of interest, Mayor Marsh absent)** approving an Agreement To Convey Real Property and Mutual Release (Agreement) between the City of Modesto and Mission Housing Development Corporation and authorizing the City Manager, or his designee, to execute the Agreement and related documents required to close the transaction.

**ACTION: Resolution 2012-452 (Lopez/Geer; 4/0; Cogdill, Muratore absent due to conflict of interest, Mayor Marsh absent)** authorizing the City Manager, or his designee, to execute a Certificate of Acceptance accepting the grant deed transferring the real property at 625 Benson Avenue from MHDC to City of Modesto.

Consent – *Councilmember Muratore absent due to conflict of interest*

9. Consider approving and authorizing as the Successor Housing Entity to the former RDA of the City of Modesto: (i) for City staff to work on the transfer of the 416 Downey Avenue parcel from the Successor Agency, acting on behalf of the RDA to the City of Modesto as the Successor Housing Entity; and (ii) for City staff and Successor Agency attorneys to work on drafting the agreements for the sale of the 416 Downey Avenue parcel to the Housing Authority of the County of Stanislaus for the development of senior housing and bringing the agreement for approval at a later date. (Funding Source: Redevelopment Housing Set Aside Fund)
- Resolution approving City staff to work on the transfer of the 416 Downey Avenue parcel from the Successor Agency, acting on behalf of the RDA to the City of Modesto as the Successor Housing Entity recommended.
  - Resolution approving for City staff and Successor Agency attorneys to work on drafting the agreements for the sale of the 416 Downey Avenue parcel to the Housing Authority of the County of Stanislaus for the development of senior housing and bringing the agreement for approval at a later date recommended.
- Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com*

**ACTION: Resolution 2012-453 (Lopez/Cogdill; 5/0; Muratore absent due to conflict of interest, Mayor Marsh absent)** approving City staff to work on the transfer of the 416 Downey Avenue parcel from the Successor Agency, acting on behalf of the RDA to the City of Modesto as the Successor Housing Entity.

**ACTION: Resolution 2012-454 (Lopez/Cogdill; 5/0; Muratore absent due to conflict of interest, Mayor Marsh absent)** approving for City staff and Successor Agency attorneys to work on drafting the agreements for the sale of the 416 Downey Avenue parcel to the Housing Authority of the County of Stanislaus for the development of senior housing and bringing the

agreement for approval at a later date.

Consent – *Councilmember Muratore absent due to conflict of interest*

10. Consider approving a loan of NSP2 funds in the amount of \$146,794 to purchase and rehabilitate real property located at 1614 Teakwood Drive. (This NSP2 activity will be carried out by the Housing Authority of the County of Stanislaus). (Funding Source: NSP2)

- Resolution approving the release of funds in the amount of \$146,794 to purchase and rehabilitate real property which is located at 1614 Teakwood Drive to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents recommended.

*Parks, Recreation & Neighborhoods; Scott Humphries, 571-5506, shumphries@modestogov.com*

**ACTION: Resolution 2012-455 (Lopez/Cogdill; 5/0; Muratore absent due to conflict of interest, Mayor Marsh absent)** approving the release of funds in the amount of \$146,794 to purchase and rehabilitate real property which is located at 1614 Teakwood Drive to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents.

Consent– *Councilmember Muratore absent due to conflict of interest*

11. Consider approving a loan of NSP2 funds in the amount of \$165,000 to purchase and rehabilitate real property located at 1509 Entrada Way. (This NSP2 activity will be carried out by the Housing Authority of the County of Stanislaus). (Funding Source: NSP2)

- Resolution approving the release of funds in the amount of \$165,000 to purchase and rehabilitate real property which is located at 1509 Entrada Way to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents recommended.

*Parks, Recreation & Neighborhoods; Scott Humphries, 571-5506, shumphries@modestogov.com*

**ACTION: Resolution 2012-456 (Lopez/Cogdill; 5/0; Muratore absent due conflict of interest, Mayor Marsh absent)** approving the release of funds in the amount of \$165,000 to purchase and rehabilitate real property which is located at 1509 Entrada Way to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents.

Consent – *Councilmember Muratore absent due to conflict of interest*

12. Consider approving a loan of NSP2 funds in the amount of \$148,515 to purchase and rehabilitate real property located at 1120 Kahala Lane. (This NSP2 activity will be carried out by the Housing Authority of the County of Stanislaus). (Funding Source: NSP2)

- Resolution approving the release of funds in the amount of \$148,515 to purchase and rehabilitate real property which is located at 1120 Kahala Lane to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents recommended.

*Parks, Recreation & Neighborhoods; Scott Humphries, 571-5506, shumphries@modestogov.com*

**ACTION: Resolution 2012-457 (Lopez/Cogdill; 5/0; Muratore absent due to conflict of interest, Mayor Marsh absent)** approving the release of funds in the amount of \$148,515 to purchase and rehabilitate real property which is located at 1120 Kahala Lane to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents.

Consent– *Councilmember Muratore absent due to conflict of interest*

13. Consider approving a loan of NSP2 funds in the amount of \$155,546 to purchase and rehabilitate real property located at 2021 Robbie Avenue. (This NSP2 activity will be carried out by the Housing Authority of the County of Stanislaus). (Funding Source: NSP2)

- Resolution approving the release of funds in the amount of \$155,546 to purchase and rehabilitate real property which is located at 2021 Robbie Avenue to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents recommended.

*Parks, Recreation & Neighborhoods; Scott Humphries, 571-5506, shumphries@modestogov.com*

**ACTION: Resolution 2012-458 (Lopez/Cogdill; 5/0; Muratore absent due to conflict of interest, Mayor Marsh absent)** approving the release of funds in the amount of \$155,546 to purchase and rehabilitate real property which is located at 2021 Robbie Avenue to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents.

Consent– *Councilmember Burnside absent due to conflict of interest*

14. Consider authorizing the award of a sole source proposal and contract to CelPlan Technologies, Inc. of Reston, VA in the amount of \$76,288.20 to provide and install a video surveillance system at the new Bus Maintenance Facility. (Funding Source: Federal Transit Administration & Local Transportation Fund)

- Resolution authorizing the award of a sole source proposal and contract to CelPlan Technologies, Inc. of Reston, VA, to provide and install a video surveillance system at the new Bus Maintenance Facility, and authorizing the City Manager, or his designee, to execute a contract for an amount equal to \$76,288.20 recommended.

*Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com*

**ACTION: Resolution 2012-459 (Lopez/Muratore; 5/0; Burnside absent due to conflict of interest, Mayor Marsh absent)** authorizing the award of a sole source proposal and contract to CelPlan Technologies, Inc. of Reston, VA, to provide and install a video surveillance system at the new Bus Maintenance Facility, and authorizing the City Manager, or his designee, to execute a contract for an amount equal to \$76,288.20.

Consent

15. Consider authorizing the award of a sole source procurement of Remote Terminal Units (RTU's) and all associated circuit boards and parts for the HSQ Miser Supervisor Control and Data Acquisition System (SCADA), to HSQ Technology, Hayward CA, for a two year agreement with three (3) one year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$75,000, and over five (5) years of \$375,000. (Funding Source: Water and Wastewater Funds)
- Resolution authorizing the award of a sole source procurement of Remote Terminal Units (RTUs) and all associated circuit boards and parts for the HSQ Miser SCADA Systems, to HSQ Technology, Hayward CA, for a two year agreement with three (3) one year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$75,000, and over five (5) years of \$375,000 recommended.

*Public Works; Gary DeJesus, 577-6255, gdejesus@modestogov.com*

**ACTION: Resolution 2012-460 (Lopez/Geer; 6/0; Mayor Marsh absent)** authorizing the award of a sole source procurement of Remote Terminal Units (RTUs) and all associated circuit boards and parts for the HSQ Miser SCADA Systems, to HSQ Technology, Hayward CA, for a two year agreement with three (3) one year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$75,000, and over five (5) years of \$375,000.

Consent

16. Consider authorizing the Public Works Department, Parking Services Division to offer free off-street parking during the following 2012/2013 Holidays: Thanksgiving Day (November 22) and Friday, (November 23), Christmas Day (December 25), and New Year's Day (January 1, 2013) and authorizing the City Manager to make this adjustment at his discretion going forward on a yearly basis. (Funding Source: Parking Fund)
- Resolution authorizing the Public Works Department, Parking Services Division to provide free parking in City-owned lots and garages during the following 2012/2013 Holidays: Thanksgiving Day (November 22) and Friday, (November 23), Christmas Day (December 25), and New Year's Day (January 1, 2013) and authorizing the City Manager to make this adjustment at his discretion going forward on a yearly basis recommended.

*Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com*

**ACTION: Resolution 2012-461 (Lopez/Geer; 6/0; Mayor Marsh absent)** authorizing the Public Works Department, Parking Services Division to provide free parking in City-owned lots and garages during the following 2012/2013 Holidays: Thanksgiving Day (November 22) and Friday, (November 23), Christmas Day (December 25), and New Year's Day (January 1, 2013) and authorizing the City Manager to make this adjustment at his discretion going forward on a yearly basis.

Consent – *Councilmember Cogdill absent due to conflict of interest*

17. Consider: (i) approving a Purchase Agreement with Chevron U.S.A., Inc., a Pennsylvania Corporation, in the amount of \$2,550, to acquire a 1,564 square foot Temporary Construction Easement for the Downstream Water Improvements Tier 2 Pressure Regulating Valves project; and (ii) authorizing the City Manager, or his designee, to sign a Certificate of Acceptance for the Temporary Construction Easement. (Funding Source: Water Fund-CIP)
- Resolution approving a Purchase Agreement with Chevron U.S.A., Inc. for a 1,564 square foot Temporary Construction Easement of a parcel located at 2101 Sylvan Avenue (APN 052-063-025), in the amount of \$2,550, for the Downstream Water System Improvements Tier 2 Pressure Regulating Valves Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required recommended.
  - Resolution authorizing the City Manager, or his designee, to sign a Certificate of Acceptance for the Temporary Construction Easement for the acquisition of property interests located at 2101 Sylvan Avenue, owned by Chevron U.S.A., Inc., (APN 052-063-025) to be purchased by the City of Modesto for the Downstream Water System Improvements Tier 2 Pressure Regulating Valves Project recommended.

