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# MINUTES
**City of Modesto**
# SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP
**Second Floor, Room 2005**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**
**Monday, January 8, 2018, at 5:00 p.m.**

Roll Call – Present: Councilmembers Ah You, Ridenour, and Madrigal
Absent: None

## PUBLIC COMMENTS

None.

## CONSENT

None.

## NEW BUSINESS

1. Consider the submittal of an application for the 2017 Assistance to Firefighters Grant in an amount that will exceed $100,000, with a 10% local match for the procurement of radio communications equipment and source capture exhaust systems and forwarding to Council for approval. (Funding Source: General Fund)
*Fire; Tim Tietjen, 572-9869, ttietjen@modestofire.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** approving the submittal of an application for the 2017 Assistance to Firefighters Grant in an amount that will exceed $100,000, with a 10% local match for the procurement of radio communications equipment and source capture exhaust systems and forwarding to Council for approval.

2. Consider the submission of the City's Local Transportation Funds Fiscal Year 2017-18 Claim for Non-motorized Purposes (bike lanes and pedestrian pathways) in the amount of $167,572 to the Stanislaus Council of Governments and forwarding to Council for

approval. (Funding Source: Local Transportation Funds)
*Parks, Recreation & Neighborhoods; Maria Garnica, 577-5249, mgarnica@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** approving the submission of the City's Local Transportation Funds Fiscal Year 2017-18 Claim for Non-motorized Purposes (bike lanes and pedestrian pathways) in the amount of $167,572 to the Stanislaus Council of Governments and forwarding to Council for approval.

3. Consider accepting the Ralston Tower Park Master Plan as developed by O'Dell Engineering of Modesto, CA and forwarding to the Council for approval. (Funding Source: Community Development Block Grant Entitlement Funds)
*Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526, nhoux@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** accepting the Ralston Tower Park Master Plan as developed by O'Dell Engineering of Modesto, CA and forwarding to the Council for approval.

4. Consider the submission of a grant application to the Land & Water Conservation Fund grant program to fund construction of the Ralston Tower Park Renovation Project in an amount of $550,000, and forwarding to Council for approval. (Funding Source: Land & Water Conservation Funds and Community Development Block Grant Entitlement Funds)
*Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526, nhoux@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** approving the submission of a grant application to the Land & Water Conservation Fund grant program to fund construction of the Ralston Tower Park Renovation Project in an amount of $550,000, and forwarding to Council for approval.

5. Consider accepting an informational report on Focus on Prevention and Access Center Update from Ruben Imperial, Deputy Executive Officer of Stanislaus County. (Funding Source: Not Applicable)
*Police; Rick Armendariz, 342-6142, armendarizr@modestopd.com*

**ACTION:** No reportable action.

## MATTERS TOO LATE FOR THE AGENDA

None.

**ADJOURNMENT**

This meeting adjourned at 6:06 p.m.

Attest:_____
Rick Armendariz, Interim Deputy City Manager

# MINUTES
## City of Modesto
# ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP
**Second Floor, Room 2008**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**
**Wednesday, January 10, 2018, at 2:00 p.m.**

Roll Call: Present: Mayor Brandvold, Councilmembers Brandvold and Madrigal
Absent: Councilmember Zoslocki

## PUBLIC COMMENTS

None.

## NEW BUSINESS

1. Consider giving new direction to the City Attorney to draft an Ordinance for Default Beverages Offered with Children's Meals. (Funding Source: Not Applicable)
*City Attorney; Adam Lindgren, 577-5288, alindgren@modestogov.com*

**ACTION: Motion (Madrigal/Mayor Brandvold; 2/1; Ridenour no)** directing City Attorney to draft Ordinance for Default Beverages Offered with Children's Meals.

2. Consider accepting the prequalified list of consultants for Engineering Map, Plan Check, and Land Surveying Services for a period of three years, with two additional one-year extension options and forwarding to Council for approval. (Funding Source: Developer Fees)
*Community & Economic Development; Daniel England, 571-5589, dengland@modestogov.com*

**ACTION: Motion (Ridenour/Madrigal; 3/0)** accepting the prequalified list of consultants for Engineering Map, Plan Check, and Land Surveying Services for a period of three years, with two additional one-year extension options and forwarding to Council for approval.

3. Consider a Second Amendment to Agreement to Enter and Construct Improvements with AutoZone, Inc. located at 1901 Prescott Road (Parcels A & B of 47-PM-2, APN 005-082-037); and a Second Amendment to Agreement to Enter and Construct Improvements with Carol Corcoran Williams and Patrick C. Corcoran located at 1901 Prescott Road (Parcel C of 47-PM-2, APN 005-082-036) and forwarding to Council for approval. (Funding Source: Not Applicable)

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

**ACTION: Motion (Ridenour/Madrigal; 3/0)** approving a Second Amendment to Agreement to Enter and Construct Improvements with AutoZone, Inc. located at 1901 Prescott Road (Parcels A & B of 47-PM-2, APN 005-082-037); and a Second Amendment to Agreement to Enter and Construct Improvements with Carol Corcoran Williams and Patrick C. Corcoran located at 1901 Prescott Road (Parcel C of 47-PM-2, APN 005-082-036) and forwarding to Council for approval.

4. Consider the Plans and Specifications, the bid, and awarding the construction contract to Cazadoro Construction, Inc. of San Francisco, CA in the amount of $735,115 for the Right Turn Lane at Prescott Road and Plaza Parkway project; accepting $125,000 in Regional Surface Transportation Program (RSTP) grant funds; amending the Fiscal Year 2017-2018 Capital Improvement Project Budget, and forwarding to Council for approval. (Funding Source: Congestion Mitigation and Air Quality (CMAQ), Regional Surface Transportation Program (RSTP), and Local Surface Transportation Funds (STF))
*Community & Economic Development; Chuck Covolo, 571-5537, ccovolo@modestogov.com*

**ACTION: Motion (Madrigal/Ridenour; 3/0)** approving the Plans and Specifications, the bid, and awarding the construction contract to Cazadoro Construction, Inc. of San Francisco, CA in the amount of $735,115 for the Right Turn Lane at Prescott Road and Plaza Parkway project; accepting $125,000 in Regional Surface Transportation Program (RSTP) grant funds; amending the Fiscal Year 2017-2018 Capital Improvement Project Budget, and forwarding to Council for approval.

5. Consider accepting State Transportation Improvement Program funds allocated by the California Transportation Commission in the amount of $4,336,000, amending the Fiscal Year 2017/18 Capital Improvement Program Budget and forwarding to Council for approval. (Funding Source: State Transportation Improvement Program Funds - $4,336,000)
*Community & Economic Development; Chuck Covolo, 571-5537, ccovolo@modestogov.com*

**ACTION: Motion (Ridenour/Madrigal; 3/0)** accepting State Transportation Improvement Program funds allocated by the California Transportation Commission in the amount of $4,336,000, amending the Fiscal Year 2017/18 Capital Improvement Program Budget and forwarding to Council for approval.

6. Consider a Fifth Amendment to the Agreement with Dokken Engineering for land acquisition services and preparation of the Plans, Specifications, and Estimates for the second phase of the State Route 99/Pelandale Avenue Interchange Reconstruction

Project in an amount not to exceed $225,069 and forwarding to Council for approval. (Funding Source: Local Capital Facilities Fees and State Transportation Improvement Program Funds)
*Community & Economic Development; Chuck Covolo, 571-5537, ccovolo@modestogov.com*

**ACTION: Motion (Ridenour/Madrigal; 3/0)** approving a Fifth Amendment to the Agreement with Dokken Engineering for land acquisition services and preparation of the Plans, Specifications, and Estimates for the second phase of the State Route 99/Pelandale Avenue Interchange Reconstruction Project in an amount not to exceed $225,069 and forwarding to Council for approval.

7. Consider a Capital Facilities Fees Public Improvement Reimbursement Agreement with Valley Children's Medical Group, for public improvements identified in the Capital Facilities Fees program in the amount of $204,210 that the developer will construct in connection with the new Valley Children Medical Center at Pelandale Avenue, and forwarding to Council for approval. (Funding Source: Capital Facilities Fees - Streets)
*Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Motion (Ridenour/Madrigal; 3/0)** approving a Capital Facilities Fees Public Improvement Reimbursement Agreement with Valley Children's Medical Group, for public improvements identified in the Capital Facilities Fees program in the amount of $204,210 that the developer will construct in connection with the new Valley Children Medical Center at Pelandale Avenue, and forwarding to Council for approval.

8. Consider an Amendment to a sole source contract with Remix Software, Inc., San Francisco, CA, for a term of three years and 10 months, for the Transit Planning and Scheduling software utilized by Modesto Area Express to add new functionality to existing software and to extend the term of the contract through November 1, 2021 for a total cost of $194,160 effective January 1, 2018, and forwarding to Council for approval. (Funding Source: Federal Transit Funds)
*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Madrigal/Ridenour; 3/0)** approving an Amendment to a sole source contract with Remix Software, Inc., San Francisco, CA, for a term of three years and 10 months, for the Transit Planning and Scheduling software utilized by Modesto Area Express to add new functionality to existing software and to extend the term of the contract through November 1, 2021 for a total cost of $194,160 effective January 1, 2018, and forwarding to Council for approval.

9. Consider an Amendment to an Agreement with Complete Coach Works, Riverside,

CA, for the refurbishment of fourteen transit buses, in the amount of $70,249 for a total Agreement amount not to exceed $2,836,162; amending the Fiscal Year 2017-2018 Operating Budget; and forwarding to Council for approval. (Funding Source: Transit Funds)
*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Ridenour/Madrigal; 3/0)** approving an Amendment to an Agreement with Complete Coach Works, Riverside, CA, for the refurbishment of fourteen transit buses, in the amount of $70,249 for a total Agreement amount not to exceed $2,836,162; amending the Fiscal Year 2017-2018 Operating Budget; and forwarding to Council for approval.

10. Consider a Memorandum of Understanding with the City of Ceres, CA, for the return and disposition of a transit van, and forwarding to Council for approval. (Funding Source: Transit Funds)
*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Ridenour/Madrigal; 3/0)** approving a Memorandum of Understanding with the City of Ceres, CA, for the return and disposition of a transit van, and forwarding to Council for approval.

11. Consider a software license agreement and four sole source purchases with Avail Technologies, Inc., State College, PA, for the maintenance and support of the existing Computer Aided Dispatch and Automatic Vehicle Location system, Pullout/Yard Management software, Incident Reporting software, Business Intelligence software and replacement cellular modems utilized by Modesto Area Express for a total cost of $427,914; a budget adjustment in the amount of $427,914 to fund the purchases, and forwarding to Council for approval. (Funding Source: Federal Transit Funds)
*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Madrigal/Ridenour; 3/0)** approving a software license agreement and four sole source purchases with Avail Technologies, Inc., State College, PA, for the maintenance and support of the existing Computer Aided Dispatch and Automatic Vehicle Location system, Pullout/Yard Management software, Incident Reporting software, Business Intelligence software and replacement cellular modems utilized by Modesto Area Express for a total cost of $427,914; a budget adjustment in the amount of $427,914 to fund the purchases, and forwarding to Council for approval.

12. Consider the submission of the Transportation Development Act Transit Claim for the Transit Center and Amtrak Station for Fiscal Year 2018-19 to the Stanislaus Council of Governments in the amount of $1,181,147, and forwarding to Council for approval. (Funding Source: Transportation Development Act Funds)
*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Ridenour/Madrigal; 3/0)** approving the submission of the Transportation Development Act Transit Claim for the Transit Center and Amtrak Station for Fiscal Year 2018-19 to the Stanislaus Council of Governments in the amount of $1,181,147, and forwarding to Council for approval.

13. Consider the submission of a project list for the Road Repair and Accountability Act of 2017 for the Modesto Area Express bus system, and forwarding to Council for approval. (Funding Source: Transportation Development Act Funds)
*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Madrigal/Ridenour; 3/0)** approving the submission of a project list for the Road Repair and Accountability Act of 2017 for the Modesto Area Express bus system, and forwarding to Council for approval.

*Councilmember Madrigal left at 2:15 p.m.*

14. Consider an Agreement with Kimley-Horn Associates, Inc., Charlotte, North Carolina, to provide engineering design services for the reconstruction of airport taxiways E and D in an amount not to exceed $174,629, and forwarding to Council for approval. (Funding Source: Federal Aviation Administration Grant Funds - 90%, City Local Match - 10% using Stanislaus County Aircraft Tax Funds)
*Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com*

**ACTION: Motion (Ridenour/Mayor Brandvold; 2/0; Madrigal absent)** approving an Agreement with Kimley-Horn Associates, Inc., Charlotte, North Carolina, to provide engineering design services for the reconstruction of airport taxiways E and D in an amount not to exceed $174,629, and forwarding to Council for approval.

*Councilmember Madrigal returned at 2:20 p.m.*

15. Consider the surrender of the Federal Aviation Administration Part 139 Airport Operating Certificate as held by the Modesto City-County Airport to the Federal Aviation Administration, effective immediately, and forwarding to Council for approval. (Funding Source: Airport Operating Fund)
*Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com*

**ACTION: Motion (Ridenour/Madrigal; 3/0)** approving the surrender of the Federal Aviation Administration Part 139 Airport Operating Certificate as held by the Modesto City-County Airport to the Federal Aviation Administration, effective immediately, and forwarding to Council for approval.

16. Consider the transfer of real property, APNs 135-029-038 and 135-029-039 to both Stanislaus County and State of California, and APNs 135-029-040 and 135-029-041 to

the State of California for the State Route 99/Pelandale Avenue Interchange Reconstruction Project, and forwarding to Council for approval. (Funding Source: CIP 100786-CED.Land Development Engineering – State Route 99 Proposition 1B Bond Savings)
*Public Works; Bill Sandhu, 341-2906, bsandhu@modestogov.com*

**ACTION: Motion (Ridenour/Madrigal; 3/0)** approving the transfer of real property, APNs 135-029-038 and 135-029-039 to both Stanislaus County and State of California, and APNs 135-029-040 and 135-029-041 to the State of California for the State Route 99/Pelandale Avenue Interchange Reconstruction Project, and forwarding to Council for approval.