*Utility Planning and Projects; Jon Yuriar, 577-5399, jyuriar@modestogov.com*

**ACTION: Resolution 2012-462 (Lopez/Geer; 5/0; Cogdill absent due to conflict of interest, Mayor Marsh absent)** approving a Purchase Agreement with Chevron U.S.A., Inc. for a 1,564 square foot Temporary Construction Easement of a parcel located at 2101 Sylvan Avenue (APN 052-063-025), in the amount of \$2,550, for the Downstream Water System Improvements Tier 2 Pressure Regulating Valves Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required.

**ACTION: Resolution 2012-463 (Lopez/Geer; 5/0; Cogdill absent due to conflict of interest, Mayor Marsh absent)** authorizing the City Manager, or his designee, to sign a Certificate of Acceptance for the Temporary Construction Easement for the acquisition of property interests located at 2101 Sylvan Avenue, owned by Chevron U.S.A., Inc., (APN 052-063-025) to be purchased by the City of Modesto for the Downstream Water System Improvements Tier 2 Pressure Regulating Valves Project.

Consent– *Councilmember Muratore absent due to conflict of interest*

18. Consider accepting the work by Howk Systems for the Irrigation Wells for City Parks Project as complete. (Total construction contract cost is \$482,174, with a total project cost of \$557,628.) (Funding Source: Parks Fund and Inter-fund loan from Water Fund)
- Resolution accepting the work by Howk Systems for the Irrigation Wells for City Parks Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$482,174 recommended.
- Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION: Resolution 2012-464 (Lopez/Cogdill; 5/0; Muratore absent due to conflict of interest; Mayor Marsh absent)** accepting the work by Howk Systems for the Irrigation Wells for City Parks Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$482,174.

Consent– *Councilmember Muratore absent due to conflict of interest*

19. Consider accepting the work by J.W. Ebert Corp of San Jose, California, for the 2010 Sanitary Sewer Collection System Replacement Project as complete. (Total construction contract cost is \$1,179,710, with a total project cost of \$1,415,096.) (Funding Source: Wastewater Fund)
- Resolution accepting the work by J.W. Ebert Corp of San Jose, California, for the 2010 Sanitary Sewer Collection System Replacement Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$1,179,710 recommended.
- Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION: Resolution 2012-465 (Lopez/Cogdill; 5/0; Muratore absent due to conflict of interest; Mayor Marsh absent)** accepting the work by J.W. Ebert Corp of San Jose, California, for the 2010 Sanitary Sewer Collection System Replacement Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$1,179,710.

## COUNCIL COMMENTS & REPORTS

Councilmember Geer spoke regarding the California Air Resources Board cap-and-trade plan.

Councilmember Lopez spoke regarding the Salvation Army Kettle Kick Off on Thursday at Modesto Centre Plaza.

## CITY MANAGER COMMENTS & REPORTS

None.

## WRITTEN COMMUNICATIONS

20. Consider a letter from Lautoka City Council, Lautoka, Fiji regarding establishing Sister City Relationship. (Funding Source: Not Applicable)  
*City Council; John Gunderson, 571-5597, jgunderson@modestogov.com*

**ACTION:** Matter referred to Sister Cities Committee.

## HEARINGS

*Published in the Modesto Bee on October 1, 2012 – continued to December 4, 2012 Council meeting*

21. Hearing to consider the application of Berberian Holdings, LP for a General Plan Amendment to redesignate approximately 18 acres from Mixed-use (MU) and Residential (R) to Commercial (C) and to rezone the same property from Planned Development Zone, P-D(211) to a new Planned Development Zone, (P-D) to allow development of a shopping center, property located at the southwest corner of Sylvan Avenue and Oakdale Road (continued to the December 4, 2012 Council meeting). (Funding Source: Not Applicable)

**ACTION:** Continued to the December 4, 2012 Council Meeting.

*Letter sent to surrounding homeowners*

22. Hearing to consider approving an application by Dr. Magdy S. Elsagr for a street name change from Bob's Way to Elsagr Way. (Funding Source: Not Applicable)
- Resolution approving an application by Magdy S. Elsagr for a street name change from Bob's Way to Elsagr Way recommended.
- Community & Economic Development; Rita Doscher, 577-5267, rdoscher@modestogov.com*

**ACTION: Resolution 2012-466 (Lopez/Geer; 6/0; Mayor Marsh absent)** approving an application by Magdy S. Elsagr for a street name change from Bob's Way to Elsagr Way.

*Published in the Modesto Bee on October 12, 2012– Councilmember Muratore absent due to conflict of interest*

23. Hearing to consider approving an amendment to the Department of Housing & Urban Development (HUD) Annual Action Plan (AAP) for Fiscal Year 2012-13. (Funding Source: CDBG and RLF)
- Resolution approving an Amendment to the Department of Housing & Urban Development Annual Action Plan for Fiscal Year 2012-13, and authorizing the City Manager, or his designee, to execute related documents recommended.
  - Resolution amending the FY 2012-13 annual operating and capital improvement budgets to reflect the approved amendment to the Annual Action Plan for Fiscal Year 2012-13, and the reallocation of carryover funds as noted in Exhibit A; and authorizing the Director of Finance, or her designee, to take the necessary steps to

implement the provisions of this resolution recommended.

*Parks, Recreation & Neighborhoods; Mary Otten, 571-5863, motten@modestogov.com*

**ACTION: Resolution 2012-467 (Lopez/Cogdill; 5/0; Muratore absent due to conflict of interest; Mayor Marsh absent)** approving an Amendment to the Department of Housing & Urban Development Annual Action Plan for Fiscal Year 2012-13, and authorizing the City Manager, or his designee, to execute related documents.

**ACTION: Resolution 2012-468 (Lopez/Cogdill; 5/0; Muratore absent due to conflict of interest, Mayor Marsh absent)** amending the FY 2012-13 annual operating and capital improvement budgets to reflect the approved amendment to the Annual Action Plan for Fiscal Year 2012-13, and the reallocation of carryover funds as noted in Exhibit A; and authorizing the Director of Finance, or her designee, to take the necessary steps to implement the provisions of this resolution.

*Published in the Modesto Bee on October 28, 2012– Councilmember Muratore absent due to conflict of interest*

24. Hearing to consider approving the revised funding plan for the Neighborhood Stabilization Program (NSP) 2 & 3 to allow for 29 units of undeveloped senior/special needs housing, as well as a reduction of the total funding allocation to the Emancipated Foster Youth and Homeless Youth Program (EFY&HY). (Funding Source: NSP2 and NSP3)

- Resolution approving the Revised Funding Plan for the Neighborhood Stabilization Program for the addition of 29 units of new senior/special needs housing, and a reduction of the total funding allocation to the Emancipated Foster and Homeless Youth Program and authorizing the City Manager, or his designee to execute all necessary documents required to enact the Revised Funding Plan recommended.
- Resolution approving both First Amendments to Memorandums of Understanding (MOU) for the Housing Authority of the County of Stanislaus (HACS) for NSP 2 & 3 and authorizing the City Manager, or his designee to execute both MOU's recommended.
- Resolution approving the establishment of a Memorandum of Understanding (MOU) with the Stanislaus County Affordable Housing Corporation (STANCO) for NSP 2 and authorizing the City Manager, or his designee to execute the MOU recommended.
- Resolution approving the Second Amendment to Memorandum of Understanding (MOU) for the Stanislaus County Affordable Housing Corporation (STANCO) for NSP 3 and authorizing the City Manager, or his designee to execute the MOU recommended.
- Resolution approving both sets of Loan Documents for the Housing Authority of the County of Stanislaus (HACS) for NSP 2 & 3 and authorizing the City Manager, or his designee to execute both sets of loan documents recommended.
- Resolution approving the Loan Documents for the Stanislaus County Affordable Housing Corporation (STANCO) for NSP 2 & 3 and authorizing the City Manager, or his designee to execute the loan documents recommended.
- Resolution approving the commitment of HOME Investment Partnerships Program funds in the amount of \$500,000 from FY 2012-13 HOME Entitlement for the

- completion of construction for the Downey Avenue Project recommended.
- Resolution approving the land transfer of 412 Downey Avenue to the Housing Authority of the County of Stanislaus for development of 11 units of Senior Affordable Housing and authorizing the City Manager, or his designee to execute all necessary documents required to complete the land transfer recommended.
  - Resolution accepting the NSP2 Substantial Amendment for submittal to HUD and authorizing the City Manager, or his designee to execute all necessary documents required to complete the amendment recommended.
  - Resolution amending the FY 2012-2013 Multi-Year Budget or Project 100243 to include the reallocations as approved in the NSP2 Substantial Amendment for the Revised Funding Plan as set forth in Exhibit "E", and authorizing the Director of Finance, or her designee, to take the necessary steps to implement the provisions of this resolution recommended.

*Parks, Recreation & Neighborhoods; Marco Sepulveda, 577-5275,  
msepulveda@modestogov.com*

**ACTION: Resolution 2012-469 (Cogdill/Gunderson; 5/0; Muratore absent due to conflict of interest, Mayor Marsh absent)** approving the Revised Funding Plan for the Neighborhood Stabilization Program for the addition of 29 units of new senior/special needs housing, and a reduction of the total funding allocation to the Emancipated Foster and Homeless Youth Program and authorizing the City Manager, or his designee to execute all necessary documents required to enact the Revised Funding Plan.

**ACTION: Resolution 2012-470 (Cogdill/Gunderson; 5/0; Muratore absent due to conflict of interest, Mayor Marsh absent)** approving both First Amendments to Memorandums of Understanding (MOU) for the Housing Authority of the County of Stanislaus (HACS) for NSP 2 & 3 and authorizing the City Manager, or his designee to execute both MOU's.

**ACTION: Resolution 2012-471 (Cogdill/Gunderson; 5/0; Muratore absent due to conflict of interest, Mayor Marsh absent)** approving the establishment of a Memorandum of Understanding (MOU) with the Stanislaus County Affordable Housing Corporation (STANCO) for NSP 2 and authorizing the City Manager, or his designee to execute the MOU.