17. Consider the purchase of 2070 LX traffic signal controllers, OMNI software, 2010 conflict monitors, timing conversions, and Transparity Software from McCain Inc., Vista, CA with a one year Service Agreement in the amount of $428,140, and forwarding to Council for approval. (Funding Source: Measure L Funds)
*Public Works; Jeffrey Barnes, 577-5214, jbarnes@modestogov.com*

**ACTION: Motion (Ridenour/Madrigal; 3/0)** continuing item to future meeting.

18. Consider the purchase of 35 ethernet switches and a rack mounted master ethernet switch from GDI Communications, LLC, Verdi, NV, in the amount of $55,626, and forwarding to Council for approval. (Funding Source: Measure L Funds)
*Public Works; Jeffrey Barnes, 577-5214, jbarnes@modestogov.com*

**ACTION: Motion (Ridenour/Madrigal; 3/0)** continuing item to future meeting.

19. Consider an informational report on industrial and commercial user fees, the holding of two stakeholder meetings regarding cost of services for permitting and oversight during the permit term, and returning to the Economic Development Committee with recommendations. (Funding Source: no financial implication)
*Utilities; Thomas Sinclair, 577-6240, tsinclair@modestogov.com*

**ACTION: Motion (Ridenour/Madrigal; 3/0)** accepting an informational report on industrial and commercial user fees, the holding of two stakeholder meetings regarding cost of services for permitting and oversight during the permit term, and returning to the Economic Development Committee with recommendations.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 3:23 p.m.

Attest:_____
Joseph Lopez, Interim City Manager

# MINUTES

City of Modesto

# CITY COUNCIL MEETING

**Chambers, Basement Level**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**
**Tuesday January 16, 2018, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
Absent: None

Pledge of Allegiance to the Flag

Invocation: Marvin Jacobo, City Ministry Network

City Clerk's Announcements: Item 5 - Removed from Consent

Declaration of Conflicts of Interest: Grewal - Item 4

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

## MISCELLANEOUS

Legislation
Appointments
Other

1. Consider approving the re-appointments of David Boring, Bart Barringer, Tom Slater and Lauren Trevino to the Downtown Improvement District Advisory Board. (Funding Source: Not Applicable)
   - Resolution approving the re-appointments of David Boring, Bart Barringer, Tom Slater and Lauren Trevino to the Downtown Improvement District Advisory Board.

   *City Council; Kathy Espinoza, 571-5591, kespinoza1@modestogov.com*

**ACTION: Resolution 2018-01 (Kenoyer/Ah You; 7/0)** approving the re-appointments of David Boring, Bart Barringer, Tom Slater and Lauren Trevino to the Downtown Improvement District Advisory Board.

2. Consider accepting the resignation of Jon Rodriguez from the Board of Building Appeals. (Funding Source: Not Applicable)
   - Resolution accepting the resignation of Jon Rodriguez from the Board of Building Appeals.

   *Community & Economic Development; Thomas Trimberger, 209-5775, ttrimberger@modestogov.com*

**ACTION: Resolution 2018-02 (Kenoyer/Ah You; 7/0)** accepting the resignation of Jon Rodriguez from the Board of Building Appeals.

## PUBLIC COMMENT PERIOD

- Frank Blanas spoke regarding re-naming of Mellis Park to Dr. Martin Luther King Park.

- John Badie, Jacqueline Reese, Sebastian Jones, Mack Wilson, Rickey McGill and Jocelyn Cooper spoke in support of re-naming Mellis Park and the King-Kennedy Center to Dr. Martin Luther King Jr. Park and Center.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**
**ACTION CONSENT ITEMS: 3, 6-16: (Kenoyer/Zoslocki; 7/0)**
**ACTION CONSENT ITEM 4: (Kenoyer/Madrigal; 6/0; Grewal 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 December 12, 2017 Council Meeting. (Funding Source: Not Applicable)
   - Motion approving the minutes from the December 12, 2107 Council Meeting.

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

**ACTION: Motion (Kenoyer/Zoslocki; 7/0)** approving the minutes from the December 12, 2107 Council Meeting.

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

4. Consider final adoption of **Ordinance No. 3682-C.S**. amending Section 22-3-9 of the Zoning Map to rezone from Low Density Residential (R-1) Zone to Planned Development Zone P-D(604), property located at 1328 Coffee Road. (Funding Source: Developer Funded)
   - Motion approving final adoption of **Ordinance No. 3682-C.S.** amending Section 22-3-9 of the Zoning Map to rezone from Low Density Residential (R-1) Zone to Planned Development Zone P-D(604), property located at 1328 Coffee Road.

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

**ACTION: Motion (Kenoyer/Madrigal; 6/0; Grewal absent due to conflict of interest)** approving final adoption of **Ordinance No. 3682-C.S.** amending Section 22-3-9 of the Zoning Map to rezone from Low Density Residential (R-1) Zone to Planned Development Zone P-D(604), property located at 1328 Coffee Road.

*Removed from Consent*

5. Consider final adoption of **Ordinance Nos. 3683-C.S.** amending Section 10-3.101, "Land Use Table"; amending Section 10-3.210 (a), "Medical Marijuana Uses"; and adding Title 6, "Personal Cannabis Cultivation" to the Modesto Municipal Code to regulate indoor personal cultivation of cannabis; and **3684-C.S.** amending Article 2 of Chapter 3 of Title 10 of the Modesto Municipal Code and adding Article 7 to Chapter 3 of Title 10 to establish standards and regulations for commercial cannabis uses. (Funding Source: General Fund)
   - Motion approving final adoption of **Ordinance Nos. 3683-C.S.** amending Section 10-3.101, "Land Use Table"; amending Section 10-3.210 (a), "Medical Marijuana Uses"; and adding Title 6, "Personal Cannabis Cultivation" to the Modesto Municipal Code to regulate indoor personal cultivation of cannabis; and **3684-C.S.** amending Article 2 of Chapter 3 of Title 10 of the Modesto Municipal Code and adding Article 7 to Chapter 3 of Title 10 to establish standards and regulations for commercial cannabis uses.

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

**ACTION: Motion (Kenoyer/Ah You; 5/2; Ridenour, Zoslocki no)** approving final adoption of **Ordinance Nos. 3683-C.S.** amending Section 10-3.101, "Land Use Table"; amending Section 10-3.210 (a), "Medical Marijuana Uses"; and adding Title 6, "Personal Cannabis Cultivation" to the Modesto Municipal Code to regulate indoor personal cultivation of cannabis; and **3684-C.S.** amending Article 2 of Chapter 3 of Title 10 of the Modesto Municipal Code and adding Article 7 to Chapter 3 of Title 10 to establish standards and regulations for commercial cannabis uses.

Consent

6. Consider accepting the Monthly Investment Report for August, 2017. (Funding Source: Various Funds)
   - Motion accepting the Monthly Investment Report for August, 2017.

   *Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 7/0)** accepting the Monthly Investment Report for August, 2017.

Consent

7. Consider accepting an informational report for the November 2017 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
   - Motion accepting an informational report for the November 2017 Accounts Payable Payment Register and Void report.

   *Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 7/0)** accepting an informational report for the November 2017 Accounts Payable Payment Register and Void report.

Consent

8. Consider approving a Purchase Agreement for 20 Motorola APX8000XE dual band portable radios, piggybacking from a competitively bid contract with LA County, to Motorola Solutions, Inc. via Delta Wireless, Inc. of Stockton, CA, for an estimated total cost of $150,536. (Funding Source: AMR/General EMS Project)
   - Resolution approving a Purchase Agreement for 20 Motorola APX8000XE dual band portable radios, piggybacking from a competitively bid contract with LA County, to Motorola Solutions, Inc. via Delta Wireless, Inc. of Stockton, CA, for an estimated total cost of $150,536, and authorizing the Purchasing Manager to issue the Agreement.

   *Fire; Michael Lillie, 572-9891, mlillie@modestofire.com*

**ACTION: Resolution 2018-03 (Kenoyer/Zoslocki; 7/0)** approving a Purchase Agreement for 20 Motorola APX8000XE dual band portable radios, piggybacking from a competitively bid contract with LA County, to Motorola Solutions, Inc. via Delta Wireless, Inc. of Stockton, CA, for an estimated total cost of $150,536, and authorizing the Purchasing Manager to issue the Agreement.

Consent

9. Consider accepting the 2018 – 2023 Airport Capital Improvement Plan as submitted by the Airport and approved by the Federal Aviation Administration. (Funding Source: FAA Grant Funding 90%, Local Match 10%)
   - Resolution approving the Federal Fiscal Year 2018 – 2023 Airport Capital Improvement Plan (ACIP) as submitted by the Airport and approved by the Federal Aviation Administration (FAA).

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

**ACTION: Resolution 2018-04 (Kenoyer/Zoslocki; 7/0)** approving the Federal Fiscal Year 2018 – 2023 Airport Capital Improvement Plan (ACIP) as submitted by the Airport and approved by the Federal Aviation Administration (FAA).

Consent

10. Consider approving a Purchase and Sale Agreement in the amount of $21,600 to acquire real property for the Del Rio Replacement Well 271 Project on property located at 7121 McHenry Avenue. (Funding Source: Water Fund)
    - Resolution approving a Purchase and Sale Agreement with Larry Killian and Angelina Mary Killian, Trustees of the Killian Family Trust, and Lenore Catherine Setliff Chladek, Trustee of the Ernest Baxter Setliff, Jr. Testamentary Trust, and Lenore Catherine Setliff Chladek and Alan Smith, Trustees of the Gladys C. Setliff Revocable Trust, and Arnold W. Setliff and Katherine L. Setliff, Trustees of the Norma Setliff Family Trust, for a 0.52 acre portion of a parcel of land in fee, located at 7121 McHenry Avenue (APN: 004-102-003), in the amount of $21,600 for the Del Rio Replacement Well 271 Project and authorizing the Interim City Manager, or his designee, to execute the Purchase and Sale Agreement and all related documents required to complete the sale and close escrow.
    - Resolution authorizing the Interim City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed, for the acquisition of property

located at 7121 McHenry Avenue, owned by Larry Killian and Angelina Mary Killian, Trustees of the Killian Family Trust, and Lenore Catherine Setliff Chladek, Trustee of the Ernest Baxter Setliff, Jr. Testamentary Trust, and Lenore Catherine Setliff Chladek and Alan Smith, Trustees of the Gladys C. Setliff Revocable Trust, and Arnold W. Setliff and Katherine L. Setliff, Trustees of the Norma Setliff Family Trust, (APN 004-102-003) to be purchased by the City of Modesto for the Del Rio Replacement Well 271 Project.

*Utilities; Jon Yuriar, 577-5399, jyuriar@modestogov.com*

**ACTION: Resolution 2018-05 (Kenoyer/Zoslocki; 7/0)** approving a Purchase and Sale Agreement with Larry Killian and Angelina Mary Killian, Trustees of the Killian Family Trust, and Lenore Catherine Setliff Chladek, Trustee of the Ernest Baxter Setliff, Jr. Testamentary Trust, and Lenore Catherine Setliff Chladek and Alan Smith, Trustees of the Gladys C. Setliff Revocable Trust, and Arnold W. Setliff and Katherine L. Setliff, Trustees of the Norma Setliff Family Trust, for a 0.52 acre portion of a parcel of land in fee, located at 7121 McHenry Avenue (APN: 004-102-003), in the amount of $21,600 for the Del Rio Replacement Well 271 Project and authorizing the Interim City Manager, or his designee, to execute the Purchase and Sale Agreement and all related documents required to complete the sale and close escrow.

**ACTION: Resolution 2018-06 (Kenoyer/Zoslocki; 7/0)** authorizing the Interim City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed, for the acquisition of property located at 7121 McHenry Avenue, owned by Larry Killian and Angelina Mary Killian, Trustees of the Killian Family Trust, and Lenore Catherine Setliff Chladek, Trustee of the Ernest Baxter Setliff, Jr. Testamentary Trust, and Lenore Catherine Setliff Chladek and Alan Smith, Trustees of the Gladys C. Setliff Revocable Trust, and Arnold W. Setliff and Katherine L. Setliff, Trustees of the Norma Setliff Family Trust, (APN 004-102-003) to be purchased by the City of Modesto for the Del Rio Replacement Well 271 Project.

Consent

11. Consider approving a sole source Purchasing Agreement and two Special Waste Services Agreements with Republic Services, Inc., and Forward Landfill, of Manteca, CA, for non-hazardous waste disposal for an estimated annual cost not to exceed $60,000, and not to exceed $180,000 over three years. (Funding Source: Wastewater Fund)
    - Resolution approving a Purchasing Agreement and two Special Waste Services Agreements with Republic Services, Inc., and Forward Landfill, of Manteca, CA, for non-hazardous waste disposal for an estimated annual cost not to exceed $60,000, and not to exceed $180,000 over three years and authorizing the Interim City Manager, or his designee, to issue the Purchasing Agreements and execute the Special Waste Services Agreements.

    *Utilities; Laura Anhalt, 342-4502, lanhalt@modestogov.com*

**ACTION: Resolution 2018-07 (Kenoyer/Zoslocki; 7/0)** approving a Purchasing Agreement and two Special Waste Services Agreements with Republic Services, Inc., and Forward Landfill, of Manteca, CA, for non-hazardous waste disposal for an estimated annual cost not to

exceed $60,000, and not to exceed $180,000 over three years and authorizing the Interim City Manager, or his designee, to issue the Purchasing Agreements and execute the Special Waste Services Agreements.

Consent

12. Consider approving a sole source Agreement with HSQ Technology, Hayward, CA, for procurement of Remote Terminal Units, circuit boards, and parts for the Miser and Supervisor Control and Data Acquisition System, for two years, with three one-year extension options, for an estimated annual cost not to exceed $60,000 and for a total cost not to exceed $300,000 over five years. (Funding Source: Wastewater and Water Funds)
    - Resolution approving the sole source Agreement with HSQ Technology, Hayward CA, for Remote Terminal Units and all associated circuit boards and parts for the Miser and Supervisor Control and Data Acquisition System, for a two-year Agreement, with three one-year extension options at the sole discretion of the City for an estimated annual cost not to exceed $60,000, and for a total cost not to exceed $300,000 over five years, and authorizing the Purchasing Manager, or her designee, to issue the purchasing Agreement.

    *Utilities; Laura Anhalt, 342-4502, lanhalt@modestogov.com*

**ACTION: Resolution 2018-08 (Kenoyer/Zoslocki; 7/0)** approving the sole source Agreement with HSQ Technology, Hayward CA, for Remote Terminal Units and all associated circuit boards and parts for the Miser and Supervisor Control and Data Acquisition System, for a two-year Agreement, with three one-year extension options at the sole discretion of the City for an estimated annual cost not to exceed $60,000, and for a total cost not to exceed $300,000 over five years, and authorizing the Purchasing Manager, or her designee, to issue the purchasing Agreement.

Consent

13. Consider an Ordinance amending Section 8-3.102 of the Modesto Municipal Code to authorize the use of design-build procurement (a change in the traditional sequence of project work) for the Water Corporation Yard Project. (Funding Source: Water Fund)
    - Motion introducing and waiving the first reading of an Ordinance amending Section 8-3.102 of Article 1, of Chapter 3 of Title 8 of the Modesto Municipal Code to authorize the use of design-build procurement for the Water Corporation Yard Project.

    *Utilities; Robert Davalos, 571-5869, rdavalos@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 7/0)** introducing and waiving the first reading of **Ordinance No. 3685-C.S.** amending Section 8-3.102 of Article 1, of Chapter 3 of Title 8 of the Modesto Municipal Code to authorize the use of design-build procurement for the Water Corporation Yard Project.

Consent

14. Consider approving the plans and specifications for the Litt Road Improvements Project, accepting the bid, and awarding a construction contract to McFadden Construction, Inc. of Stockton, CA in the amount of $1,533,584. (Funding Source:

Water Fund – CIP; Wastewater Fund - CIP)

- Resolution approving the plans and specifications for the Litt Road Improvement Project, accepting the bid, and awarding a construction contract to McFadden Construction, Inc., of Stockton, CA, in the amount of $1,533,584, and authorizing the Interim City Manager, or his designee, to execute the contract.

*Utilities; Robert Davalos, 571-5869, rdavalos@modestogov.com*

**ACTION: Resolution 2018-09 (Kenoyer/Zoslocki; 7/0)** approving the plans and specifications for the Litt Road Improvement Project, accepting the bid, and awarding a construction contract to McFadden Construction, Inc., of Stockton, CA, in the amount of $1,533,584, and authorizing the Interim City Manager, or his designee, to execute the contract.

Consent

15. Consider approving a Pre-qualified Consultant List for Construction Management and Inspection Services for various Capital Improvement Program projects for a period of one year, with two one-year extensions at the written approval of the Utilities Department Director; and On-call Agreements in the amount not to exceed $75,000 each with NV5 Inc., of Manteca, CA, Consolidated CM Inc., of Oakland, CA, and Vali Cooper and Associates Inc., of Emeryville, CA, for a total of $225,000 for Construction Management and Inspection Services for various Capital Improvement Program projects for a period of one year, with two one-year extensions at the written approval of the Utilities Department Director. (Funding Source: Various CIP's)

- Resolution approving a Prequalified Consultant List for Construction Management and Inspection Services for various Capital Improvement Program (CIP) projects for a period of one year, with two one-year extensions at the written approval of the Utilities Department Director.
- Resolution approving an On-Call Agreement with NV5, Inc., of Manteca, CA for Construction Management and Inspection Services for various Capital Improvement Program (CIP) projects, in an amount not to exceed $75,000 per year, with two one-year extensions at the written approval of the Utilities Department Director, and authorizing the Interim City Manager, or his designee, to execute the Agreement.
- Resolution approving an On-Call Agreement with Consolidated CM Inc., of Oakland, CA, for Construction Management and Inspection Services for various Capital Improvement Program (CIP) projects, in an amount not to exceed $75,000 per year, with two one-year extensions at the written approval of the Utilities Department Director, and authorizing the Interim City Manager, or his designee, to execute the Agreement.
- Resolution approving an On-Call Agreement with Vali Cooper and Associates, of Emeryville, CA, for Construction Management and Inspection Services for various Capital Improvement Program (CIP) projects, in an amount not to exceed $75,000 per year, with two one-year extensions at the written approval of the Utilities Department Director, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

*Utilities; Glenn Prasad, 571-5149, gprasad@modestogov.com*

**ACTION: Resolution 2018-10 (Kenoyer/Zoslocki; 7/0)** approving a Prequalified Consultant List for Construction Management and Inspection Services for various Capital Improvement Program (CIP) projects for a period of one year, with two one-year extensions at the written approval of the Utilities Department Director.
**ACTION: Resolution 2018-11 (Kenoyer/Zoslocki; 7/0)** approving an On-Call Agreement with NV5, Inc., of Manteca, CA for Construction Management and Inspection Services for various Capital Improvement Program (CIP) projects, in an amount not to exceed $75,000 per year, with two one-year extensions at the written approval of the Utilities Department Director, and authorizing the Interim City Manager, or his designee, to execute the Agreement.
**ACTION: Resolution 2018-12 (Kenoyer/Zoslocki; 7/0)** approving an On-Call Agreement with Consolidated CM Inc., of Oakland, CA, for Construction Management and Inspection Services for various Capital Improvement Program (CIP) projects, in an amount not to exceed $75,000 per year, with two one-year extensions at the written approval of the Utilities Department Director, and authorizing the Interim City Manager, or his designee, to execute the Agreement.
**ACTION: Resolution 2018-13 (Kenoyer/Zoslocki; 7/0)** approving an On-Call Agreement with Vali Cooper and Associates, of Emeryville, CA, for Construction Management and Inspection Services for various Capital Improvement Program (CIP) projects, in an amount not to exceed $75,000 per year, with two one-year extensions at the written approval of the Utilities Department Director, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

Consent

16. Consider accepting the Codoni Transmission Mains Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities and releasing payments totaling $2,748,357.47 to D.A. Wood Construction, Inc., of Modesto, CA. (Funding Source: Water Fund)
    - Resolution accepting the Codoni Transmission Mains Project as complete, authorizing all necessary steps to file with the County Recorder, and releasing securities and payments totaling $2,748,357.47 to D.A. Wood Construction, Inc., of Modesto, CA.

    *Utilities; Glenn Prasad, 571-5149, gprasad@modestogov.com*

**ACTION: Resolution 2018-14 (Kenoyer/Zoslocki; 7/0)** accepting the Codoni Transmission Mains Project as complete, authorizing all necessary steps to file with the County Recorder, and releasing securities and payments totaling $2,748,357.47 to D.A. Wood Construction, Inc., of Modesto, CA.

## COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer attended the following events: Coffee with the Cops; opening of Volt Industry; Martin Luther King Luncheon, Blue Mass at St. Joseph's Church; Martin Luther King Jr. Commemoration Celebration at Love Baptist Church; and the Grand Opening of Sports Clips Haircuts.
Councilmember Madrigal attended the following events: Christmas Posada events in South Modesto and supporting Youth Soccer, Martin Luther King Luncheon, Kaiser Permanente's

MLK Community Day of Service; he also thanked staff for cleaning-up areas in Modesto using the Go Modesto App.

## CITY MANAGER COMMENTS & REPORTS

City Manager Lopez introduced Chief Information Officer Charlie Haas.

## NEW BUSINESS

17. Consider approving the Fiscal Year 2017-18 Maintenance of Effort (MOE) related to Measure L and the California Road Repair Accountability Act and amending the Fiscal Year 2017-18 Operating Budget in the amount of $1,538,605. (Funding Source: General Fund)
    - Resolution approving the Fiscal Year 2017-18 Maintenance of Effort (MOE) to fund both Measure L and the Road Repair Accountability Act-Road Maintenance and Rehabilitation Account and amend the Fiscal Year 2017-18 Operating Budget in the amount of $1,538,605 to be funded with Fiscal Year 2016-17 General Fund carryover funds.

    *Finance; Kaceey Culbertson, 577-5479, kculbertson@modestogov.com*

**ACTION: Resolution 2018-15 (Ridenour/Zoslocki; 7/0)** approving the Fiscal Year 2017-18 Maintenance of Effort (MOE) to fund both Measure L and the Road Repair Accountability Act-Road Maintenance and Rehabilitation Account and amend the Fiscal Year 2017-18 Operating Budget in the amount of $1,538,605 to be funded with Fiscal Year 2016-17 General Fund carryover funds.

18. Consider accepting an update to the income levels of citizens for the Water Rate Assistance Program. (Funding Source: Not Applicable)
    - Motion accepting an update to the income levels of citizens for the Water Rate Assistance Program.

    *Finance; Jennifer Martin, 571-5892, jmartin@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; 7/0)** accepting an update to the income levels of citizens for the Water Rate Assistance Program.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 8:05 p.m.

## CLOSED SESSION

*All Closed Session Matters heard prior to meeting*

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
**Three Cases (Pursuant to Section 54956.9(d)(2) of the Government Code)**

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
**One Case (Pursuant to Section 54956.9(d)(1) of the Government Code)**
Name of case: City of Modesto, et al. v. The Dow Chemical Company, et al. (PCE)
Court of Appeals of the State of California
Appeal Case No: A134419

**PUBLIC EMPLOYEE APPOINTMENT**
**(Pursuant to Section 54957(b)(1) Government Code)**
Title: City Manager

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
**(Pursuant to Section 54957(b)(1) of the Government Code)**
Title: Executive Assistant to the Mayor and Council

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**
Agency Negotiators: Joseph P. Lopez, Interim City Manager
Ted Brandvold, Mayor
Employee: Executive Assistant to the Mayor and Council

Attest:_____
Stephanie Lopez, City Clerk

# MINUTES
## City of Modesto
# SPECIAL FINANCE COMMITTEE / COUNCIL WORKSHOP
**Second Floor, Room 2008**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**
**Monday, January 22, 2018, at 1:00 p.m.**

Roll Call: Present: Councilmembers Ah You, Zoslocki and Ridenour (alternate)
Absent: Councilmember Grewal

## PUBLIC COMMENTS

None.

## CONSENT ITEMS

None.

## NEW BUSINESS

1. Consider a report on the projected long-term Public Employees' Retirement System (CalPERS) liability for the City and provide direction for staff on funding of future pension obligations. (Funding Source: Not Applicable)
*Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION: Motion (Ah You/Zoslocki; 3/0)** accepting a report on the projected long-term Public Employees' Retirement System (CalPERS) liability for the City and provide direction for staff on funding of future pension obligations.

2. Consider accepting Mayor Brandvold's Proposed Budget Priorities and Direction – 2018 and forwarding to Council for approval. (Funding Source: Not Applicable)
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; 3/0)** accepting Mayor Brandvold's Proposed Budget Priorities and Direction – 2018 and forwarding to Council for approval.

3. Consider accepting the recommended budget adjustments to Fiscal Year 2017-18 Annual Operating and Capital Improvement Project Budget and forward to Council for approval. (Funding Source: Capital Grants Streets CIP Fund and Various other City Funds)
*Finance and City Manager; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

**ACTION: Motion (Ah You/Zoslocki; 3/0)** accepting the recommended budget adjustments to

Fiscal Year 2017-18 Annual Operating and Capital Improvement Project Budget and forward to Council for approval.

4. Consider approving the planning and construction of Phase I Fleet Maintenance Facility, and forwarding to Council for approval. (Funding Source: Fleet Fund)
   *Public Works; Steve Fishio, 342-2222, sfischio@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; 3/0)** approving the planning and construction of Phase I Fleet Maintenance Facility, and forwarding to Council for approval.

5. Consider the Solid Waste Service Rate Study from SCS Engineers, Inc., Modesto, CA adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services to become effective April 1, 2018, and forwarding to Council for approval. (Funding Source: Solid Waste Fund, Compost Fund, Green Waste Diversion Fund)
   *Public Works; Karin Rodriguez, 577-5453, krodriguez@modestogov.com*

**ACTION:** This item continued to February 2018 Finance Committee meeting.

6. Consider a sole source Purchase Agreement with Hach, Loveland, CO, for field service of on-line instruments, which are used at the Wastewater Treatment Facility to monitor the treatment process, at an annual cost not to exceed $20,561 and for a total of $61,683 over three years and forwarding to Council for approval. (Funding Source: Wastewater Fund)
   *Utilities; Laura Anhalt, 342-4502, lanhalt@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; 3/0)** approving a sole source Purchase Agreement with Hach, Loveland, CO, for field service of on-line instruments, which are used at the Wastewater Treatment Facility to monitor the treatment process, at an annual cost not to exceed $20,561 and for a total of $61,683 over three years and forwarding to Council for approval.

7. Consider accepting the Grant of a Permanent Water Pipeline Easement and Temporary Construction Easement and a separate Temporary Construction Easement to the City of Turlock, on City of Modesto Property, for the North Valley Regional Recycled Water Project, and forwarding to Council for approval. (Funding Source: Wastewater Fund)
   *Utilities; Jon Yuriar, 577-5399, jyuriar@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; 3/0)** accepting the Grant of a Permanent Water Pipeline Easement and Temporary Construction Easement and a separate Temporary Construction Easement to the City of Turlock, on City of Modesto Property, for the North Valley Regional Recycled Water Project, and forwarding to Council for approval.

8. Consider approving a Purchase and Sale Agreement to acquire a permanent sewer easement in exchange for providing a sewer service to the owner's property located at

563 Crows Landing Road, Modesto, CA, and forwarding to Council for approval. (Funding Source: CIP 100683, Ceres Trunk Rehabilitation)
*Utilities; Jon Yuriar, 577-5399, jyuriar@modestogov.com*

**ACTION: Motion (Ah You/Zoslocki; 3/0)** approving a Purchase and Sale Agreement to acquire a permanent sewer easement in exchange for providing a sewer service to the owner's property located at 563 Crows Landing Road, Modesto, CA, and forwarding to Council for approval.

9. Consider approving an Amendment to the Agreement with e-Builder, Inc., Plantation, FL., for the purchase and installation of a "Portfolio Level Funding" Cost Module to the City's construction management software for an estimated total cost of $11,550, and forwarding to Council for approval. (Funding Source: Wastewater Fund and Water Fund)
*Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; 3/0)** approving an Amendment to the Agreement with e-Builder, Inc., Plantation, FL., for the purchase and installation of a "Portfolio Level Funding" Cost Module to the City's construction management software for an estimated total cost of $11,550, and forwarding to Council for approval.

10. Consider approving Agreements for on-call land surveying services with Benchmark Engineering, Inc., Oakdale, CA, DF Engineering, Inc., Modesto, CA, NorthStar Engineering, Inc., Modesto, CA, and O'Dell Engineering, Modesto, CA, for one year, in an amount not to exceed $49,000 each, and forwarding to Council for approval. (Funding Source: Various CIP's)
*Utilities; Glenn Prasad, 571-5860, gprasad@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; 3/0)** approving Agreements for on-call land surveying services with Benchmark Engineering, Inc., Oakdale, CA, DF Engineering, Inc., Modesto, CA, NorthStar Engineering, Inc., Modesto, CA, and O'Dell Engineering, Modesto, CA, for one year, in an amount not to exceed $49,000 each, and forwarding to Council for approval.

11. Consider awarding a design-build contract to Diede Construction / LDA Partners; an Agreement with Consolidated CM for Engineering Support During Construction Agreement for the Water Corporation Yard located at 4240 Litt Road, Modesto, CA; a reimbursement for the second and third rank design-build proposers; amending the Fiscal Year 2017-18 Capital Improvement Program Budget in the amount of $3,867,000 and forwarding to Council for approval. (Funding Source: Various Funds)
*Utilities and Parks, Recreation & Neighborhoods; Robert Davalos, 571-5869, rdavalos@modestogov.com*

**ACTION: Motion (Ah You/Zoslocki; 3/0)** awarding a design-build contract to Diede Construction / LDA Partners; an Agreement with Consolidated CM for Engineering Support

During Construction Agreement for the Water Corporation Yard located at 4240 Litt Road, Modesto, CA; a reimbursement for the second and third rank design-build proposers; amending the Fiscal Year 2017-18 Capital Improvement Program Budget in the amount of $3,867,000 and forwarding to Council for approval.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 3:27 p.m.