**ACTION: Resolution 2012-472 (Cogdill/Gunderson 5/0; Muratore absent due to conflict of interest, Mayor Marsh absent)** approving the Second Amendment to Memorandum of Understanding (MOU) for the Stanislaus County Affordable Housing Corporation (STANCO) for NSP 3 and authorizing the City Manager, or his designee to execute the MOU.

**ACTION: Resolution 2012-473 (Cogdill/Gunderson; 5/0; Muratore absent due to conflict of interest, Mayor Marsh absent)** approving both sets of Loan Documents for the Housing Authority of the County of Stanislaus (HACS) for NSP 2 & 3 and authorizing the City Manager, or his designee to execute both sets of loan documents.

**ACTION: Resolution 2012-474 (Cogdill/Gunderson; 5/0; Muratore absent due to conflict of interest, Mayor Marsh absent)** approving the Loan Documents for the Stanislaus County Affordable Housing Corporation (STANCO) for NSP 2 & 3 and authorizing the City Manager,

or his designee to execute the loan documents.

**ACTION: Resolution 2012-475 (Cogdill/Gunderson; 5/0; Muratore absent due to conflict of interest, Mayor Marsh absent)** approving the commitment of HOME Investment Partnerships Program funds in the amount of \$500,000 from FY 2012-13 HOME Entitlement for the completion of construction for the Downey Avenue Project.

**ACTION: Resolution 2012-476 (Cogdill/Gunderson; 5/0; Muratore absent due to conflict of interest, Mayor Marsh absent)** approving the land transfer of 412 Downey Avenue to the Housing Authority of the County of Stanislaus for development of 11 units of Senior Affordable Housing and authorizing the City Manager, or his designee to execute all necessary documents required to complete the land transfer.

**ACTION: Resolution 2012-477 (Cogdill/Gunderson; 5/0; Muratore absent due to conflict of interest, Mayor Marsh absent)** accepting the NSP2 Substantial Amendment for submittal to HUD and authorizing the City Manager, or his designee to execute all necessary documents required to complete the amendment.

**ACTION: Resolution 2012-478 (Cogdill/Gunderson; 5/0; Muratore absent due to conflict of interest, Mayor Marsh absent)** amending the FY 2012-2013 Multi-Year Budget or Project 100243 to include the reallocations as approved in the NSP2 Substantial Amendment for the Revised Funding Plan as set forth in Exhibit "E", and authorizing the Director of Finance, or her designee, to take the necessary steps to implement the provisions of this resolution.

## NEW BUSINESS

25. Consider: (i) amending the Fiscal Year 2012-2013 Park, Recreation and Neighborhoods Operating Budget to increase funding in the amount of \$261,170 to provide one additional Community Forestry tree crew and \$100,000 to provide overtime funding for a Mistletoe Abatement program; and (ii) amending the position allocation in the Parks, Recreation and Neighborhoods Department adopted by the City Council as part of the FY2012-2013 budget to add two (2) Tree Trimmer allocations in Cost Center 35010. (Funding Source: General Fund)

- Resolution amending the Fiscal Year 2012-2013 Parks, Recreation and Neighborhoods Department operating budget to increase funding to provide one additional Community Forestry tree crew and overtime funding for a Mistletoe Abatement program recommended.
- Resolution amending the position allocation in the Parks, Recreation and Neighborhoods Department adopted by the City Council as part of the FY2012-2013 budget to add two (2) Tree Trimmer allocations in Cost Center 35010 recommended.

*Parks, Recreation and Neighborhoods ; Debbie Fortino, 342-4579,  
dfortino@modestogov.com*

**ACTION: Resolution 2012-479 (Cogdill/Lopez; 6/0; Mayor Marsh absent)** amending the Fiscal Year 2012-2013 Parks, Recreation and Neighborhoods Department operating budget to increase funding to provide one additional Community Forestry tree crew and overtime

funding for a Mistletoe Abatement program.

**ACTION: Resolution 2012-480 (Cogdill/Lopez; 6/0; Mayor Marsh absent)** amending the position allocation in the Parks, Recreation and Neighborhoods Department adopted by the City Council as part of the FY2012-2013 budget to add two (2) Tree Trimmer allocations in Cost Center 35010.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting was adjourned at 7:20 p.m.

**CLOSED SESSION**

*All Closed Session Matters heard prior to meeting*

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto City Employees Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Confidential & Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Officers' Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Non Sworn Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto City Firefighters Association

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

Agency Negotiators: Greg Nyhoff, City Manager  
Employee Organization: Unrepresented Management and Confidential Employee

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

Name of case: Scott Kasper v City of Modesto, et al.; U.S. District Court, Eastern District of California; Case Number: 2:12-CV-00464-LKK-KJN

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

Name of case: Stanislaus Food Products v. City of Modesto, et al.; Stanislaus County Superior Court No. 670384

**MINUTES**  
City of Modesto  
**Special Economic Development Committee/  
City Council Workshop Meeting**

**Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California**

**Wednesday, November 14, 2012 at 5:00 p.m.**

Roll Call Present: Councilmembers Burnside, Muratore and Cogdill  
Absent: None

**PUBLIC COMMENTS**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1**

**CONSENT**

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

Consent

1. Consider receiving the status reports of development projects processed by the Community and Economic Development Department for September and October 2012. (Funding Source: Not Applicable)  
*Community & Economic Development; Brent Sinclair, 577-5228, hbsinclair@modestogov.com*

**ACTION: Motion (Muratore/Cogdill;unan.)** accepting the status reports of development projects processed by the Community and Economic Development Department for September and October 2012.

**NEW BUSINESS**

2. Consider approving an amendment to the Outdoor Dining Ordinance and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Community & Economic Development; David Wage, 577-5267, dwage@modestogov.com*

**ACTION: Motion (Muratore/Cogdill;unan.)** approving an amendment to the Outdoor Dining Ordinance and forwarding to Council for approval.

3. Consider recommending an appointment to fill one vacancy on the Human Relations Commission created by one recent resignation and forwarding to Council for approval. (Funding Source: )  
*Human Resources; Scott Kasper, 577-5238 , skasper@modestogov.com*

**ACTION: Motion (Muratore/Cogdill;unan.)** recommending the appointment of Gilbert Steven Gonzalez to fill one vacancy on the Human Relations Commission created by one recent resignation and forwarding to Council for approval

*Councilmember Muratore absent due to conflict of interest*

4. Consider recommending appointments to fill two (2) current vacancies on the City of Modesto Citizens' Housing & Community Development Committee (CH&CDC) and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Parks, Recreation & Neighborhoods Department; Julie Hannon, 577-5417, jhannon@modestogov.com*

**ACTION: Motion (Cogdill/Burnside;Muratore absent due to conflict of interest)** recommending the appointment of Jenny Kenoyer and Rhoda Yare to fill two (2) current vacancies on the City of Modesto Citizens' Housing & Community Development Committee (CH&CDC) and forwarding to Council for approval.

**ACTION: Motion (Cogdill/Burnside;Muratore absent due to conflict of interest)** recommending the appointment of Frank Ploof (alternate effective January 2013) to fill an upcoming vacancy on the City of Modesto Citizens' Housing & Community Development Committee (CH&CDC) and forwarding to Council for approval.

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

None.

#### **ADJOURNMENT**

This meeting adjourned at 5:24 p.m.

# MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday December 04, 2012, at 5:30 p.m.**

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,  
Mayor Marsh  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Michael Shiefelbein, College Ave. Congregational Church, UCC

City Clerk's Announcements: Item 17 - Removed from Consent  
Item 22 - Continued to January 8, 2013 Council Meeting

Declaration of Conflicts of Interest: Item 3 – Muratore  
Item 17 - Cogdill

Reports from Closed Session: City Attorney Wood reported on Closed Session matters

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of certificates recognizing the Mayor's Top Teen awardees and program sponsors. (Funding Source: Not Applicable)  
*City Manager; Dee Williams-Ridley, 571-5809, dwilliams-ridley@modestogov.com*

**ACTION:** Presentation of Certificates recognizing the Mayor's Top Teen awardees and program sponsors.

2. Presentation of the 2011 Annual Business Recycling Awards. (Funding Source: Not Applicable)  
*Parks Recreation & Neighborhood; Karin Rodriguez, 577-5453, krodiguez@modestogov.com*

**ACTION:** Presentation of the 2011 Annual Business Recycling Awards: Boyett Petroleum, Center for Human Services, Community Business College, Community Hospice, Memorial Medical Center, and Modesto Junk Company.

## MISCELLANEOUS

Legislation  
Appointments  
Other

*Councilmember Muratore absent due to conflict of interest*

3. Consider approving the appointment of Jenny Kenoyer and Rhoda Yare to fill two (2) current vacancies on the City of Modesto Citizens' Housing & Community Development Committee. (Funding Source: Not Applicable)

- Resolution appointing Jenny Kenoyer and Rhoda Yare to fill two (2) current vacancies on the City of Modesto Citizens' Housing & Community Development Committee recommended.

*Parks, Recreation & Neighborhoods; Mary Otten, 571-5863 ,  
motten@modestogov.com*

**ACTION: Resolution 2012-481 (Lopez/Cogdill; 6/0; Muratore absent due to conflict of interest)** appointing Jenny Kenoyer and Rhoda Yare to fill two (2) current vacancies on the City of Modesto Citizens' Housing & Community Development Committee.

4. Consider approving the appointment of Gilbert Steven Gonzalez to the Human Relations Commission. (Funding Source: Not Applicable)

- Resolution appointing Gilbert Steven Gonzalez to the Human Relations Commission recommended.

*Human Resources; Scott Kasper, 577-5238, skasper@modestogov.com*

**ACTION: Resolution 2012-482 (Lopez/Gunderson; 7/0)** appointing Gilbert Steven Gonzalez to the Human Relations Commission.