Attest:_____
Joseph Lopez, Interim City Manager

# MINUTES
## City of Modesto
## SPECIAL AUDIT COMMITTEE / COUNCIL WORKSHOP
### Second Floor, Room 2005
### Tenth Street Place, 1010 10th Street
### Modesto, California
### Tuesday, January 23, 2018, at 11:00 a.m.

Roll Call Present: Mayor Brandvold, Councilmembers Ridenour, Grewal
Absent: None
Also Present: Councilmember Kenoyer

**PUBLIC COMMENTS**

None.

**CONSENT**

None.

**NEW BUSINESS**

1. Consider accepting the results of the internal audit of the indirect time for all departments included in the City Indirect Cost Rates. (Funding Source: Surface Transportation Fund, Capital Grants Funds, Community Facility Districts and Parks Fund)
   *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Ridenour/Grewal; 3/0)** accepting the results of the internal audit of the indirect time for all departments included in the City Indirect Cost Rates.

2. Consider accepting the audited financial statements and various audit reports for Fiscal Year 2016-2017 audited by external auditors Macias, Gini & O'Connell, LLP for the City's Comprehensive Annual Financial Report; eleven Community Facilities Districts; and various Joint Powers Agencies and forwarding to Council for approval. (Funding Source: Not Applicable)
   *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Ridenour/Grewal; 3/0)** accepting the audited financial statements and various audit reports for Fiscal Year 2016-2017 audited by external auditors Macias, Gini & O'Connell, LLP for the City's Comprehensive Annual Financial Report; eleven Community Facilities Districts; and various Joint Powers Agencies and forwarding to Council for approval.

3. Consider accepting the Fiscal Year 2016-17 Single Audit Reports for the City of Modesto and the Stanislaus Drug Enforcement Agency from external auditors Macias, Gini & O'Connell,

LLP and forwarding to Council for approval. (Funding Source: Not Applicable)
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Ridenour/Grewal; 3/0)** accepting the Fiscal Year 2016-17 Single Audit Reports for the City of Modesto and the Stanislaus Drug Enforcement Agency from external auditors Macias, Gini & O'Connell, LLP and forwarding to Council for approval.

4. Consider accepting the Auditor's Report on Compliance with Requirements Applicable to the Passenger Facility Charge Program; Report on Internal Control over Compliance; and Report on Schedule of Passenger Facility Charge Revenues and Expenditures for Fiscal Year Ended June 30, 2017, and forwarding to Council for approval. (Funding Source: Not Applicable)
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Ridenour/Grewal; 3/0)** accepting the Auditor's Report on Compliance with Requirements Applicable to the Passenger Facility Charge Program; Report on Internal Control over Compliance; and Report on Schedule of Passenger Facility Charge Revenues and Expenditures for Fiscal Year Ended June 30, 2017, and forwarding to Council for approval.

5. Consider approving the award of proposal and contract for the furnishing of auditing services for the Finance Department, Accounting Division to Hudson and Henderson Inc., Fresno, CA, for a 3 year Agreement with 2 one-year extension options at the sole discretion of the City, for an estimated annual cost of $147,110, and over 5 years of $735,550; and forwarding to Council for approval. (Funding Source: General Fund, Transit Fund, Community Facility Districts, Ceres-Modesto Industrial Fire District, and Airport Fund)
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Ridenour/Grewal; 3/0)** approving the award of proposal and contract for the furnishing of auditing services for the Finance Department, Accounting Division to Hudson and Henderson Inc., Fresno, CA, for a 3 year Agreement with 2 one-year extension options at the sole discretion of the City, for an estimated annual cost of $147,110, and over 5 years of $735,550; and forwarding to Council for approval.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 11:55 a.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 23, 2018, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
Absent: None

Pledge of Allegiance to the Flag

Invocation: James Anderson, Christian Love Baptist Church

City Clerk's Announcements: Items 4, 5, 27, 28 and 29

Declaration of Conflicts of Interest: Ridenour - Item 6

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

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Recognition of Phil McKay for his volunteer efforts in restoration and clean-up on both the Tuolumne River between 9th and SR99, as well as the efforts on Dry Creek Park from Oakdale Road to Beardbrook Park. (Funding Source: Not Applicable)
   *City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Ted Brandvold and Council presented a Certificate of Recognition to Phil McKay for his volunteer efforts in restoration and clean-up on both the Tuolumne River between 9th and SR99, as well as the efforts on Dry Creek Park from Oakdale Road to Beardbrook Park.

## PUBLIC COMMENT PERIOD

- Loretta Carhart spoke regarding Modesto bus route changes and tickets.

- Rebecca Harrington spoke regarding events at Fairview Park on February 10, 2018 and Manos Unidas installation dinner and awards on February 23, 2018; and possible grant money for Mancini Park.
- Debra Harper spoke regarding Modesto Police Department reports.
- Dave Pratt spoke regarding speakers at Council meetings.

- Art Fabela spoke regarding the Tuolumne River and the hard work of Phil McKay.

- Sebastian Jones spoke regarding renaming Standiford Park in Modesto.
- Carmen Sabatino spoke regarding the relocation of County Human Resources Department to the first floor of 10th Street Place.
- Emerson Drake spoke regarding Public Record Act requests and a complaint made by a City employee.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**
**ACTION CONSENT ITEMS 2-3; 7-26; 30: (Kenoyer/Ridenour; 7/0)**
**ACTION CONSENT ITEM 6: (Kenoyer/Ah You; 6/0; Ridenour 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 January 16, 2018 Council Meeting. (Funding Source: Not Applicable)
   - Motion approving the minutes from the January 16, 2018 Council Meeting.

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

**ACTION: Motion (Kenoyer/Ridenour; 7/0)** approving the minutes from the January 16, 2018 Council Meeting.

Consent
3. Consider final adoption of Ordinance No. 3685-C.S. amending Section 8-3.102 of the Modesto Municipal Code to authorize the use of design-build procurement (a change in the traditional sequence of project work) for the Water Corporation Yard Project. (Funding Source: Water Fund)
   - Motion approving final adoption of Ordinance No. 3685-C.S. amending Section 8-3.102 of Article 1, of Chapter 3 of Title 8 of the Modesto Municipal Code to authorize the use of design-build procurement for the Water Corporation Yard Project.

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

**ACTION: Motion (Kenoyer/Ridenour; 7/0)** approving final adoption of **Ordinance No. 3685-C.S.** amending Section 8-3.102 of Article 1, of Chapter 3 of Title 8 of the Modesto Municipal Code to authorize the use of design-build procurement for the Water Corporation Yard Project.

*Removed from Consent*
4. Consider accepting Mayor Brandvold's Proposed Budget Priorities and Direction – 2018. (Funding Source: Not Applicable)
   - Motion accepting Mayor Brandvold's Proposed Budget Priorities and Direction – 2018.

*City Council; Kathy Espinoza, 571-5597`, kespinoza1@modestogov.com*

**ACTION: Motion (Madrigal/Ah You; 6/1; Kenoyer no)** accepting Mayor Brandvold's Proposed Budget Priorities and Direction – 2018.

*Removed from Consent*

5. Consider consenting to the inclusion of properties within the City's jurisdiction in the California Statewide Communities Development Authority Open PACE programs, the Golden State Finance Authority AB811 PACE Program, and the Golden State Finance Authority Community Facilities District No. 2014-1 (Clean Energy). (Funding Source: Not Applicable)
   - Resolution consenting to the inclusion of properties within the City of Modesto's jurisdiction in the CSCDA Open PACE programs; authorizing the California Statewide Communities Development Authority to accept Applications from property owners, conduct contractual assessment proceedings and levy contractual assessments within the City of Modesto; and authorizing all other related actions.
   - Resolution consenting to inclusion of properties within the City of Modesto's jurisdiction in the Golden State Finance Authority AB811 PACE Program to finance renewable energy generation, energy and water efficiency improvements, electric vehicle charging infrastructure, and other authorized improvements and approving associate membership in the Joint Exercise of Powers Authority related thereto.
   - Resolution consenting to inclusion of properties within the City of Modesto's jurisdiction in the Golden State Finance Authority Community Facilities District No. 2014-1 (Clean Energy) to finance renewable energy improvements, energy efficiency and water conservation improvements, electric vehicle charging infrastructure, and other authorized improvements and approving associate membership in the Joint Exercise of Powers Authority related thereto.

   *City Manager; Joseph Lopez, 577-5404, joelopez@modestogov.com*

**ACTION: Motion (Madrigal/Ridenour; 6/1; Kenoyer no) directing staff to return item to Economic Development Committee.**

Consent - *Councilmember Ridenour absent due to conflict of interest*

6. Consider approving the Final Map of Hillglen Parks Subdivision located in Village One at the south-east corner of the intersection of Hillglen Avenue and Caden Drive, and consider accepting the completed portion of the Public Improvements of Hillglen Parks Subdivisions. (Funding Source: Developer Fees)
   - Resolution accepting the completed portion of public improvements for Hillglen Parks Subdivision, located at the intersection of Hillglen Avenue and Caden Drive.
   - Resolution approving the Final Map of Hillglen Parks Subdivision, authorizing the Interim City Manager, or his designee, to execute a Subdivision Agreement with Modesto Mable, LLC, a California Limited Liability Company and authorizing the City Clerk to certify the final map and record it with the Stanislaus County Recorder's Office.

   *Community & Economic Development; Dan England, 571-5589, dengland@modestogov.com*

**ACTION: Resolution 2018-16 (Kenoyer/Ah You; 6/0; Ridenour absent due to conflict of interest )**

accepting the completed portion of public improvements for Hillglen Parks Subdivision, located at the intersection of Hillglen Avenue and Caden Drive.

**ACTION: Resolution 2018-17 (Kenoyer/Ah You; 6/0; Ridenour absent due to conflict of interest)** approving the Final Map of Hillglen Parks Subdivision, authorizing the Interim City Manager, or his designee, to execute a Subdivision Agreement with Modesto Mable, LLC, a California Limited Liability Company and authorizing the City Clerk to certify the final map and record it with the Stanislaus County Recorder's Office.

Consent

7. Consider approving the plans and specifications, accepting the bid, and awarding the construction contract to Cazadoro Construction, Inc. of San Francisco, CA in the amount of $735,115 for the Right Turn Lane at Prescott Road and Plaza Parkway project; accepting the Regional Surface Transportation Program grant in the amount of $125,000; and amending the Fiscal Year 2017-2018 Capital Improvement Program Budget, in the amount of $125,000. (Funding Source: Congestion Mitigation and Air Quality, Regional Surface Transportation Program, and local Surface Transportation Fund)
   - Resolution approving the plans and specifications, accepting the bid, and awarding the construction contract to Cazadoro Construction, Inc. of San Francisco, CA in the amount of $735,115 for the Right Turn Lane at Prescott Road and Plaza Parkway project, and authorizing the Interim City Manager, or his designee to execute the contract.
   - Resolution accepting the Regional Surface Transportation Program grant in the amount of $125,000 for the Right Turn Lane at Prescott Road and Plaza Parkway project, and authorizing the Interim City Manager, or his designee, to execute all necessary grant documents.
   - Resolution amending the Fiscal Year 2017-2018 Capital Improvement Program Budget, project #100633 in the amount of $125,000 for the Right Turn Lane at Prescott Road and Plaza Parkway project

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

**ACTION: Resolution 2018-18 (Kenoyer/Ridenour; 7/0)** approving the plans and specifications, accepting the bid, and awarding the construction contract to Cazadoro Construction, Inc. of San Francisco, CA in the amount of $735,115 for the Right Turn Lane at Prescott Road and Plaza Parkway project, and authorizing the Interim City Manager, or his designee to execute the contract.

**ACTION: Resolution 2018-19 (Kenoyer/Ridenour; 7/0)** accepting the Regional Surface Transportation Program grant in the amount of $125,000 for the Right Turn Lane at Prescott Road and Plaza Parkway project, and authorizing the Interim City Manager, or his designee, to execute all necessary grant documents.

**ACTION: Resolution 2018-20 (Kenoyer/Ridenour; 7/0)** amending the Fiscal Year 2017-2018 Capital Improvement Program Budget, project #100633 in the amount of $125,000 for the Right Turn Lane at Prescott Road and Plaza Parkway project

Consent

8. Consider approving a Second Amendment to the Agreement to enter and construct improvements with AutoZone, and with Carol Corcoran Williams and Patrick C. Corcoran for

the Right Turn Lane at Prescott Road and Plaza Parkway project. (Funding Source: Not Applicable)

- Resolution approving a Second Amendment to Agreement to Enter and Construct Improvements with AutoZone, Inc. for the property located at 1901 Prescott Road (Parcels A & B) of 47-PM-2, APN 005-082-037); and authorizing the Interim City Manager, or his designee, to execute the Second Amendment and all related documents.
- Resolution approving a Second Amendment to Agreement to Enter and Construct Improvements with Carol Corcoran Williams and Patrick C. Corcoran, as Trustees for the Corcoran 2004 Living Trust, for the property located at 1901 Prescott Road (Parcel C of 47-PM-2, APN 005-082-036); and authorizing the Interim City Manager, or his designee, to execute the Second Amendment and all related documents.

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

**ACTION: Resolution 2018-21 (Kenoyer/Ridenour; 7/0)** approving a Second Amendment to Agreement to Enter and Construct Improvements with AutoZone, Inc. for the property located at 1901 Prescott Road (Parcels A & B) of 47-PM-2, APN 005-082-037); and authorizing the Interim City Manager, or his designee, to execute the Second Amendment and all related documents.
**ACTION: Resolution 2018-22 (Kenoyer/Ridenour; 7/0)** approving a Second Amendment to Agreement to Enter and Construct Improvements with Carol Corcoran Williams and Patrick C. Corcoran, as Trustees for the Corcoran 2004 Living Trust, for the property located at 1901 Prescott Road (Parcel C of 47-PM-2, APN 005-082-036); and authorizing the Interim City Manager, or his designee, to execute the Second Amendment and all related documents.

Consent

9. Consider approving a Capital Facilities Fees Public Improvement Reimbursement Agreement with Valley Children's Medical Group, for public improvements identified in the Capital Facilities Fees program that the developer will construct in connection with the new Valley Children Medical Center at Pelandale Avenue in an amount not to exceed $204,210, and amending the Fiscal Year 2017-2018 Capital Improvement Budget. (Funding Source: Capital Facilities Fees - Streets)

    - Resolution approving a Capital Facilities Fees Public Improvement Reimbursement Agreement between the City of Modesto and Valley Children's Medical Group, for public improvements identified in the Capital Facilities Fees program, that the developer will construct in connection with the new Valley Children's Medical Center at Pelandale Avenue in an amount not to exceed $204,210 and authorizing the Interim City Manager to execute the Agreement.
    - Resolution amending Fiscal Year 2017-2018 Capital Improvement Program Budget in the amount of $204,210 to create project 101067 and establish the budget in order to fund the developer reimbursements for the public improvements on Pelandale Avenue.

    *Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2018-23 (Kenoyer/Ridenour; 7/0)** approving a Capital Facilities Fees Public Improvement Reimbursement Agreement between the City of Modesto and Valley Children's Medical

Group, for public improvements identified in the Capital Facilities Fees program, that the developer will construct in connection with the new Valley Children's Medical Center at Pelandale Avenue in an amount not to exceed $204,210 and authorizing the Interim City Manager to execute the Agreement. **ACTION: Resolution 2018-24 (Kenoyer/Ridenour; 7/0)** amending Fiscal Year 2017-2018 Capital Improvement Program Budget in the amount of $204,210 to create project 101067 and establish the budget in order to fund the developer reimbursements for the public improvements on Pelandale Avenue.

Consent

10. Consider accepting the Destination Modesto Report for the First Quarter – Fiscal Year 2017-18. (Funding Source: Transient Occupancy Tax)
    - Resolution accepting the Destination Modesto Report for the First Quarter – Fiscal Year 2017-18.

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

**ACTION: Resolution 2018-25 (Kenoyer/Ridenour; 7/0)** accepting the Destination Modesto Report for the First Quarter – Fiscal Year 2017-18.

Consent

11. Consider approving an informational report on the September and October 2017 grant application and awards. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the September and October 2017 grant application and awards.

    *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 7/0)** accepting an informational report for the September and October 2017 grant application and awards.

Consent

12. Consider accepting the Monthly Investment Report for September 2017. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for September, 2017.

    *Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 7/0)** accepting the Monthly Investment Report for September, 2017.

Consent

13. Consider approving the submittal of an Application for the 2017 Assistance to Firefighters Grant in an amount that will exceed $100,000, with a 10% local match for the procurement of radio communications equipment and source capture exhaust systems. (Funding Source: General Fund)
    - Resolution approving the submittal of an Application for the 2017 Assistance to Firefighters Grant in an amount that will exceed $100,000, with a 10% local match for the

procurement of radio communications equipment and source capture exhaust systems.
*Fire; Tim Tietjen, 572-9869, ttietjen@modestofire.com*

**ACTION: Resolution 2018-26 (Kenoyer/Ridenour; 7/0)** approving the submittal of an Application for the 2017 Assistance to Firefighters Grant in an amount that will exceed $100,000, with a 10% local match for the procurement of radio communications equipment and source capture exhaust systems.

Consent

14. Consider approving an Amendment to the City's Anti-Drug/Alcohol Misuse Program to ensure compliance with the regulations established by the Department of Transportation (DOT). (Funding Source: Not applicable)
    - Resolution approving an Amendment to the City's Anti-Drug Program/Alcohol Misuse Program to ensure continued compliance with the regulations established by the Federal Department of Transportation.

    *Human Resources; Terrance Massey, 571-5872, tmassey@modestogov.com*

**ACTION: Resolution 2018-27 (Kenoyer/Ridenour; 7/0)** approving an Amendment to the City's Anti-Drug Program/Alcohol Misuse Program to ensure continued compliance with the regulations established by the Federal Department of Transportation.

Consent

15. Consider approving the submission of the City's Local Transportation Funds Fiscal Year 2017-18 Claim for Non-motorized Purposes (bike lanes and pedestrian pathways) in the amount of $167,572 to the Stanislaus Council of Governments. (Funding Source: Local Transportation Funds)
    - Resolution approving the submission of the City's Local Transportation Fund (LTF) Fiscal Year 2017-18 claim for Non-motorized Purposes in the amount of $167,572 to the Stanislaus Council of Governments (StanCOG).

    *Parks, Recreation & Neighborhoods; Maria Garnica, 577-5249, mgarnica@modestogov.com*

**ACTION: Resolution 2018-28 (Kenoyer/Ridenour; 7/0)** approving the submission of the City's Local Transportation Fund (LTF) Fiscal Year 2017-18 claim for Non-motorized Purposes in the amount of $167,572 to the Stanislaus Council of Governments (StanCOG).

Consent

16. Consider approving the Ralston Tower Park Master Plan as developed by O'Dell Engineering of Modesto, CA. (Funding Source: Community Development Block Grant Entitlement Funds)
    - Resolution approving the Ralston Tower Park Master Plan as developed by O'Dell Engineering of Modesto, CA.

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

**ACTION: Resolution 2018-29 (Kenoyer/Ridenour; 7/0)** approving the Ralston Tower Park Master Plan as developed by O'Dell Engineering of Modesto, CA.

Consent

17. Consider approving the submission of a grant application to the Land & Water Conservation Fund grant program to partially fund construction of the Ralston Tower Park Renovation Project in an amount of $550,000, which will require a 50% match of CDBG Funds. (Funding Source: Land & Water Conservation Funds and Community Development Block Grant Entitlement Funds)
    - Resolution approving the submittal of a grant application to the Land and Water Conservation Fund Program in an amount of $550,000 to fund development and construction of the Ralston Tower Park Renovation Project and authorizing the City Manager, or his designee, as agent to conduct all negotiations and to execute and submit all documents which may be necessary for the completion of the project.

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

**ACTION: Resolution 2018-30 (Kenoyer/Ridenour; 7/0)** approving the submittal of a grant application to the Land and Water Conservation Fund Program in an amount of $550,000 to fund development and construction of the Ralston Tower Park Renovation Project and authorizing the City Manager, or his designee, as agent to conduct all negotiations and to execute and submit all documents which may be necessary for the completion of the project.

Consent

18. Consider approving an Amendment to a sole source contract with Remix Software, Inc., San Francisco, CA, which is software used for Modesto Area Express route planning and scheduling, for a term of three years and 10 months, for the Transit Planning and Scheduling software utilized by Modesto Area Express to add new functionality to existing software and to extend the term of the contract through November 1, 2021 for a total cost of $194,160 effective January 1, 2018. (Funding Source: Federal Transit Funds)
    - Resolution approving an Amendment to a sole source contract for three years and ten months with Remix Software, Inc., San Francisco, CA, for the Transit Planning and Scheduling software utilized by Modesto Area Express, for a total cost of $194,160 and authorizing the Interim City Manager, or his designee, to execute the contract Amendment.

    *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2018-31 (Kenoyer/Ridenour; 7/0)** approving an Amendment to a sole source contract for three years and ten months with Remix Software, Inc., San Francisco, CA, for the Transit Planning and Scheduling software utilized by Modesto Area Express, for a total cost of $194,160 and authorizing the Interim City Manager, or his designee, to execute the contract Amendment.

Consent

19. Consider approving an Amendment to the Agreement with Complete Coach Works, Riverside, CA, for the refurbishment of 14 transit buses, in the amount of $70,249 for a total Agreement amount not to exceed $2,836,162; and amending the Fiscal Year 2017-2018 Operating Budget. (Funding Source: Transit Funds)
    - Resolution approving an Amendment to the Agreement with Complete Coach Works, Riverside, CA, for the refurbishment of 14 transit buses, in the amount of $70,249 for a

total Agreement amount not to exceed $2,836,162, and authorizing the Interim City Manager, or his designee, to execute the Amendment.

- Resolution amending the Fiscal Year 2017-2018 Operating Budget in the amount of $70,249 to fund the increase in contract amount with Complete Coach Works (CCW) for the refurbishment of 14 model year 2003 Gillig transit buses.

*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2018-32 (Kenoyer/Ridenour; 7/0)** approving an Amendment to the Agreement with Complete Coach Works, Riverside, CA, for the refurbishment of 14 transit buses, in the amount of $70,249 for a total Agreement amount not to exceed $2,836,162, and authorizing the Interim City Manager, or his designee, to execute the Amendment.
**ACTION: Resolution 2018-33 (Kenoyer/Ridenour; 7/0)** amending the Fiscal Year 2017-2018 Operating Budget in the amount of $70,249 to fund the increase in contract amount with Complete Coach Works (CCW) for the refurbishment of 14 model year 2003 Gillig transit buses.

Consent

20. Consider approving the submission of the Transportation Development Act Transit Claim for the Transit Center and Amtrak Station operations for Fiscal Year 2018-2019 to the Stanislaus Council of Governments in the amount of $1,181,147. (Funding Source: Transportation Development Act Funds)

    - Resolution approving submission of the City's Transportation Development Act (TDA) Regional Transit Claim for Fiscal Year 2018-2019 to the Stanislaus Council of Governments (StanCOG) in the amount of $1,181,147.

    *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2018-34 (Kenoyer/Ridenour; 7/0)** approving submission of the City's Transportation Development Act (TDA) Regional Transit Claim for Fiscal Year 2018-2019 to the Stanislaus Council of Governments (StanCOG) in the amount of $1,181,147.

Consent

21. Consider approving a Memorandum of Understanding with the City of Ceres, CA, for the return and disposition of a transit van. (Funding Source: Transit Funds)

    - Resolution approving a Memorandum of Understanding with the City of Ceres, CA, for the return and disposition of a transit van, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

    *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2018-35 (Kenoyer/Ridenour; 7/0)** approving a Memorandum of Understanding with the City of Ceres, CA, for the return and disposition of a transit van, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

Consent

22. Consider approving a software license Agreement and four sole source purchases with Avail Technologies, Inc., State College, PA, which is software used for the dispatching and tracking

of bus routes, for the maintenance and support of the existing Computer Aided Dispatch and Automatic Vehicle Location system, Pullout/Yard Management software, Incident Reporting software, Business Intelligence software and replacement cellular modems utilized by Modesto Area Express for a total cost of $427,914; and a budget adjustment in the amount of $427,914 to fund the purchases. (Funding Source: Federal Transit Funds)

- Resolution approving the software license Agreement and four sole source Agreements with Avail Technologies, Inc., State College, PA, for the maintenance and support of the existing Computer Aided Dispatch and Automatic Vehicle Location system, Pullout/Yard Management software, Incident Reporting software, Business Intelligence software and replacement cellular modems utilized by Modesto Area Express for a total cost of $427,914, and authorize the Interim City Manager, or his designee, to execute the Agreements.
- Resolution approving a budget adjustment in the amount of $427,914 to fund the purchase maintenance and support of the existing Computer Aided Dispatch and Automatic Vehicle Location system, Pullout/Yard Management software, Incident Reporting software, Business Intelligence software and replacement cellular modems utilized by Modesto Area Express.

*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2018-36 (Kenoyer/Ridenour; 7/0)** approving the software license Agreement and four sole source Agreements with Avail Technologies, Inc., State College, PA, for the maintenance and support of the existing Computer Aided Dispatch and Automatic Vehicle Location system, Pullout/Yard Management software, Incident Reporting software, Business Intelligence software and replacement cellular modems utilized by Modesto Area Express for a total cost of $427,914, and authorize the Interim City Manager, or his designee, to execute the Agreements.
**ACTION: Resolution 2018-37 (Kenoyer/Ridenour; 7/0)** approving a budget adjustment in the amount of $427,914 to fund the purchase maintenance and support of the existing Computer Aided Dispatch and Automatic Vehicle Location system, Pullout/Yard Management software, Incident Reporting software, Business Intelligence software and replacement cellular modems utilized by Modesto Area Express.

Consent

23. Consider approving the submission of a project list and comply with the certifications and assurances for the Road Repair and Accountability Act of 2017 for the Modesto Area Express bus system. (Funding Source: Transportation Development Act Funds)
    - Resolution approving the submission of a project list and comply with the certifications and assurances for the Road Repair and Accountability Act of 2017 for the Modesto Area Express bus system, and authorizing the Interim City Manager, or his designee, to execute all required documents of the program.

    *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2018-38 (Kenoyer/Ridenour; 7/0)** approving the submission of a project list and comply with the certifications and assurances for the Road Repair and Accountability Act of 2017 for the Modesto Area Express bus system, and authorizing the Interim City Manager, or his designee,

to execute all required documents of the program.

Consent

24. Consider approving a five-year lease Agreement with three additional five-year extension options with Greyhound Lines, Inc., Dallas, TX, for the lease of space at the City Transportation Center for total annual revenue of $63,000 and total revenues of $321,363 for the initial five-year term of the Agreement. (Funding Source: Transit Funds)
    - Resolution approving a five-year lease Agreement with three additional five-year extension options with Greyhound Lines, Inc., Dallas, TX, for the lease of space at the City Transportation Center for total annual revenue of $63,000 and total revenues of $321,363 for the initial five-year term of the Agreement and authorizing the Interim City Manager, or his designee, to execute the Agreement.

    *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2018-39 (Kenoyer/Ridenour; 7/0)** approving a five-year lease Agreement with three additional five-year extension options with Greyhound Lines, Inc., Dallas, TX, for the lease of space at the City Transportation Center for total annual revenue of $63,000 and total revenues of $321,363 for the initial five-year term of the Agreement and authorizing the Interim City Manager, or his designee, to execute the Agreement.

Consent

25. Consider approving an Agreement with Kimley-Horn Associates, Inc., Charlotte, North Carolina, to provide engineering design services for the reconstruction of airport taxiways E and D in an amount not to exceed $174,629. (Funding Source: Federal Aviation Administration Grant Funds - 90%, City Local Match - 10% using Stanislaus County Aircraft Tax Funds)
    - Resolution approving an Agreement with Kimley-Horn and Associates, Inc., to provide engineering and design services for the Reconstruction of Taxiways E and D, in an amount not to exceed $174,629, and authorizing the Interim City Manager, or his designee, to execute the Agreement.
    - Resolution approving amending the Fiscal Year 2017-2018 Capital Improvement Budget to establish a budget in an amount not to exceed $174,629, which includes $157,166 in grant funding and $17,463 transferred from Fund 4330-Stanislaus County Aircraft Tax fund to CIP #100905.

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

**ACTION: Resolution 2018-40 (Kenoyer/Ridenour; 7/0)** approving an Agreement with Kimley-Horn and Associates, Inc., to provide engineering and design services for the Reconstruction of Taxiways E and D, in an amount not to exceed $174,629, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2018-41 (Kenoyer/Ridenour; 7/0)** approving amending the Fiscal Year 2017-2018 Capital Improvement Budget to establish a budget in an amount not to exceed $174,629, which includes $157,166 in grant funding and $17,463 transferred from Fund 4330-Stanislaus County Aircraft Tax fund to CIP #100905.