**PUBLIC COMMENT PERIOD**

- Jenny Kenoyer thanked Council for approving her appointment to CH&CDC.
- Loretta Carhart spoke regarding bus times and routes in Modesto. City Manager Nyhoff will provide information to Ms. Carhart.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 5 through 19**

**ACTION CONSENT ITEMS: 4-16; 18-19: (Lopez/Burnside;unan.)**

**ITEM 17: (Lopez/Muratore;unan.; Cogdill absent due to conflict of interest)**

**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 from the November 13, 2012 City Council meeting. (Funding Source: Not Applicable)

- Motion approving the minutes from the November 13, 2012 City Council meeting

recommended.

*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** approving the minutes from the November 13, 2012 City Council meeting.

Consent

6. Consider adopting amendments to the City of Modesto Conflict of Interest Code for City Departments and adopting a Conflict of Interest Code for the Modesto Redevelopment Successor Agency Oversight Board. (Funding Source: Not Applicable)
  - Resolution of the Council of the City of Modesto adopting an amended Conflict of Interest Code for the City of Modesto and rescinding Resolution 2010-487 recommended.
  - Resolution of the Council of the City of Modesto adopting a Conflict of Interest Code for the City of Modesto Redevelopment Successor Agency Oversight Board recommended.

*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Resolution 2012-483 (Lopez/Burnside; 7/0)** of the Council of the City of Modesto adopting an amended Conflict of Interest Code for the City of Modesto and rescinding Resolution 2010-487 recommended.

**ACTION: Resolution 2012-484 (Lopez/Burnside; 7/0)** of the Council of the City of Modesto adopting a Conflict of Interest Code for the City of Modesto Redevelopment Successor Agency Oversight Board.

Consent

7. Consider granting an exception to the Village One Specific Plan to allow for the construction of shade structures located at 1612 Claus Road, Modesto, CA and not require the parcel to form or annex to a Community Facilities District (“CFD”). (Funding Source: CFD No. 2004-1 (Village One #2) or Future CFD Revenues)
  - Resolution granting an exception to the Village One Specific Plan to allow for the construction of shade structures located at 1612 Claus Road, Modesto, CA and not require the Parcel to form or annex to a Community Facilities District recommended.

*Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com*

**ACTION: Resolution 2012-485 (Lopez/Burnside; 7/0)** granting an exception to the Village One Specific Plan to allow for the construction of shade structures located at 1612 Claus Road, Modesto, CA and not require the Parcel to form or annex to a Community Facilities District.

Consent

8. Consider approving the award of proposal and contracts for professional assistance with plan review and inspection services to 4LEAF Inc., Bureau Veritas, CSG Consultants Inc., and Interwest Consulting Group for three (3) year professional

services agreements with two (2) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$30,000, and a total cost not to exceed \$90,000. (Funding Source: General Fund)

- Resolution approving the award of proposal and contracts for professional assistance with plan review and inspection services to 4LEAF Inc., Bureau Veritas, CSG Consultants Inc., and Interwest Consulting Group for a three (3) year professional services agreement with two (2) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$30,000, and a total cost not to exceed \$90,000 recommended.

*Community & Economic Development; William Crew, 577-5231, wcrew@modestogov.com*

**ACTION: Resolution 2012-486 (Lopez/Burnside; 7/0)** approving the award of proposal and contracts for professional assistance with plan review and inspection services to 4LEAF Inc., Bureau Veritas, CSG Consultants Inc., and Interwest Consulting Group for a three (3) year professional services agreement with two (2) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$30,000, and a total cost not to exceed \$90,000.

Consent

9. Consider accepting the Monthly Investment Report for August, 2012. (Funding Source: Not Applicable)

- Motion accepting the Monthly Investment Report for August, 2012 recommended.  
*Finance; DeAnna Espinoza, 577-5387, daespinoza@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** accepting the Monthly Investment Report for August, 2012.

Consent

10. Consider authorizing the award of bid for the purchase of two (2) John Deere 410K Backhoe Loaders for the Public Works Department, Water Division, through the Fleet Services Division, by “accessing the terms” of a competitively bid contract with the State of California, Department of General Services, California Multiple Award Schedules (CMAS) to Pape Machinery, French Camp, CA, for an estimated total cost of \$220,279. (Funding Source: Fleet Replacement Fund)

- Resolution authorizing the award of bid for the purchase of two (2) John Deere Backhoe Loaders for the Water Division, through the Public Works Department, Fleet Services Division, to Pape Machinery, French Camp, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$220,279 recommended.

*Finance and Public Works; Megan M. Torres, 571-5839, mtorres@modestogov.com*

**ACTION: Resolution 2012-487 (Lopez/Burnside; 7/0)** authorizing the award of bid for the purchase of two (2) John Deere Backhoe Loaders for the Water Division, through the Public Works Department, Fleet Services Division, to Pape Machinery, French Camp, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$220,279.

Consent

11. Consider authorizing the award of bid for the purchase of two (2) Vac-Con Combination Sewer and Storm Drain Cleaner Trucks for the Water Quality Control Division, Wastewater Section through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the City and County of San Francisco, through Municipal Maintenance Equipment, Sacramento, CA, for an estimated total cost of \$786,392. (Funding Source: Fleet Replacement Fund)

- Resolution authorizing the award of bid for the purchase of two (2) Vac-Con combination sewer and storm drain cleaner trucks for the Water Quality Control Division, Wastewater Section through the Public Works Department, Fleet Services Division, by “piggybacking off a competitive bid process with the City and County of San Francisco through Municipal Maintenance Equipment, Sacramento, CA, and authorizing the Purchasing Manager to issue a purchase order for an estimated total cost of \$786,392 recommended.

*Finance and Public Works; Meagan Torres, 571-5839, mtorres@modestogov.com*

**ACTION: Resolution 2012-488 (Lopez/Burnside; 7/0)** authorizing the award of bid for the purchase of two (2) Vac-Con combination sewer and storm drain cleaner trucks for the Water Quality Control Division, Wastewater Section through the Public Works Department, Fleet Services Division, by “piggybacking off a competitive bid process with the City and County of San Francisco through Municipal Maintenance Equipment, Sacramento, CA, and authorizing the Purchasing Manager to issue a purchase order for an estimated total cost of \$786,392.

Consent

12. Consider rescinding Resolution No. 2011-470 for the award of contract for the sole brand procurement, design and installation of a Liebert Uninterruptible Power Supply System for the Modesto Police Department by accessing the terms of the Western State Contract Alliance Contract #B27164 to NWN Corporation, Sacramento, CA for an estimated cost of \$119,800. (Funding Source: N/A)

- Resolution to rescind Resolution No. 2011-470 for the award of contract for the sole brand procurement, design and installation of a Liebert Uninterruptible Power Supply System for the Modesto Police Department by accessing the terms of the Western State Contract Alliance Contract #B27164 to NWN Corporation, Sacramento, CA recommended.

*Information Technology; Kevin Harless, 571-5593, kharless@modestogov.com*

**ACTION: Resolution 2012-489 (Lopez/Burnside; 7/0)** rescinding Resolution No. 2011-470 for the award of contract for the sole brand procurement, design and installation of a Liebert Uninterruptible Power Supply System for the Modesto Police Department by accessing the terms of the Western State Contract Alliance Contract #B27164 to NWN Corporation, Sacramento, CA.

Consent

13. Consider accepting the Avoid the Twelve Grant from the State of California Office of Traffic Safety (OTS), in the amount not to exceed \$35,000, to reduce alcohol related fatal and injury traffic collisions in Stanislaus County. (Funding Source: Grant

Revenue)

- Resolution accepting the Avoid the Twelve Grant from the State of California Office of Traffic Safety, in the amount not to exceed \$35,000, to reduce alcohol related fatal and injury traffic collisions in Stanislaus County; and authorizing the City Manager, or his designee, to execute the necessary program documents recommended.
- Resolution amending the Fiscal Year 2012/2013 Operating Budget estimating revenue and offsetting expenses not to exceed \$35,000, for the Avoid the Twelve Grant, to reduce alcohol related fatal and injury traffic collisions in Stanislaus County; and authorizing the Finance Director, or her designee, to implement the provisions of this resolution recommended.

*Police; Scott Blom, 572-9678, bloms@modestopd.com*

**ACTION: Resolution 2012-490 (Lopez/Burnside; 7/0)** accepting the Avoid the Twelve Grant from the State of California Office of Traffic Safety, in the amount not to exceed \$35,000, to reduce alcohol related fatal and injury traffic collisions in Stanislaus County; and authorizing the City Manager, or his designee, to execute the necessary program documents.

**ACTION: Resolution 2012-491 (Lopez/Burnside; 7/0)** amending the Fiscal Year 2012/2013 Operating Budget estimating revenue and offsetting expenses not to exceed \$35,000, for the Avoid the Twelve Grant, to reduce alcohol related fatal and injury traffic collisions in Stanislaus County; and authorizing the Finance Director, or her designee, to implement the provisions of this resolution.

Consent

14. Consider accepting an award from the Department of Justice (DOJ) under the Fiscal Year 2012 Bulletproof Vest Partnership solicitation in the amount of \$5,884 for armor vests. (Funding Source: Grants - Operation Grants Reimbursed)
- Resolution accepting an award in the amount of \$5,884 from the U.S. Department of Justice Bulletproof Vest Partnership Program for armor vests recommended.
  - Resolution amending the Fiscal Year 2012/2013 Multi-Year and Operating Budget to estimate revenue of \$5,884 from the U.S. Department of Justice, Bulletproof Vest Partnership Program, and appropriating funds for the purchase of bulletproof vests recommended.

*Police; Gene Balentine, 572-9501, balentineg@modestopd.com*

**ACTION: Resolution 2012-492 (Lopez/Burnside; 7/0)** accepting an award in the amount of \$5,884 from the U.S. Department of Justice Bulletproof Vest Partnership Program for armor vests.

**ACTION: Resolution 2012-493 (Lopez/Burnside; 7/0)** amending the Fiscal Year 2012/2013 Multi-Year and Operating Budget to estimate revenue of \$5,884 from the U.S. Department of Justice, Bulletproof Vest Partnership Program, and appropriating funds for the purchase of bulletproof vests.

Consent

15. Consider approving the submittal of an application to the Anti-Drug Abuse (ADA) Enforcement Team Program Grant from the Board of State and Community Corrections (BSCC) for the Stanislaus Drug Enforcement Agency (SDEA), in the amount of \$251,372, to combat major drug trafficking and manufacturing, and enter into an agreement to receive the grant (if awarded). (Funding Source: Not Applicable)
- Resolution approving the submittal of an application to the Anti-Drug Abuse (ADA) Program Grant from the Board of State and Community Corrections (BSCC), in the amount of \$251,372, for the Stanislaus Drug Enforcement Agency (SDEA), to combat major drug trafficking and manufacturing; and authorizing the City Manager, or his designee, to execute the necessary program documents, and enter into an agreement to receive the grant funds allotted for Stanislaus County, including submitting any applicable grant extension requests (if awarded) recommended.

*Police; Clint Raymer, 558-6300, raymerc@modestopd.com*

**ACTION: Resolution 2012-494 (Lopez/Burnside; 7/0)** approving the submittal of an application to the Anti-Drug Abuse (ADA) Program Grant from the Board of State and Community Corrections (BSCC), in the amount of \$251,372, for the Stanislaus Drug Enforcement Agency (SDEA), to combat major drug trafficking and manufacturing; and authorizing the City Manager, or his designee, to execute the necessary program documents, and enter into an agreement to receive the grant funds allotted for Stanislaus County, including submitting any applicable grant extension requests (if awarded).

#### Consent

16. Consider rejecting all quotations received for the purchase of synthetic turf for Mary E. Grogan Community Park Project, and authorizing City staff to re-advertise the project. (Funding Source: Parks Capital Facility Fees, Village One Capital Facility District, California Integrated Waste Management Board)
- Resolution rejecting all quotations for the Purchase of Synthetic Turf for Mary E. Grogan Community Park, and authorizing staff to re-advertise the project recommended.

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

**ACTION: Resolution 2012-495 (Lopez/Burnside; 7/0)** rejecting all quotations for the Purchase of Synthetic Turf for Mary E. Grogan Community Park, and authorizing staff to re-advertise the project.

*Removed from Consent; Councilmember Cogdill absent due to conflict of interest*

17. Consider: (i) accepting the Preliminary Design Report dated October 2012 for the Del Rio Tank, Pump Station, and New Well project as complete; and (ii) approving an agreement with NorthStar Engineering Group, Inc. for Final Design Services for the Del Rio Tank, Pump Station, and New Well project, in an amount not to exceed \$385,430.97. (The total estimated cost for the final design portion of the project is \$445,430.97) (Funding Source: Water Fund-CIP)
- Resolution accepting the Preliminary Design Report dated October 2012 for Del Rio Tank, Pump Station, and New Well project as complete recommended.

- Resolution approving an agreement with NorthStar Engineering Group, Inc. for final design services for Del Rio Tank, Pump Station, and New Well project in an amount not to exceed \$350,391.97 for the identified scope of services, plus \$35,039.00 for additional services (if needed), for a maximum total amount of \$385,430.97, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

*Utility Planning and Projects; Rob Christensen, 571-5869,  
rchristensen@modestogov.com*

**ACTION: Resolution 2012-496 (Lopez/Muratore; 6/0; Cogdill absent due to conflict of interest)** accepting the Preliminary Design Report dated October 2012 for Del Rio Tank, Pump Station, and New Well project as complete.

**ACTION: Resolution 2012-497 (Lopez/Muratore; 6/0; Cogdill absent due to conflict of interest)** approving an agreement with NorthStar Engineering Group, Inc. for final design services for Del Rio Tank, Pump Station, and New Well project in an amount not to exceed \$350,391.97 for the identified scope of services, plus \$35,039.00 for additional services (if needed), for a maximum total amount of \$385,430.97, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

18. Consider approving the prequalified consultant list for Proposition 218 compliance, noticing, and protest hearing process for water, wastewater, or storm drain rates for a period not to exceed three years. (Funding Source: Water, Wastewater, and Storm Drain )

- Resolution approving the prequalified consultant list, consisting of Harris and Associates and HF&H Consultants, LLC, to provide Proposition 218 compliance services for a period not to exceed three years recommended.

*Utility Planning and Projects; Brian MacDonald, 341-2932,  
bmacdonald@modestogov.com*

**ACTION: Resolution 2012-498 (Lopez/Burnside; 7/0)** approving the prequalified consultant list, consisting of Harris and Associates and HF&H Consultants, LLC, to provide Proposition 218 compliance services for a period not to exceed three years.

Consent

19. Consider approving the revised plans and specifications for the Modesto West Basin Improvements project, accepting the bid, and approving a contract with Hobbs Construction Inc. of Clovis, California in the amount of \$392,358.30. (Total estimated cost for this portion of the project is \$497,978.30) (Funding Source: Community Facilities District No. 2004-1 (Village One #2))

- Resolution approving the revised plans and specifications for the Modesto West Basin Improvements project, accepting the bid, and approving a contract with Hobbs Construction Inc. of Clovis, California in the amount of \$392,358.30, and authorizing the City Manager, or his designee, to execute the contract recommended.

*Utility Planning and Projects; William Wong, 571-5801, WWong@modestogov.com*

**ACTION: Resolution 2012-499 (Lopez/Burnside; 7/0)** approving the revised plans and specifications for the Modesto West Basin Improvements project, accepting the bid, and approving a contract with Hobbs Construction Inc. of Clovis, California in the amount of \$392,358.30, and authorizing the City Manager, or his designee, to execute the contract.

### **COUNCIL COMMENTS & REPORTS**

Mayor Marsh announced Modesto Junior College 75th Annual Basketball Tournament.

Vice Mayor Burnside thanked City employees involved with the Salvation Army Kettle Kick Off Luncheon in November.

### **CITY MANAGER COMMENTS & REPORTS**

None.

### **UNFINISHED BUSINESS**

20. Consider: (i) adopting a Finding of Conformance for the Scenic Sewer Lift Station project; (ii) approving the plans and specifications for the Scenic Sewer Lift Station, accepting the bid, and approving a contract with W.M. Lyles Co. of Fresno, California in the amount of \$1,575,344.20; (iii) authorizing the issuance of change orders up to 10% of the original contract price with W.M. Lyles Co.; and (iv) amending the Fiscal Year 2012-2013 Capital Improvement Program budget by transferring \$511,732 from Wastewater Fund Reserves to fund construction, contingency, construction administration, and design support during construction. (Total estimated cost for the construction portion of the project is \$2,000,689) (Funding Source: Wastewater Fund)
- Resolution finding that the following project is within the scope of the project covered by the Modesto Wastewater Master Plan Master Environmental Impact Report (MEIR) (SCH#2006052076): Scenic Lift Station Improvements recommended.
  - Resolution approving the plans and specifications for the Scenic Sewer Lift Station, accepting the bid, and approving a contract with W.M. Lyles Co. of Fresno, California in the amount of \$1,575,344.20, and authorizing the City Manager, or his designee, to execute the contract recommended.
  - Resolution authorizing the issuance of change orders up to 10% of the original contract price with W.M. Lyles Co recommended.
  - Resolution amending the Fiscal Year 2012-2013 Capital Improvement Program budget in the amount of \$511,732 to be transferred into the project from Wastewater Fund Reserves in order to fully fund construction, contingency, construction administration, and design support during construction for the Scenic Sewer Lift Station project recommended.

*Utility Planning and Projects; William Wong, 571-5801, WWong@modestogov.com*

**ACTION: Resolution 2012-500 (Cogdill/Lopez; 7/0)** finding that the following project is

within the scope of the project covered by the Modesto Wastewater Master Plan Master Environmental Impact Report (MEIR) (SCH#2006052076): Scenic Lift Station Improvements.

**ACTION: Resolution 2012-501 (Cogdill/Lopez; 7/0)** approving the plans and specifications for the Scenic Sewer Lift Station, accepting the bid, and approving a contract with W.M. Lyles Co. of Fresno, California in the amount of \$1,575,344.20, and authorizing the City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2012-502 (Cogdill/Lopez; 7/0)** authorizing the issuance of change orders up to 10% of the original contract price with W.M. Lyles Co.

**ACTION: Resolution 2012-503 (Cogdill/Lopez; 7/0)** amending the Fiscal Year 2012-2013 Capital Improvement Program budget in the amount of \$511,732 to be transferred into the project from Wastewater Fund Reserves in order to fully fund construction, contingency, construction administration, and design support during construction for the Scenic Sewer Lift Station project.

## HEARINGS

*Published in the Modesto Bee on November 14, 2012*

21. Hearing to accept the Capital Facilities Fees Annual Report for Fiscal Year 2011-12 and making findings related to each of the fee categories. (Funding Source: CFF Administration Fund)
- Resolution accepting the Capital Facilities Fees Annual Report for Fiscal Year 2011-12, and making findings related to each of the fee categories recommended. *Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com*

**ACTION: Resolution 2012-504 (Lopez/Geer; 7/0)** accepting the Capital Facilities Fees Annual Report for Fiscal Year 2011-12, and making findings related to each of the fee categories recommended.

*Published in the Modesto Bee on October 1, 2012; continued to January 8, 2013 Council meeting*

22. Hearing to consider the application of Berberian Holdings, LP for a General Plan Amendment to redesignate approximately 18 acres from Mixed-use (MU) and Residential (R) to Commercial (C) and to rezone the same property from Planned Development Zone, P-D(211) to a new Planned Development Zone, (P-D) to allow development of a shopping center, property located at the southwest corner of Sylvan Avenue and Oakdale Road (continued from October 23, 2012, November 6, 2012 and November 13, 2012 Council meetings). (Funding Source: Not Applicable)
- Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (Sch No. 2007072023): General Plan Amendment to redesignate approximately 18 acres from Mixed-Use (Mu) and Residential (R) to Commercial (C) and to rezone the same property from Planned Development Zone, P-D(211) to

Planned Development Zone, P-D(595), to allow development of a shopping center, property located at the southwest corner of Sylvan Avenue and Oakdale Road (Berberian Holdings, LP) recommended.