Consent

26. Consider approving the transfer of real property, portions of APNs 135-029-038 and 135-029-039 to both Stanislaus County and State of California, portions of APNs 135-029-040 and 135-029-041 to the State of California, and portions of Salida Boulevard and Sisk Road to the State of California for the State Route 99/Pelandale Avenue Interchange Reconstruction Project. (Funding Source: CIP 100786-CED.Land Development Engineering – State Route 99 Proposition 1B Bond Savings)
    - Resolution approving the transfer of portions of APNs 135-029-038 and 135-029-039 to both Stanislaus County and State of California, portions of APNs 135-029-040 and 135-029-041 to the State of California, and portions of Salida Boulevard and Sisk Road to the State of California for the State Route 99/Pelandale Avenue Interchange Reconstruction Project and authorizing the Interim City Manager, or his designee to execute all documents necessary to transfer the properties.

    *Public Works; Bill Sandhu, 341-2906, bsandhu@modestogov.com*

**ACTION: Resolution 2018-42 (Kenoyer/Ridenour; 7/0)** approving the transfer of portions of APNs 135-029-038 and 135-029-039 to both Stanislaus County and State of California, portions of APNs 135-029-040 and 135-029-041 to the State of California, and portions of Salida Boulevard and Sisk Road to the State of California for the State Route 99/Pelandale Avenue Interchange Reconstruction Project and authorizing the Interim City Manager, or his designee to execute all documents necessary to transfer the properties.

*Removed from Consent*

27. Consider approving an increase of $700,000 to the annual Purchasing Agreement with West Coast Sand & Gravel, Inc., Modesto, CA, for rock, sand and gravel, for an Agreement total amount not to exceed $2,637,070. (Funding Source: Water Services Fund and Wastewater Fund)
    - Resolution approving an increase of $700,000 to the annual Purchasing Agreement with West Coast Sand & Gravel, Inc., Modesto, CA, for rock, sand, and gravel, for an Agreement total not to exceed $2,637,070, and authorizing the Purchasing Manager, or her designee, to increase the annual Purchase Agreement.

    *Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Resolution 2018-43 (Ridenour/Kenoyer; 7/0)** approving an increase of $700,000 to the annual Purchasing Agreement with West Coast Sand & Gravel, Inc., Modesto, CA, for rock, sand, and gravel, for an Agreement total not to exceed $2,637,070, and authorizing the Purchasing Manager, or her designee, to increase the annual Purchase Agreement.

*Removed from Consent*

28. Consider approving an Amendment to the Purchasing Agreement with National Meter and Automation, Inc., Santa Rosa, CA, for additional water meters and parts for an annual cost not to exceed $842,748 for the remaining four years of the Agreement, and a new total amount not to exceed $4,100,327 over five years. (Funding Source: Water Fund)
    - Resolution approving an Amendment to the Purchasing Agreement with National Meter and Automation, Inc., Santa Rosa, CA, for additional water meters and parts for an annual

cost not to exceed $842,748 for the remaining four years of the Agreement, and a new total amount not to exceed $4,100,327 over five years, and authorizing the Purchasing Manager, or her designee, to increase the annual Purchase Agreement.

*Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Resolution 2018-44 (Ah You/Grewal; 7/0)** approving an Amendment to the Purchasing Agreement with National Meter and Automation, Inc., Santa Rosa, CA, for additional water meters and parts for an annual cost not to exceed $842,748 for the remaining four years of the Agreement, and a new total amount not to exceed $4,100,327 over five years, and authorizing the Purchasing Manager, or her designee, to increase the annual Purchase Agreement.

*Removed from Consent*

29. Consider approving an increase of $50,000 per year to the Purchasing Agreement with Root Tamers, Inc., Brookings, OR, for the furnishing of sewer root control services for an Agreement total not to exceed $362,615 over the term of the Agreement. (Funding Source: Wastewater Fund)
    - Resolution approving an increase of $50,000 per year to the Purchasing Agreement with Root Tamers, Inc., Brookings, OR, for the furnishing of sewer root control services for an Agreement total not to exceed $362,615 over the five year term of the Agreement, and authorizing the Purchasing Manager, or her designee, to increase the Purchase Agreement.

    *Utilities; Robert Englent, 577-6222, renglent@moestogov.com*

**ACTION: Resolution 2018-45 (Ridenour/Grewal; 7/0)** approving an increase of $50,000 per year to the Purchasing Agreement with Root Tamers, Inc., Brookings, OR, for the furnishing of sewer root control services for an Agreement total not to exceed $362,615 over the five year term of the Agreement, and authorizing the Purchasing Manager, or her designee, to increase the Purchase Agreement.

Consent

30. Consider approving the plans and specifications for the Grayson Replacement Well 274 Project, accepting the bid, and awarding a construction contract to Maggiora Bros. Drilling, Inc. of Watsonville, CA in the amount of $408,420; and authorizing an increase in the Director's Authority to issue change orders. (Funding Source: Water Fund - CIP)
    - Resolution approving the plans and specifications for the Grayson Replacement Well 274 Project, accepting the bid, and awarding a construction contract to Maggiora Bros. Drilling, Inc. of Watsonville, CA in the amount of $408,420, and authorizing the Interim City Manager or his designee to execute the contract.
    - Resolution authorizing an increase in the Director’s authority to issue change orders for the Grayson Replacement Well 274 Project from 10 percent ($40,842) to 25 percent ($102,105) of the construction contract amount.

    *Utilities; Robert Davalos, 571-5869, rdavalos@modestogov.com*

**ACTION: Resolution 2018-46 (Kenoyer/Ridenour; 7/0)** approving the plans and specifications for the Grayson Replacement Well 274 Project, accepting the bid, and awarding a construction contract to

Maggiora Bros. Drilling, Inc. of Watsonville, CA in the amount of $408,420, and authorizing the Interim City Manager or his designee to execute the contract.
**ACTION: Resolution 2018-47 (Kenoyer/Ridenour; 7/0)** authorizing an increase in the Director's authority to issue change orders for the Grayson Replacement Well 274 Project from 10 percent ($40,842) to 25 percent ($102,105) of the construction contract amount.

## COUNCIL COMMENTS & REPORTS

Councilmember Madrigal wished Councilmember Grewal a Happy Birthday; he attended the grand opening of a new McDonald's in West Modesto with 60-75 new jobs; he announced a new business in Modesto on 10th Street - Krazy Rolls; he also spoke regarding Senate Bill 5 - California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018.
Councilmember Kenoyer attended a Martin Luther King Event on Saturday at Modesto Junior College - Dolores Huerta was the speaker.

## CITY MANAGER COMMENTS & REPORTS

None.
*Recess at 8:15 p.m.*
*Reconvened at 8:30 p.m.*

## UNFINISHED BUSINESS

31. Consider approving a Second Amendment increasing the contract amount with Aramark Uniform Services, Modesto, CA, for the furnishing of uniform and laundry services by $50,000 from $950,000 to $1,000,000, and extending the term of the Agreement from February 1, 2018, to June 30, 2018. (Funding Source: General Fund, Water Fund, Wastewater Fund, Storm Drain Fund, Airport Fund, Building Services Fund, Fleet Fund, Green Waste Fund, Parking Fund, Solid Waste, and Surface Transportation Fund)
    - Resolution approving an Amendment increasing the contract amount with Aramark Uniform Services, Modesto, CA, for the furnishing of uniform and laundry services by $50,000 from $950,000 to $1,000,000, and extending the term of the Agreement from February 1, 2018, to June 30, 2018; and authorizing the Interim City Manager, or his designee, to execute the Second Amendment to the Agreement.

    *Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Resolution 2018-48 (Ridenour/Ah You; 7/0)** approving an Amendment increasing the contract amount with Aramark Uniform Services, Modesto, CA, for the furnishing of uniform and laundry services by $50,000 from $950,000 to $1,000,000, and extending the term of the Agreement from February 1, 2018, to June 30, 2018; and authorizing the Interim City Manager, or his designee, to execute the Second Amendment to the Agreement.

32. Consider approving various Blanket Purchase Orders, professional services Agreements and Annual Purchase Agreements and Amendments to those purchasing documents; ratifying past

expenditures that exceeded Council authority; increasing expenditure authority; and extending the terms of various Agreements. (Funding Source: Various Funds)

- Resolution approving amendments to various Annual Purchase Agreements with various vendors with revised not to exceed amounts and terms for the services stated herein and authorizing the Purchasing Manager, or her designee, to increase the identified Annual Purchase Agreements in an amount not to exceed the specific amount approved by Council.
- Resolution approving amendments to various Annual Purchase Agreements with various vendors with revised not to exceed amounts for the services stated herein and authorizing the Purchasing Manager, or her designee, to increase the identified Annual Purchase Agreements in an amount not to exceed the specific amount approved by Council.
- Resolution approving amendments to various Blanket Purchase Orders with various vendors with revised not to exceed amounts for the services stated herein and authorizing the Purchasing Manager, or her designee, to increase the identified Blanket Purchase Orders in an amount not to exceed the specific amount approved by Council.
- Resolution approving Annual Purchase Agreements with various vendors; ratifying past expenditures; approving revised not to exceed amounts and terms for the services stated herein; and authorizing the Purchasing Manager, or her designee, to issue the identified Annual Purchase Agreements in an amount not to exceed the specific amount and terms approved by Council.
- Resolution approving professional service agreements with various vendors; amending various professional service agreements; ratifying past expenditures; approving revised not to exceed amounts and terms for the services stated herein; and authorizing the Interim City Manager, or his designee, to prepare and execute the identified professional services agreements and amendments in an amount not to exceed the specific amount and terms approved by Council.
- Resolution approving an increase to various Annual Purchase Agreements and Blanket Purchase Orders with various vendors with revised not to exceed amounts for the services stated herein and authorizing the Purchasing Manager, or her designee, to increase said Annual Purchase Agreements and Blanket Purchase Orders in an amount not to exceed the specific amount approved by Council.

*City Manager; Joseph Lopez, 577-5224, joelopez@modestogov.com*

**ACTION: Resolution 2018-49 (Zoslocki/Ah You; 7/0)** approving amendments to various Annual Purchase Agreements with various vendors with revised not to exceed amounts and terms for the services stated herein and authorizing the Purchasing Manager, or her designee, to increase the identified Annual Purchase Agreements in an amount not to exceed the specific amount approved by Council.

**ACTION: Resolution 2018-50 (Zoslocki/Ah You; 7/0)** approving amendments to various Annual Purchase Agreements with various vendors with revised not to exceed amounts for the services stated herein and authorizing the Purchasing Manager, or her designee, to increase the identified Annual Purchase Agreements in an amount not to exceed the specific amount approved by Council.

**ACTION: Resolution 2018-51 (Zoslocki/Ah You; 7/0)** approving amendments to various Blanket Purchase Orders with various vendors with revised not to exceed amounts for the services stated herein

and authorizing the Purchasing Manager, or her designee, to increase the identified Blanket Purchase Orders in an amount not to exceed the specific amount approved by Council.
**ACTION: Resolution 2018-52 (Zoslocki/Ah You; 7/0)** approving Annual Purchase Agreements with various vendors; ratifying past expenditures; approving revised not to exceed amounts and terms for the services stated herein; and authorizing the Purchasing Manager, or her designee, to issue the identified Annual Purchase Agreements in an amount not to exceed the specific amount and terms approved by Council.
**ACTION: Resolution 2018-53 (Zoslocki/Ah You; 7/0)** approving professional service agreements with various vendors; amending various professional service agreements; ratifying past expenditures; approving revised not to exceed amounts and terms for the services stated herein; and authorizing the Interim City Manager, or his designee, to prepare and execute the identified professional services agreements and amendments in an amount not to exceed the specific amount and terms approved by Council.
**ACTION: Resolution 2018-54 (Zoslocki/Ah You; 7/0)** approving an increase to various Annual Purchase Agreements and Blanket Purchase Orders with various vendors with revised not to exceed amounts for the services stated herein and authorizing the Purchasing Manager, or her designee, to increase said Annual Purchase Agreements and Blanket Purchase Orders in an amount not to exceed the specific amount approved by Council.

**ACTION: Motion (Ah You/Madrigal; 7/0) refer to Finance Committee for consideration of hiring outside auditing firm.**
**ACTION: Motion (Zoslocki/Ridenour; 7/0) accepting Consultant Bob Deis' report, directing staff to review and implement recommendations from Consultant Bob Deis with budget component items to return to Committees.**

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 12:10 a.m.

33. COUNCIL WORKSHOP - Long Range Agenda (Funding Source: Not Applicable)
*City Manager; Joseph Lopez, 571-5809, joelopez@modestogov.com*

**ACTION:** Continued to future Council meeting date.

**CLOSED SESSION**

*All Closed Session Matters heard prior to meeting*

**PUBLIC EMPLOYEE APPOINTMENT**
**(Pursuant to Section 54957(b)(1) Government Code)**
Title: City Manager

**PUBLIC EMPLOYEE APPOINTMENT**
**(Pursuant to Section 54957(b)(1) Government Code)**
Title: City Auditor

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**
Agency Negotiators: Joseph P. Lopez, Interim City Manager
Employee: City Auditor

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
**Three Cases (Pursuant to Section 54956.9(d)(2) of the Government Code)**

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
**One Case (Pursuant to Section 54956.9(a) of the Government Code)**
Name of case(s): Kelly Rea v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ9489105, ADJ10635007, ADJ10446261,
ADJ8677273, ADJ8089610, ADJ8089609, and ADJ191688

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**
**(Pursuant to Section 54956.8 of the Government Code)**
Property: 1426 Garden Avenue, Modesto, CA APN: 037-035-046
Property Owners: Angelina R Arriaga
Negotiating Parties:
For City: Jon Yuriar, Property Agent for City of Modesto
Adam U. Lindgren, City Attorney for City of Modesto

For Property Owner: Doreen Arriaga
Under Negotiation: Approve value of property and authorize the Property Agent to make a purchase offer

Attest:_____
Stephanie Lopez, City Clerk

# MINUTES

City of Modesto

# CITY COUNCIL MEETING

**Chambers, Basement Level**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**
**Tuesday February 06, 2018, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
Absent: None

Pledge of Allegiance to the Flag

Invocation: Scott Nelson, Covenant Grove Church

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

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

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to Joe and Michelle Williams proclaiming February 2018 Reconciliation Month. (Funding Source: Not Applicable)
   *City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Ted Brandvold and Council presented a Proclamation to Joe and Michelle Williams proclaiming February 2018 Reconciliation Month.

2. Presentation of the National Night Out plaque from the National Association of Town Watch for the City of Modesto placing 1st in California and 5th in the nation for cities of its size. (Funding Source: Not Applicable)
   *Police; Rosie Garcia, 5729636, rogarcia@modestopd.com*

**ACTION:** Chief Carroll and Modesto Police Department staff presented the National Night Out plaque from the National Association of Town Watch for the City of Modesto placing 1st in California and 5th in the nation for cities of its size.