- Resolution approving an amendment to the Modesto Urban Area General Plan, property located at the southwest corner of Sylvan Avenue and Oakdale Road (Berberian Holdings, LP) recommended.
- Motion introducing an Ordinance amending Section 10-3-9 of the Zoning Map to rezone from Planned Development Zone, P-D(211), to Planned Development Zone, P-D(595), property located at the southwest corner of Sylvan Avenue and Oakdale Road (Berberian Holdings, LP) recommended.
- Resolution approving a Development Plan for Planned Development Zone, P-D(595) (Berberian Holdings, LP) recommended.

*Community & Economic Development; David Wage, 577-5302, dwage@modestogov.com*

**ACTION:** Item continued to January 8, 2013 Council meeting.

### **NEW BUSINESS**

23. Consider approving the submittal of the updated Airport Capital Improvement Plan Summary to the Federal Aviation Administration and Caltrans Aeronautics. (Funding Source: Not Applicable)

- Resolution approving the submittal of the updated Airport Capital Improvement Plan Summary to the Federal Aviation Administration and Caltrans Aeronautics recommended.

*Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com*

**ACTION: Resolution 2012-505 (Burnside/Lopez; 7/0)** approving the submittal of the updated Airport Capital Improvement Plan Summary to the Federal Aviation Administration and Caltrans Aeronautics.

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

None.

### **ADJOURNMENT**

This meeting adjourned at 7:50 p.m.

### **CLOSED SESSION**

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto City Employees Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Confidential & Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Officers' Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Non Sworn Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto City Firefighters Association

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

Agency Negotiators: Greg Nyhoff, City Manager  
Employee Organization: Unrepresented Management and Confidential Employee

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

Name of case: City of Modesto v. Kimberly Kuppens, et al; Stanislaus County Superior Court No. 663732

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

Name of case: Letona v. City of Modesto, et al.; USDC - Fresno Case No.: 1:12-CV-00782-AWI-DLB

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code.  
One potential case.

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

**One Case** (Pursuant to Section 54956.9(a) of the Government Code)

Name of case: ***Black & Veatch v. Modesto Irrigation District, et al.***  
USDC Fresno Case No. 1:11-CV-00695-LJO-SKO

**MINUTES**  
City of Modesto  
**Special Economic Development Committee/  
City Council Workshop Meeting**

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

**Monday, December 10, 2012 at 4:00 p.m.**

Roll Call Present: Councilmembers Burnside and Cogdill  
Absent: Councilmember Muratore

**MISCELLANEOUS**

1. Consider interviewing Henri (Hank) Pollard and Jaylen French for re-appointment to the Board of Zoning Adjustment and forwarding to City Council for approval.  
(Funding Source: Not Applicable)  
*Community & Economic Development; Patrick Kelly, 577-5268,  
[pkelly@modestogov.com](mailto:pkelly@modestogov.com)*

**ACTION: Motion (Cogdill/Burnside; Muratore absent)** approving the re-appointments of Henri (Hank) Pollard and Jaylen French to the Board of Zoning Adjustment and forwarding to City Council for approval

2. Consider interviewing Steve Carter for re-appointment to the City of Modesto Planning Commission and forwarding to City Council for approval. (Funding Source: Not Applicable)  
*Community & Economic Development; Patrick Kelly, 577-5268,  
[pkelly@modestogov.com](mailto:pkelly@modestogov.com)*

**ACTION: Motion (Cogdill/Burnside; Muratore absent)** approving the re-appointment of Steve Carter to the City of Modesto Planning Commission and forwarding to City Council for approval

**PUBLIC COMMENTS**

None.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 5:20 p.m.

**MINUTES**  
City of Modesto  
**Special Economic Development Committee/  
City Council Workshop Meeting**

**Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California**

**Monday, December 10, 2012 at 5:00 p.m.**

Roll Call Present: Councilmembers Burnside, Muratore (arrived at 5:08 pm) and Cogdill  
Absent: None  
Also Present: Councilmembers Geer and Gunderson

**PUBLIC COMMENTS**

None.

**UNFINISHED BUSINESS**

*Councilmember Muratore absent*

1. Consider accepting the Community and Economic Development Department Development Activity report for November 2012. (Funding Source: Not Applicable)  
*Community & Economic Development; Brent Sinclair, 577-5228, hbsinclair@modestogov.com*

**ACTION:** **Motion (Cogdill/Burnside; Muratore absent)** accepting the Community and Economic Development Department Development Activity report for November 2012.

**NEW BUSINESS**

2. Consider accepting staff's report on Quiet Zone Diagnostic Team Meetings and provide direction to staff regarding continued work on this effort. (Funding Source: Not Applicable)  
*Community & Economic Development; Cindy van Empel, 577-5280, cvanempel@modestogov.com*

**ACTION:** **Motion (Muratore/Cogdill;unan.)** accepting staff's report on Quiet Zone Diagnostic Team Meetings and forwarding to Council for consideration (with special emphasis on the Burlington Northern Railroad section).

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 5:30 p.m.

# MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday December 11, 2012, at 5:30 p.m.**

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,  
Mayor Marsh  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Ken Sylvia, Youth for Christ

City Clerk's Announcements: None

Declaration of Conflicts of Interest: Muratore: Items 10, 11, 12, 13, 16, and 17  
Burnside, Geer: Item 15

Reports from Closed Session: City Attorney Wood reported on Closed Session matters and a  
Matter Too Late For the Agenda added to Closed Session – *Coito v. City of Modesto*

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Introduction of newly appointed Chief of Police. (Funding Source: Not Applicable)  
*City Manager; Greg Nyhoff, 577-5404, gnyhoff@modestogov.com*

**ACTION:** City Manager Nyhoff thanked Interim Police Chief Gene Balentine and the members of the Modesto Police Department. City Manager Greg Nyhoff introduced the newly appointed Chief of Police Galen Carroll.

2. Presentation by the Modesto Chamber of Commerce to new and growing businesses in Modesto. (Funding Source: Not Applicable)  
*Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION:** Cecil Russell, President of the Modesto Chamber of Commerce, acknowledged the Flip Flop Shop, Elite Health Club Productions, and Collins Electrical.

3. Presentation by the Finance Department awarding the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting Program for Fiscal Year 2011 to the City of Modesto. (Funding Source: Not

Applicable)

*Finance; Gloriette Genereux, 577-5371, ggenereux@modestogov.com*

**ACTION:** Presentation was made by City Manager Nyhoff to the Finance Department awarding the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting Program for Fiscal Year 2011 to the City of Modesto.

### **PUBLIC COMMENT PERIOD**

- Ray Perfferini spoke regarding trees in Modesto.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through 15**

**ACTION CONSENT ITEMS 4-9, 14: (Lopez/Burnside;unan.)**

**ACTION CONSENT ITEMS 10-13: (Lopez/Burnside; unan.; Muratore absent due to conflict of interest)**

**ACTION CONSENT ITEM 15: (Lopez/Gunderson;unan.; Burnside, Geer absent due to conflict of interest**

### **CONSENT ITEMS**

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

Consent

4. Consider approving the minutes from the December 4, 2012 City Council meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the December 4, 2012 City Council meeting recommended.

*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Burnside; 7/0)** approving the minutes from the December 4, 2012 City Council meeting.

Consent

5. Consider summarily vacating a 10 foot wide Public Utility Easement located at 616 Columbia Way. (Funding Source: Not Applicable)
  - Resolution summarily vacating a 10-foot wide Public Utility Easement located at 616 Columbia Way in the City of Modesto recommended.

*Community & Economic Development; Dan England, 571-5589, dengland@modestogov.com*

**ACTION: Resolution 2012-506 (Lopez/Burnside; 7/0)** summarily vacating a 10-foot wide Public Utility Easement located at 616 Columbia Way in the City of Modesto.

Consent

6. Consider summarily vacating a 10 foot wide Public Utility Easement located at 1700 Crows Landing Road on the south side of the property. (Funding Source: Not Applicable)
- Resolution summarily vacating a 10 foot wide Public Utility Easement located at 1700 Crows Landing Road in the City of Modesto recommended.  
*Community & Economic Development; Dan England, 571-5589, dengland@modestogov.com*

**ACTION: Resolution 2012-507 (Lopez/Burnside; 7/0)** summarily vacating a 10 foot wide Public Utility Easement located at 1700 Crows Landing Road in the City of Modesto.

Consent

7. Consider: (i) amending the Fiscal Year 2012/13 Capital Improvement Program budget in the amount of \$734,641; and (ii) accepting Congestion Mitigation and Air Quality funds in the amount of \$699,641 and authorizing the City Manager, or his designee, to execute the necessary grant documents. (Funding Source: CMAQ Funds)
- Resolution amending the Fiscal Year 2012/13 Capital Improvement Program budget in the amount of \$734,641 recommended.
  - Resolution accepting Congestion Mitigation and Air Quality (CMAQ) funds in the amount of \$699,641 and authorizing the City Manager, or designee, to execute the necessary grant documents recommended.  
*Community & Economic Development; Charles Covolo, 571-5537, ccovolo@modestogov.com*

**ACTION: Resolution 2012-508 (Lopez/Burnside; 7/0)** amending the Fiscal Year 2012/13 Capital Improvement Program budget in the amount of \$734,641.

**ACTION: Resolution 2012-509 (Lopez/Burnside; 7/0)** accepting Congestion Mitigation and Air Quality (CMAQ) funds in the amount of \$699,641 and authorizing the City Manager, or designee, to execute the necessary grant documents.

Consent

8. Consider amending the Class Range Table for Executive Management including Charter Officers to amend the salary range for Chief of Police. (Funding Source: General Fund)
- Resolution amending Exhibit "C" of Resolution No. 2012-370, which amended the class range table for Executive Management including Charter Officers, to amend the salary range for Chief of Police recommended.  
*Human Resources; Joseph Lopez, 571-5126, joelopez@modestogov.com*

**ACTION: Resolution 2012-510 (Lopez/Burnside; 7/0)** amending Exhibit "C" of Resolution No. 2012-370, which amended the class range table for Executive Management including Charter Officers, to amend the salary range for Chief of Police.