## PUBLIC COMMENT PERIOD

- Debra Harper spoke regarding incidents that occurred at businesses in Modesto.

- Ms. Countryman spoke regarding zoning laws in Modesto and a Modesto Police Department report.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**
**ACTION CONSENT ITEMS 3-12: (Kenoyer/Zoslocki; 7/0)**

**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 January 23, 2018 Council Meeting. (Funding Source: Not Applicable)
   - Motion approving the minutes from the January 23, 2018 Council Meeting.

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

**ACTION: Motion (Kenoyer/Zoslocki; 7/0)** approving the minutes from the January 23, 2018 Council Meeting.

Consent
4. Consider approving the request for services of the Registrar of Voters, Elections Division of the County of Stanislaus, for the November 6, 2018 election on behalf of the City of Modesto and the Modesto City Schools Board of Education. (Funding Source: Elections Fund)
   - Resolution approving the request for services of the Registrar of Voters, Elections Division of the County of Stanislaus, for the November 6, 2018 election on behalf of the City of Modesto and the Modesto City Schools Board of Education.

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

**ACTION: Resolution 2018-55 (Kenoyer/Zoslocki; 7/0)** approving the request for services of the Registrar of Voters, Elections Division of the County of Stanislaus, for the November 6, 2018 election on behalf of the City of Modesto and the Modesto City Schools Board of Education.

Consent
5. Consider accepting an informational report for the December 2017 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
   - Motion accepting an informational report for the December 2017 Accounts Payable Payment Register and Void report.

   *Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 7/0)** accepting an informational report for the December 2017 Accounts Payable Payment Register and Void report.

Consent

6. Consider accepting the Monthly Investment Report for October 2017. (Funding Source: Various Funds)
   - Motion accepting the Monthly Investment Report for October, 2017.

   *Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 7/0)** accepting the Monthly Investment Report for October, 2017.

Consent

7. Consider approving the purchase of 35 Ethernet switches and a rack mounted master Ethernet switch from GDI Communications, LLC, Verdi, NV, in the amount of $55,626, to modernize traffic signal communications to our Advanced Traffic Management System. (Funding Source: Measure L Funds)
   - Resolution approving the purchase of 35 Ethernet switches and a rack mounted master Ethernet switch from GDI Communications, LLC, Verdi, NV, in the amount of $55,626 to improve traffic signal communications and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

   *Public Works; Jeffrey Barnes, 577-5214, jbarnes@modestogov.com*

**ACTION: Resolution 2018-56 (Kenoyer/Zoslocki; 7/0)** approving the purchase of 35 Ethernet switches and a rack mounted master Ethernet switch from GDI Communications, LLC, Verdi, NV, in the amount of $55,626 to improve traffic signal communications and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

Consent

8. Consider approving a sole source purchase of 2070 LX traffic signal controllers, OMNI software, 2010 conflict monitors, timing conversions, and Transparity Software from McCain Inc., Vista, CA with a one year Service Agreement in the amount of $460,570 for the modernization of our Advanced Management Traffic System. (Funding Source: Measure L Funds)
   - Resolution approving a sole source purchase of 2070 LX traffic signal controllers, OMNI software, 2010 conflict monitors, timing conversions, and Transparity Software from McCain Inc., Vista, CA with a one year Service Agreement in the amount of $460,570, and authorizing the Purchasing Manager, or her designee, to issue the Purchasing Order.

   *Public Works; Jeffrey Barnes, 577-5214, jbarnes@modestogov.com*

**ACTION: Resolution 2018-57 (Kenoyer/Zoslocki; 7/0)** approving a sole source purchase of 2070 LX traffic signal controllers, OMNI software, 2010 conflict monitors, timing conversions, and Transparity Software from McCain Inc., Vista, CA with a one year Service Agreement in the amount of $460,570, and authorizing the Purchasing Manager, or her designee, to issue the Purchasing Order.

Consent

9. Consider approving the surrender of the Federal Aviation Administration Part 139 Airport Operating Certificate as held by the Modesto City-County Airport to the Federal Aviation

Administration, effective immediately. (Funding Source: Airport Operating Fund)

- Resolution approving the surrender of the Federal Aviation Administration (FAA) Part 139 Airport Operating Certificate as held by the Modesto City-County Airport to the FAA, reserving the right for reinstatement should a commercial air carrier service prospect become viable, effective immediately.

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

**ACTION: Resolution 2018-58 (Kenoyer/Zoslocki; 7/0)** approving the surrender of the Federal Aviation Administration (FAA) Part 139 Airport Operating Certificate as held by the Modesto City-County Airport to the FAA, reserving the right for reinstatement should a commercial air carrier service prospect become viable, effective immediately.

Consent

10. Consider approving the sole source procurement of three 25-cubic yard Flow Trend vac truck de-watering bins from Ryan Process, Inc., of Benicia, California, in an amount not to exceed $108,811. (Funding Source: Wastewater Fund)
    - Resolution approving the sole source procurement of three 25-cubic yard Flow Trend vac truck de-watering bins from Ryan Process, Inc., Benicia, California, for an amount not to exceed $108,811 and authorizing the Purchasing Manager, or her designee, to execute a Purchasing Agreement.

    *Utilities; Robert Englent, 577-6222, renglent@modestogov.com*

**ACTION: Resolution 2018-59 (Kenoyer/Zoslocki; 7/0)** approving the sole source procurement of three 25-cubic yard Flow Trend vac truck de-watering bins from Ryan Process, Inc., Benicia, California, for an amount not to exceed $108,811 and authorizing the Purchasing Manager, or her designee, to execute a Purchasing Agreement.

Consent

11. Consider approving a Purchase and Sale Agreement with Gudino Properties, LLC, Delhi, CA to acquire a permanent sewer easement in exchange for a sewer service lateral, to acquire the sewer easement at 563 Crows Landing Road. (Funding Source: Wastewater CIP 100683)
    - Resolution approving a Purchase and Sale Agreement with Gudino Properties, LLC, Delhi, CA for the acquisition of approximately 6037.5 square feet of sewer easement area, located at 563 Crows Landing Road (APN: 038-021-009) for a Permanent Sewer Easement, and authorizing the Interim City Manager, or his designee, to execute the Purchase and Sale Agreement and all related documents required to complete the acquisition of the sewer easement.
    - Resolution authorizing the Interim City Manager, or his designee, to sign the Certificate of Acceptance for the grant of sewer easement for the property located at 563 Crows Landing Road owned by Gudino Properties, LLC, Delhi, CA (APN: (038-021-009) to be purchased by the City for the Ceres Trunk Rehabilitation Project.
    - Resolution approving a Promissory Will Serve Letter and Outside Service Agreement with Gudino Properties, LLC, Delhi, CA to connect to the City of Modesto's sewer system for the property located at 563 Crows Landing Road (APN 038-021-009), and authorizing the

Interim City Manager, or his designee, to sign the promissory Will Serve Letter and execute the Agreement.

*Utilities; Jon Yuriar, 577-5539, jyuriar@modestogov.com*

**ACTION: Resolution 2018-60 (Kenoyer/Zoslocki; 7/0)** approving a Purchase and Sale Agreement with Gudino Properties, LLC, Delhi, CA for the acquisition of approximately 6037.5 square feet of sewer easement area, located at 563 Crows Landing Road (APN: 038-021-009) for a Permanent Sewer Easement, and authorizing the Interim City Manager, or his designee, to execute the Purchase and Sale Agreement and all related documents required to complete the acquisition of the sewer easement.

**ACTION: Resolution 2018-61 (Kenoyer/Zoslocki; 7/0)** authorizing the Interim City Manager, or his designee, to sign the Certificate of Acceptance for the grant of sewer easement for the property located at 563 Crows Landing Road owned by Gudino Properties, LLC, Delhi, CA (APN: (038-021-009) to be purchased by the City for the Ceres Trunk Rehabilitation Project.

**ACTION: Resolution 2018-62 (Kenoyer/Zoslocki; 7/0)** approving a Promissory Will Serve Letter and Outside Service Agreement with Gudino Properties, LLC, Delhi, CA to connect to the City of Modesto's sewer system for the property located at 563 Crows Landing Road (APN 038-021-009), and authorizing the Interim City Manager, or his designee, to sign the promissory Will Serve Letter and execute the Agreement.

Consent

12. Consider awarding a construction contract to Scott Redenbaugh Construction, Modesto, CA, in the amount of $49,256 for the Fire Station No. 11 Garage Door Replacement Project; and amending the Fiscal Year 2017-2018 Capital Improvement Program Budget in the amount of $25,000. (Funding Source: MFD Administration General Fund)
    - Resolution awarding a construction contract to Scott Redenbaugh Construction, Modesto, CA, in the amount of $49,256 for the Fire Station No. 11 Garage Door Replacement Project, and authorizing the Interim City Manager or his designee, to execute the contract.
    - Resolution amending the Fiscal Year 2017-18 Capital Improvement Program Budget in the amount of $25,000 to be transferred into the project from MFD Administration General Fund Operating Budget for Fiscal Year 2017-2018 to fully fund the construction, contingency, construction administration, and design support during construction for the Fire Station No. 11 Garage Door Replacement Project.

    *Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Resolution 2018-63 (Kenoyer/Zoslocki; 7/0)** awarding a construction contract to Scott Redenbaugh Construction, Modesto, CA, in the amount of $49,256 for the Fire Station No. 11 Garage Door Replacement Project, and authorizing the Interim City Manager or his designee, to execute the contract.

**ACTION: Resolution 2018-64 (Kenoyer/Zoslocki; 7/0)** amending the Fiscal Year 2017-18 Capital Improvement Program Budget in the amount of $25,000 to be transferred into the project from MFD Administration General Fund Operating Budget for Fiscal Year 2017-2018 to fully fund the construction, contingency, construction administration, and design support during construction for the Fire Station No. 11 Garage Door Replacement Project.

## COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer spoke regarding a mentoring summit at the Martin Peterson Event Center and spoke in support of mentoring students in Modesto.

Councilmember Ah You announced she will assist with Marriage at the Mansion on February 14, 2018; she also spoke in support of mentoring students; she announced a Latino Community Roundtable event on Thursday.
Councilmember Grewal acknowledged Black History Month in February.

Councilmember Madrigal attended the State of the County address today; he also spoke regarding a Proclamation in support of Black History Month; he announced a Latino Community Roundtable event on Thursday; he attended the Fairview Park Grand Opening last Saturday and special thanks to Manos Unidas; he also thanked the Downtown Improvement District for picking up trash in downtown.

## CITY MANAGER COMMENTS & REPORTS

None.

## NEW BUSINESS

13. Consider accepting the North McHenry Annexation Cost-Benefit Analysis and directing staff to initiate annexation and prezone of the North McHenry area. (Funding Source: General Fund)
    - Resolution accepting the North McHenry Annexation Cost-Benefit Analysis, and directing staff to initiate annexation and prezone of the North McHenry area.

    *Community & Economic Development; Paul Liu, 577-5282, pliu@modestogov.com*

**ACTION: Resolution 2018-65 (Ah You/Grewal; 4/3; Kenoyer, Ridenour, Zoslocki no)** accepting the North McHenry Annexation Cost-Benefit Analysis, and directing staff to initiate annexation and prezone of the North McHenry area.

*Recess at 7:20 p.m.*
*Reconvened at 7:30 p.m.*

14. Consider accepting an informational update on an increase of the Administrative Recording Fee assessed by the Department of Motor Vehicles in order to recover the cost of placing a lien on the registration of a vehicle with delinquent parking violations from $3.00 per citation to $4.00 per citation in accordance with Section 4763 of the California Vehicle Code (CVC). (Funding Source: General Fund)
    - Motion accepting an informational update on an increase of the Administrative Recording Fee assessed by the Department of Motor Vehicles in order to recover the cost of placing a lien on the registration of a vehicle with delinquent parking violations from $3.00 per citation to $4.00 per citation in accordance with Section 4763 of the California Vehicle Code (CVC)

    *Finance; Jennifer Martin, 571-5892, jmartin@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 7/0)** accepting an informational update on an increase of the Administrative Recording Fee assessed by the Department of Motor Vehicles in order to recover the cost of placing a lien on the registration of a vehicle with delinquent parking violations from $3.00 per citation to $4.00 per citation in accordance with Section 4763 of the California Vehicle Code (CVC)

15. Consider approving the Fleet Maintenance Facility Phase I Construction Project in an amount not to exceed $4,847,525 for funding and implementation. (Funding Source: Fleet Fund)
    - Resolution approving the Fleet Maintenance Facility Phase I Construction Project funding in an amount not to exceed $4,847,525 and authorizing completion of the designs for the Project.

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

**ACTION: Resolution 2018-66 (Madrigal/Ah You; 7/0)** approving the Fleet Maintenance Facility Phase I Construction Project funding in an amount not to exceed $4,847,525 and authorizing completion of the designs for the Project.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 7:53 p.m.

16. COUNCIL WORKSHOP - Long Range Agenda (Funding Source: Not Applicable)
    *City Manager; Joseph Lopez, 571-5809, joelopez@modestogov.com*

Council workshop ended at 8:15 p.m.

## CLOSED SESSION

*All Closed Session Matters heard prior to meeting*

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
**Four Case (Pursuant to Section 54956.9(d)(1) of the Government Code)**
Name of case: City of Modesto, et al. v. The Dow Chemical Company, et al. (PCE)
Court of Appeals of the State of California
Appeal Case No: A134419
County of Stanislaus v. City of Modesto (Geer Rd. Landfill)
Case No. 667396

Schmidt, et al. v. City of Modesto, et al.
Case No. 1:17-cv-01411-DAD-MJS

Civic Partners Modesto, Inc. v. City of Modesto Redevelopment Successor Agency
Case No. 9000266

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
**One Case (Pursuant to Section 54956.9(a) of the Government Code)**
Name of case(s): Edward Osborne v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ9932260

**PUBLIC EMPLOYEE APPOINTMENT**
**(Pursuant to Section 54957(b)(1) Government Code)**
Title: City Manager

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
**(Pursuant to Section 54957(b)(1) of the Government Code)**
Title: Executive Assistant to the Mayor and Council

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**
Agency Negotiators: Joseph P. Lopez, Interim City Manager
Ted Brandvold, Mayor
Employee: Executive Assistant to the Mayor and Council

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCEA**
Negotiator: Norma Santoyo
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto City Employees Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCMA**
Negotiator: Norma Santoyo
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Confidential & Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MPOA**
Negotiator: Norma Santoyo
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto Police Officers' Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MPNSA**
Negotiator: Norma Santoyo
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto Police Non-Sworn Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) –MPMA**
Negotiator: Norma Santoyo
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto Police Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCFFA**
Negotiator: Norma Santoyo
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto City Firefighters Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**
Negotiator: Norma Santoyo
Agency Negotiators: Joseph P. Lopez, Interim City Manager
Employee Organization: Unrepresented Management and Confidential Employees

Attest:_____
Stephanie Lopez, City Clerk

# MINUTES

**City of Modesto**

# SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP

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

**Monday, February 12, 2018, at 5:00 p.m.**

Roll Call – Present: Councilmembers Ah You, Ridenour, and Kenoyer
Absent: None

## PUBLIC COMMENTS

None.