Consent

9. Consider recommending continuance with the Memorandum of Understanding (MOU)

for Exemption from the Mobile Home Rent Stabilization Ordinance between the City of Modesto and Signatory Mobile Home Parks with an amendment to suspend contributions to the rental assistance program until the City has matching funds to resume the program and authorizing the Mayor, City Attorney and/or City Manager, or their designees, to execute the MOU and any related documents. (Funding Source: Not Applicable)

- Resolution recommending to continue with the Memorandum of Understanding (MOU) for Exemption from the Mobile Home Rent Stabilization Ordinance between the City of Modesto and Signatory Mobile Home Parks with an amendment to suspend contributions to the rental assistance program until the City has matching funds to resume the program and authorizing the Mayor, City Attorney and/or City Manager, or their designees, to execute the MOU and any related documents recommended.

*Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com*

**ACTION: Resolution 2012-511 (Lopez/Burnside; 7/0)** recommending to continue with the Memorandum of Understanding (MOU) for Exemption from the Mobile Home Rent Stabilization Ordinance between the City of Modesto and Signatory Mobile Home Parks with an amendment to suspend contributions to the rental assistance program until the City has matching funds to resume the program and authorizing the Mayor, City Attorney and/or City Manager, or their designees, to execute the MOU and any related documents.

Consent – *Councilmember Muratore absent due to conflict of interest*

10. Consider approving the amended loan agreements for the Bennett Place Apartments project located at 421 Lincoln Avenue between the City of Modesto and Stanislaus Affordable Housing Corporation (STANCO). (Funding Source: HOME Funds)

- Resolution approving the amended loan agreements for the Bennett Place Apartments project located at 421 Lincoln Avenue between the City of Modesto and Stanislaus Affordable Housing Corporation (STANCO) and authorizing the City Manager, or his designee, to execute all related loan agreements recommended.
- Resolution amending the Fiscal Year 2012-2013 Capital Improvement Program Budget to adjust the expense categories within the project account, and authorizing the Finance Director, or her designee, to implement the provision of this resolution recommended.

*Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com*

**ACTION: Resolution 2012-512 (Lopez/Burnside; 6/0; Muratore absent due to conflict of interest)** approving the amended loan agreements for the Bennett Place Apartments project located at 421 Lincoln Avenue between the City of Modesto and Stanislaus Affordable Housing Corporation (STANCO) and authorizing the City Manager, or his designee, to execute all related loan agreements.

**ACTION: Resolution 2012-513 (Lopez/Burnside; 6/0; Muratore absent due to conflict of**

**interest)** amending the Fiscal Year 2012-2013 Capital Improvement Program Budget to adjust the expense categories within the project account, and authorizing the Finance Director, or her designee, to implement the provision of this resolution.

Consent – *Councilmember Muratore absent due to conflict of interest*

11. Consider approving a loan of NSP2 funds in the amount of \$140,655 to purchase and rehabilitate real property located at 2101 Reseda Lane. (This NSP2 activity will be carried out by the Housing Authority of the County of Stanislaus (HACS)). (Funding Source: NSP2 Grant)

- Resolution approving the release of funds in the amount of \$140,655 to purchase and rehabilitate real property which is located at 2101 Reseda Lane to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents recommended.

*Parks, Recreation & Neighborhoods; Scott Humphries, 571-5506, shumphries@modestogov.com*

**ACTION: Resolution 2012-514 (Lopez/Burnside; 6/0; Muratore absent due to conflict of interest)** approving the release of funds in the amount of \$140,655 to purchase and rehabilitate real property which is located at 2101 Reseda Lane to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents .

Consent – *Councilmember Muratore absent due to conflict of interest*

12. Consider approving a loan of NSP2 funds in the amount of \$165,000 to purchase and rehabilitate real property located at 1901 Vallejo Drive. (This NSP2 activity will be carried out by the Housing Authority of the County of Stanislaus (HACS)). (Funding Source: NSP2 Grant)

- Resolution approving the release of funds in the amount of \$165,000 to purchase and rehabilitate real property which is located at 1901 Vallejo Drive to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents recommended.

*Parks, Recreation & Neighborhoods; Scott Humphries, 571-5506, shumphries@modestogov.com*

**ACTION: Resolution 2012-515 (Lopez/Burnside; 6/0; Muratore absent due to conflict of interest)** approving the release of funds in the amount of \$165,000 to purchase and rehabilitate real property which is located at 1901 Vallejo Drive to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents.

Consent – *Councilmember Muratore absent due to conflict of interest*

13. Consider approving a loan of NSP2 funds in the amount of \$134,903 to purchase and rehabilitate real property located at 1634 Wylma Way. (This NSP2 activity will be carried out by the Housing Authority of the County of Stanislaus (HACS)). (Funding

Source: NSP2 Grant)

- Resolution approving the release of funds in the amount of \$134,903 to purchase and rehabilitate real property which is located at 1634 Wylma Way to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents recommended.

*Parks, Recreation & Neighborhoods; Scott Humphries, 571-5506, shumphries@modestogov.com*

**ACTION: Resolution 2012-516 (Lopez/Burnside; 6/0; Muratore absent due to conflict of interest)** approving the release of funds in the amount of \$134,903 to purchase and rehabilitate real property which is located at 1634 Wylma Way to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents.

Consent

14. Consider: (i) approving plans and specifications for the Tuolumne River Regional Park Gateway - Phase 1.3 Trails Project; (ii) accepting the bid; (iii) approving an agreement with Harris Builders, Inc., of Hilmar, CA, in the amount of \$384,900.00; and (iv) amending the Fiscal Year 2012-2013 Capital Improvement Program Budget in order to adjust the expense categories within the project account. (Total estimated project cost is \$496,578.00, which includes Design/Construction Documents, Construction, Construction Contingency and Construction Administration.) (Funding Source: Habitat Conservation Fund and Parks Capital Facility Fees)

- Resolution (i) approving the plans and specifications for the TRRP Gateway – Phase 1.3 Trails Project; (ii) accepting the bid; (iii) approving an agreement with Harris Builders, Inc. of Hilmar, CA in the amount of \$384,900.00; and (iv) authorizing the City Manager, or his designee, to execute the agreement recommended.
- Resolution amending the Fiscal Year 2012-2013 Capital Improvement Program Budget to adjust the expense categories within the project account, and authorizing the Finance Director, or her designee, to implement the provision of this resolution recommended.

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

**ACTION: Resolution 2012-517 (Lopez/Burnside; 7/0)** approving the plans and specifications for the TRRP Gateway – Phase 1.3 Trails Project; accepting the bid; approving an agreement with Harris Builders, Inc. of Hilmar, CA in the amount of \$384,900.00; and authorizing the City Manager, or his designee, to execute the agreement.

**ACTION: Resolution 2012-518 (Lopez/Burnside; 7/0)** amending the Fiscal Year 2012-2013 Capital Improvement Program Budget to adjust the expense categories within the project account, and authorizing the Finance Director, or her designee, to implement the provision of this Resolution.

Consent – *Councilmembers Burnside and Geer absent due to conflict of interest*

15. Consider approving the plans and specifications for the Sanitary Lift Station Lining Rehabilitation project, accepting the bid, and approving a contract with Social Pacific Construction Corp of Lake Elsinore, California in the amount of \$173,719. (Total estimated cost for the construction portion of the project is \$237,285) (Funding Source: Wastewater Fund)
- Resolution approving the plans and specifications for the Sanitary Lift Station Lining Rehabilitation project, accepting the bid, and approving a contract with Social Pacific Construction Corp of Lake Elsinore, California in the amount of \$173,719, and authorizing the City Manager, or his designee, to execute the contract recommended.
- Utility Planning and Projects; William Wong, 571-5801, WWong@modestogov.com*

**ACTION: Resolution 2012-519 (Lopez/Gunderson; 5/0; Burnside, Geer absent due to conflict of interest)** approving the plans and specifications for the Sanitary Lift Station Lining Rehabilitation project, accepting the bid, and approving a contract with Social Pacific Construction Corp of Lake Elsinore, California in the amount of \$173,719, and authorizing the City Manager, or his designee, to execute the contract.

### **COUNCIL COMMENTS & REPORTS**

Councilmember Burnside acknowledged the Finance Department and announced that Mayor Marsh will be in the Nutcracker Ballet on December 14, 2012 as Mother Ginger.

### **CITY MANAGER COMMENTS & REPORTS**

City Manager Nyhoff thanked everyone for their contributions throughout the year.

### **UNFINISHED BUSINESS**

*Councilmember Muratore absent due to conflict of interest*

16. Consider approving the following changes to the Neighborhood Stabilization Programs 1 (NSP1) and 2 (NSP2) grants in preparation of grant close out: (i) reallocating NSP1 administration funds to increase the NSP1 subsidy for the Airport Neighborhood Community Center; (ii) transferring full ownership of all unsold condominiums to active NSP2 non-profit developers; (iii) modifying the maximum total unit subsidy for future acquisition and rehabilitation properties; (iv) increasing the Housing Authority of the County of Stanislaus (HACS) allocation in order to expend all remaining unobligated NSP2 funds on "General Acquisition and Rehabilitation" activities to ensure completion of grant expenditure; (v) allocating a minimum of \$100,000 in NSP2 funds to Tower Park Project (with a not to exceed amount of \$250,000); and (vi) taking ownership of remaining unsold single-family properties from NSP1 & NSP2 active developers through a mutual release in exchange for payment of developer fee, and authorizing the City Manager, or his designee to execute all necessary Agreements and related documents required to enact all NSP1 & NSP2 grant close out transactions depicted in this report. (Funding Source: NSP1, NSP2)

- Resolution approving the City of Modesto (i) taking ownership of remaining unsold single family properties from NSP1 active developers through a mutual release in exchange for payment of developer fee, (ii) reallocating NSP1 administration funds to increase the NSP1 subsidy for the Airport Neighborhood Community Center Project, and authorizing the City Manager, or his designee, to execute all necessary agreements and related documents to these actions recommended.
- Resolution approving the City of Modesto (i) transferring full ownership of all unsold condominiums to active NSP2 non-profit developers, (ii) modifying the maximum total unit subsidy for future acquisitions and rehabilitation properties, (iii) increasing the Housing Authority of the County of Stanislaus (HACS) allocation for “General Acquisition and Rehabilitation” activities, (iv) allocating a minimum of \$100,000 in NSP2 funds to Tower Park Project with a not to exceed amount of \$250,000, (v) taking ownership of remaining unsold single-family properties from NSP2 active developers through a mutual release in exchange for payment of developer fee, and authorizing the City Manager, or his designee, to execute all necessary agreements and related documents to these actions recommended.
- Resolution amending the FY 2012-13 multi-year budgets for NSP1 PROJECT 100265 and NSP2 PROJECT 100243 as determined by the reallocation of funds as set forth in actual grant close out per the Disaster Recovery Grant Reporting system (DRGR), and authorizing the Director of Finance, or her designee, to take the necessary steps to implement the provision of this resolution recommended.

*Parks, Recreation and Neighborhoods; Marco Sepulveda, 577-5275,  
msepulveda@modestogov.com*

**ACTION: Resolution 2012-520 (Lopez/Cogdill; 6/0; Muratore absent due to conflict of interest)** approving the City of Modesto (i) taking ownership of remaining unsold single family properties from NSP1 active developers through a mutual release in exchange for payment of developer fee, (ii) reallocating NSP1 administration funds to increase the NSP1 subsidy for the Airport Neighborhood Community Center Project, and authorizing the City Manager, or his designee, to execute all necessary agreements and related documents to these actions.

**ACTION: Resolution 2012-521 (Lopez/Cogdill; 6/0; Muratore absent due to conflict of interest)** approving the City of Modesto (i) transferring full ownership of all unsold condominiums to active NSP2 non-profit developers, (ii) modifying the maximum total unit subsidy for future acquisitions and rehabilitation properties, (iii) increasing the Housing Authority of the County of Stanislaus (HACS) allocation for “General Acquisition and Rehabilitation” activities, (iv) allocating a minimum of \$100,000 in NSP2 funds to Tower Park Project with a not to exceed amount of \$250,000, (v) taking ownership of remaining unsold single-family properties from NSP2 active developers through a mutual release in exchange for payment of developer fee, and authorizing the City Manager, or his designee, to execute all necessary agreements and related documents to these actions.

**ACTION: Resolution 2012-522 (Lopez/Cogdill; 6/0; Muratore absent due to conflict of interest)** amending the FY 2012-13 multi-year budgets for NSP1 PROJECT 100265 and

NSP2 PROJECT 100243 as determined by the reallocation of funds as set forth in actual grant close out per the Disaster Recovery Grant Reporting system (DRGR), and authorizing the Director of Finance, or her designee, to take the necessary steps to implement the provision of this resolution.

## NEW BUSINESS

*Councilmember Muratore absent due to conflict of interest*

17. Consider approving a new Capital Improvement Program account for the project titled, "Reconfiguration of 10th and 11th Streets between D Street and Morton Boulevard", with an estimated initial cost of \$36,000; and amending the Fiscal Year 2012-2013 Capital Improvement Program budget for the Reconfiguration of 10th and 11th Streets and appropriating \$36,000 from Trust Account to CIP Project # 100725. (Funding Source: Developer Funding)

- Resolution approving the creation of a new Capital Improvement Program (CIP) account for the project titled, "Reconfiguration of 10th and 11th Streets between D Street and Morton Boulevard", with an estimated initial cost of \$36,000 recommended.
- Resolution amending the Fiscal Year 2012-2013 Capital Improvement Program budget for the Reconfiguration of 10th and 11th Streets and appropriating \$36,000 from Trust Account to CIP Project # 100725 recommended.

*Community & Economic Development; Bill Sandhu, 577-5356,  
bsandhu@modestogov.com*

**ACTION: Resolution 2012-523 (Cogdill/Burnside; 6/0; Muratore absent due to conflict of interest)** approving the creation of a new Capital Improvement Program (CIP) account for the project titled, "Reconfiguration of 10th and 11th Streets between D Street and Morton Boulevard", with an estimated initial cost of \$36,000.

**ACTION: Resolution 2012-524 (Cogdill/Burnside; 6/0; Muratore absent due to conflict of interest)** amending the Fiscal Year 2012-2013 Capital Improvement Program budget for the Reconfiguration of 10th and 11th Streets and appropriating \$36,000 from Trust Account to CIP Project # 100725.

18. Consider authorizing the award of proposal and contract for the repowering of Model Year 2003 Gillig Transit Buses for the Department of Public Works, Transit Division, to Complete Coach Works, Riverside, CA, for an estimated total cost of \$1,285,746. (Funding Source: FTA, PTMISEA)

- Resolution authorizing the award of proposal and contract for the repowering of Model Year 2003 Gillig Transit Buses for the Department of Public Works, Transit Division, to Complete Coach Works, Riverside, CA, and authorizing the City Manager, or his designee, to execute a contract for an estimated total cost of \$1,285,746 recommended.

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

**ACTION: Resolution 2012-525 (Lopez/Geer; 7/0)** authorizing the award of proposal and

contract for the repowering of Model Year 2003 Gillig Transit Buses for the Department of Public Works, Transit Division, to Complete Coach Works, Riverside, CA, and authorizing the City Manager, or his designee, to execute a contract for an estimated total cost of \$1,285,746.

19. Consider approving a proposed contract extension agreement to be incorporated into the existing Memorandum of Understanding with term of December 23, 2008 – March 28, 2011 and modifying the current contract extension agreement with a term of March 28, 2011 – July 15, 2013. Unless otherwise modified by the current negotiated contract extension as presented, all terms of the MOU and pre-existing contract extension dated March 11, 2011 through July 15, 2013 will be extended for one additional year through June 30, 2014. Council approval will authorize the Director of Human Resources and City Manager to take the necessary administrative action to implement the extension agreement; and amending a labor policy for paying and reporting the value of Employer Paid Member Contributions to the California Public Employees' Retirement System (CALPERS) on behalf of employees represented by the Modesto Police Officer Association (MPOA). (Funding Source: General Fund and Other Funds)
- Resolution approving a proposed extension agreement including language changes for a the Memorandum of Understanding between the City of Modesto and the Modesto Police Officer Association (MPOA) for extending the term of the agreement from June 30, 2013 to June 30, 2014 and authorizing the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreement recommended.
  - Resolution amending a labor policy for paying and reporting the value of Employer Paid Member Contributions to the California Public Employees' Retirement System (CALPERS) on behalf of employee's represented by the Modesto Police Officers' Association (MPOA) recommended.

*Human Resources; Scott Kasper, 577-5238, skasper@modestogov.com*

**ACTION: Resolution 2012-526 (Lopez/Cogdill; 7/0)** approving a proposed extension agreement including language changes for a the Memorandum of Understanding between the City of Modesto and the Modesto Police Officer Association (MPOA) for extending the term of the agreement from June 30, 2013 to June 30, 2014 and authorizing the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreement.

**ACTION: Resolution 2012-527 (Lopez/Cogdill; 7/0)** amending a labor policy for paying and reporting the value of Employer Paid Member Contributions to the California Public Employees' Retirement System (CALPERS) on behalf of employee's represented by the Modesto Police Officers' Association (MPOA).

20. Consider: (i) approving the plans and specifications for the Hilltop Area Strengthen and Replace Water System project, accepting the bid, and approving a contract with DSS Company, dba Knife River Construction, of Stockton, California, in the amount of \$967,368; and (ii) amending the Fiscal Year 2012-2013 Capital Improvement

Program budget by transferring \$441,841 to fund construction, contingency, construction administration, and design support during construction. (Total estimated cost for the construction portion of the project is \$1,191,368) (Funding Source: Water Fund - CIP)

- Resolution approving the plans and specifications for the Hilltop Area Strengthen and Replace Water System project, accepting the bid, and approving a contract with DSS Company, dba Knife River Construction, of Stockton, California in the amount of \$967,368, and authorizing the City Manager, or his designee, to execute the contract recommended.
- Resolution amending the Fiscal Year 2012-2013 Capital Improvement Program budget in the amount of \$441,841 to be transferred into the project from Water Fund Reserves in order to fully fund construction, contingency, construction administration, and design support during construction for the Hilltop Area Strengthen and Replace Water System project recommended.

*Utility Planning and Projects; Rob Christensen, 571-5869,  
rchristensen@modestogov.com*

**ACTION: Resolution 2012-528 (Burnside/Geer; 7/0)** approving the plans and specifications for the Hilltop Area Strengthen and Replace Water System project, accepting the bid, and approving a contract with DSS Company, dba Knife River Construction, of Stockton, California in the amount of \$967,368, and authorizing the City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2012-529 (Burnside/Geer; 7/0)** amending the Fiscal Year 2012-2013 Capital Improvement Program budget in the amount of \$441,841 to be transferred into the project from Water Fund Reserves in order to fully fund construction, contingency, construction administration, and design support during construction for the Hilltop Area Strengthen and Replace Water System project.

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

Closed Session Matter

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION One Case (Pursuant to Section 54956.(a) of the Government Code)** Name of case: Debra Coito in interest of her son Jeremy Wilson (deceased) v. City of Modesto, et al.; Stanislaus County Superior Court No. 624500

### **ADJOURNMENT**

This meeting was adjourned at 6:48 p.m.

### **CLOSED SESSION**

*All Closed Session Matters Heard Prior to Meeting*  
**Motion (Geer/Lopez;unan.)** approving Matter too Late for the Agenda:

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION One Case (Pursuant to Section 54956.(a) of the Government Code)** Name of case: Debra Coito in interest of her son Jeremy Wilson (deceased) v. City of Modesto, et al.; Stanislaus County Superior Court No. 624500

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto City Employees Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Confidential & Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Officers' Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Non Sworn Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto Police Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong  
Employee Organization: Modesto City Firefighters Association

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

Agency Negotiators: Greg Nyhoff, City Manager  
Employee Organization: Unrepresented Management and Confidential Employee

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

Name of case: Black & Veatch v. Modesto Irrigation District, et al.; USDC Fresno Case No. 1:11-CV-00695-LJO-SKO