## CONSENT

None.

## NEW BUSINESS

1. Consider supporting an immediate action plan proposal for temporary low barrier emergency shelter/day center for the homeless population of Stanislaus County, which will be a public and private partnership as a part of a phased plan under the Focus on Prevention Initiative and forward to Council for approval. (Funding Source: Not Applicable)

   *City Manager; Rick Armendariz, 577-5228, armendarizr@modestopd.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** supporting an immediate action plan proposal for temporary low barrier emergency shelter/day center for the homeless population of Stanislaus County, which will be a public and private partnership as a part of a phased plan under the Focus on Prevention Initiative and forwarding to Council for approval.

2. Consider accepting an informational report on The Awesome Spot Playground from Chad Kennedy and Rachel Loredo, The Awesome Spot Team. (Funding Source: Not Applicable)

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

**ACTION:** No reportable action.

3. Consider accepting a First Amendment to the Management Agreement for King-Kennedy Memorial Center to extend the term of the Agreement until the end of Fiscal Year 17-18 and forwarding to Council for approval. (Funding Source: General Fund)

   *Parks, Recreation & Neighborhoods; Marco Sepulveda, 577-5275, msepulveda@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** accepting a First Amendment to the Management Agreement for King-Kennedy Memorial Center to extend the term of the Agreement until the end of Fiscal Year 17-18 and forwarding to Council for approval.

4. Consider recommending a two-year Agreement, with three one-year renewal options, with Greater San Joaquin Umpire Association for umpire services, for an annual amount not to exceed $35,000, and forwarding to the Council for approval. (Funding Source: General Fund)

   *Parks, Recreation & Neighborhoods; Thien Nguyen, 571-5576, tnguyen@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** recommending a two-year Agreement, with three one-year renewal options, with Greater San Joaquin Umpire Association for umpire services, for an annual amount not to exceed $35,000, and forwarding to the Council for approval.

5. Consider accepting the California Division of Boating and Waterways (DBW) Non-Motorized Boating Facility Grant Funding Program in an amount of $780,000 to fund design and construction of the Tuolumne River Regional Park (TRRP) Non-Motorized Boat Launch Access Project, amending the Fiscal Year 2017-2018 Capital Improvement Program Budget and forwarding to Council for approval. (Funding Source: Non-Motorized Boating Facility Grant Funding Program and TRRP CIP Funding)

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

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** accepting the California Division of Boating and Waterways (DBW) Non-Motorized Boating Facility Grant Funding Program in an amount of $780,000 to fund design and construction of the Tuolumne River Regional Park (TRRP) Non-Motorized Boat Launch Access Project, amending the Fiscal Year 2017-2018 Capital

Improvement Program Budget and forwarding to Council for approval.

6. Consider accepting the Urban Rivers Grant Program grant funds to partially fund the removal of the Remnant Dennett Dam in an amount of $368,183, amending the Fiscal Year 2017-18 Multi-Year Operating Budget and forwarding to Council for approval. (Funding Source: California Natural Resources Agency – Urban Rivers Grant Program and California Department of Water Resources - Urban Streams Restoration Program)

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

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** accepting the Urban Rivers Grant Program grant funds to partially fund the removal of the Remnant Dennett Dam in an amount of $368,183, amending the Fiscal Year 2017-18 Multi-Year Operating Budget and forwarding to Council for approval.

7. Consider accepting an informational report about the 2017 Modesto Fire Department Annual Report. (Funding Source: Not Applicable)

   *Fire; Alan Ernst, 572-9590, aernst@modestofire.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** accepting an informational report about the 2017 Modesto Fire Department Annual Report.

8. Consider accepting the award of bid for the purchase of Federal Brand and Speer duty-use ammunition from San Diego Police Equipment, Co., San Diego, CA, in an amount not to exceed $97,155 per year, for a two-year agreement with three one-year extension options, and for the purchase of Remington Brand training-use ammunition from Proforce Law Enforcement, Prescott, AZ, in an amount not to exceed $123,605 per year, for a two-year agreement with three one-year extension options, and forwarding to Council for approval. (Funding Source: General Fund)

   *Police; Galen Carroll, 572-9501, carrollg@modestopd.com*

**ACTION: Motion Kenoyer/Ridenour; 3/0)** accepting the award of bid for the purchase of Federal Brand and Speer duty-use ammunition from San Diego Police Equipment, Co., San Diego, CA, in an amount not to exceed $97,155 per year, for a two-year agreement with three one-year extension options, and for the purchase of Remington Brand training-use ammunition from Proforce Law Enforcement, Prescott, AZ, in an amount not to exceed $123,605 per year, for a two-year agreement with three one-year extension options, and forwarding to Council for approval.

9. Consider awarding a construction contract for the Modesto Police Department's

Heating, Venting and Air Conditioning Renovation Project for the Department's Administration Building, a new Capital Improvement Project (CIP) account for the Modesto Police Department's Heating, Venting and Air Conditioning Renovation Project for the Department's Operations Building, amending the Fiscal Year 2017-18 Capital Improvement Program Budget and forwarding to Council for approval. (Funding Source: MPD Building Services General Fund)

*Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** awarding a construction contract for the Modesto Police Department's Heating, Venting and Air Conditioning Renovation Project for the Department's Administration Building, a new Capital Improvement Project (CIP) account for the Modesto Police Department's Heating, Venting and Air Conditioning Renovation Project for the Department's Operations Building, amending the Fiscal Year 2017-18 Capital Improvement Program Budget and forwarding to Council for approval.

10. Consider the Stanislaus Multi-Agency Regional Storm Water Resource Plan Memorandum of Understanding for Local Match Commitments and forwarding to Council for approval. (Funding Source: Storm Fund)

*Utilities; Miguel Alvarez, 577-5348, malvarez@modestogov.com*

ACTION: Motion (Kenoyer/Ridenour; 3/0) approving the Stanislaus Multi-Agency Regional Storm Water Resource Plan Memorandum of Understanding for Local Match Commitments and forwarding to Council for approval.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 6:32 p.m.

Attest:_____
Rick Armendariz, Interim Deputy City Manager

# MINUTES

City of Modesto

# CITY COUNCIL MEETING

**Chambers, Basement Level**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**
**Tuesday February 13, 2018, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal (arrived at 5:58 p.m.), Kenoyer, Madrigal, Ridenour, Zoslocki*, Mayor Brandvold
Absent: None

Pledge of Allegiance to the Flag

Invocation: Rabbi Shalom Bochner, Congregation Beth Shalom

City Clerk's Announcements: Item 11 - continued to February 27, 2018 Council meeting; Item 16 - continued to future Council meeting

Declaration of Conflicts of Interest: Grewal – Item 14

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

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation declaring February 2018 as Black History Month in the City of Modesto. (Funding Source: Not Applicable)
   *City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor and Councilmembers presented a Proclamation declaring February 2018 as Black History Month in the City of Modesto.

## MISCELLANEOUS

Legislation
Appointments
Other

2. Consider approving the appointment of Amin Vohra as the Planning Commission representative to the Board of Zoning Adjustment for 2018. (Funding Source: Not Applicable)
   - Resolution approving the appointment of Amin Vohra as the 2018 Planning Commission representative to the Board of Zoning Adjustment with a term expiration of December 31, 2018.

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

**ACTION: Resolution 2018-67 (Madrigal/Kenoyer; 6/0; Grewal absent)** approving the appointment of Amin Vohra as the 2018 Planning Commission representative to the Board of Zoning Adjustment with a term expiration of December 31, 2018.

**PUBLIC COMMENT PERIOD**

- John Gunderson spoke regarding the City of Modesto and Stanislaus County Tax Sharing Agreements.
- Athens Abell spoke regarding being a member of the Culture Commission; she will bring updates to Council.
- Debra Harper spoke regarding cannabis in Modesto and the former Long's building on McHenry Avenue; she also spoke regarding local law enforcement.
- Loretta Carhart spoke regarding the microphones in Chambers.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**
**ACTION CONSENT ITEMS 3-13: (Kenoyer/Madrigal; 7/0)**
**ACTION CONSENT ITEM 14: (Kenoyer/Ridenour; 6/0; Grewal 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 6, 2018 Council Meeting. (Funding Source: Not Applicable)
   - Motion approving the minutes from the February 6, 2018 Council Meeting.

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

**ACTION: Motion (Kenoyer/Madrigal; 7/0)** approving the minutes from the February 6, 2018 Council Meeting.

Consent

4. Consider approving Rental Housing Rehabilitation Program activities and Community Development Block Grant Funding (CDBG) in an amount not to exceed $150,000, in partnership with Stanislaus County Affordable Housing Corporation (STANCO) to provide ADA site improvements, health and safety repairs, and conservation costs associated with water efficiency measures to 522 E. Granger Avenue, Modesto, California, 95350. (Funding Source: Community Development Block Grant Funds)
   - Resolution approving the Rental Housing Rehabilitation Program activities, and

Community Development Block Grant Funding (CDBG) in an amount not to exceed $150,000, in partnership with Stanislaus County Affordable Housing Corporation (STANCO) to provide ADA site improvements, health and safety repairs, storm water treatment and detention and conservation costs associated with water efficiency measures to 522 E. Granger Avenue, Modesto, California, 95350.

*Community & Economic Development; Aaron Farnon, 577-5211, afarnon@modestogov.com*

**ACTION: Resolution 2018-68 (Kenoyer/Madrigal; 7/0)** approving the Rental Housing Rehabilitation Program activities, and Community Development Block Grant Funding (CDBG) in an amount not to exceed $150,000, in partnership with Stanislaus County Affordable Housing Corporation (STANCO) to provide ADA site improvements, health and safety repairs, storm water treatment and detention and conservation costs associated with water efficiency measures to 522 E. Granger Avenue, Modesto, California, 95350.

Consent

5. Consider approving the Auditor's Report on Compliance with Requirements Applicable to the Passenger Facility Charge Program; Report on Internal Control over Compliance; and Report on Schedule of Airline Passenger Facility Charge Revenues and Expenditures for Fiscal Year Ended June 30, 2017, prepared by external auditors Macias, Gini & O'Connell, LLP. (Funding Source: Not Applicable)
   - Resolution approving the Auditor's Report on Compliance with Requirements Applicable to the Passenger Facility Charge Program; Report on Internal Control over Compliance; and Report on Schedule of Passenger Facility Charge Revenues and Expenditures for Fiscal Year Ended June 30, 2017, prepared by external auditors Macias, Gini & O'Connell, LLP.

   *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Resolution 2018-69 (Kenoyer/Madrigal; 7/0)** approving the Auditor's Report on Compliance with Requirements Applicable to the Passenger Facility Charge Program; Report on Internal Control over Compliance; and Report on Schedule of Passenger Facility Charge Revenues and Expenditures for Fiscal Year Ended June 30, 2017, prepared by external auditors Macias, Gini & O'Connell, LLP.

Consent

6. Consider approving the audited financial statements and various audit reports for Fiscal Year 2016-2017 audited by external auditors Macias, Gini & O'Connell, LLP for the City's Comprehensive Annual Financial Report; eleven Community Facilities Districts; and various Joint Powers Agencies. (Funding Source: Not Applicable)
   - Resolution approving the audited financial statements and various audit reports for Fiscal Year 2016-2017 audited by external auditors Macias, Gini & O'Connell, LLP for the City's Comprehensive Annual Financial Report; eleven Community Facilities Districts; and various Joint Powers Agencies.

   *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Resolution 2018-70 (Kenoyer/Madrigal; 7/0)** approving the audited financial statements

and various audit reports for Fiscal Year 2016-2017 audited by external auditors Macias, Gini & O'Connell, LLP for the City's Comprehensive Annual Financial Report; eleven Community Facilities Districts; and various Joint Powers Agencies.

Consent

7. Consider approving the Fiscal Year 2016-17 Single Audit Reports for the City of Modesto and the Stanislaus Drug Enforcement Agency from external auditors Macias, Gini & O'Connell, LLP. (Funding Source: Not Applicable)
   - Resolution approving the Fiscal Year 2016-17 Single Audit Reports for the City of Modesto and the Stanislaus Drug Enforcement Agency from external auditors Macias, Gini & O'Connell, LLP.

   *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Resolution 2018-71 (Kenoyer/Madrigal; 7/0)** approving the Fiscal Year 2016-17 Single Audit Reports for the City of Modesto and the Stanislaus Drug Enforcement Agency from external auditors Macias, Gini & O'Connell, LLP.

Consent

8. Consider approving the award of proposal and contract for the furnishing of auditing services for the Finance Department, Accounting Division to Hudson and Henderson Inc., Fresno, CA, for a 3 year Agreement with 2 one-year extension options at the sole discretion of the City, for an estimated annual cost of $147,110, and over 5 years of $735,550. (Funding Source: General Fund, Transit Fund, Community Facility Districts, Ceres-Modesto Industrial Fire District, and Airport Fund)
   - Resolution approving the award of proposal and contract for the furnishing of auditing services for the Finance Department, Accounting Division to Hudson and Henderson Inc., Fresno, CA, for a three (3) year Agreement with two (2) one-year extension options at the sole discretion of the City, and authorizing the Interim City Manager, or his designee, to execute the contract for an estimated annual cost of $147,110, and over five (5) years of $735,550.

   *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Resolution 2018-72 (Kenoyer/Madrigal; 7/0)** approving the award of proposal and contract for the furnishing of auditing services for the Finance Department, Accounting Division to Hudson and Henderson Inc., Fresno, CA, for a three (3) year Agreement with two (2) one-year extension options at the sole discretion of the City, and authorizing the Interim City Manager, or his designee, to execute the contract for an estimated annual cost of $147,110, and over five (5) years of $735,550.

Consent

9. Consider accepting the Monthly Investment Report for November 2017. (Funding Source: Various Funds)
   - Motion accepting the Monthly Investment Report for November, 2017.

   *Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 7/0)** accepting the Monthly Investment Report for November,

2017.

Consent

10. Consider accepting the recommended budget adjustments to the Fiscal Year 2017-18 Annual Operating and Capital Improvement Project Budgets. (Funding Source: Capital Grants Streets, Capital Improvement Project (CIP) Fund, and various other City Funds)
    - Resolution amending Fiscal Year 2017-18 Annual Operating and Capital Improvement Project Fund Budgets.

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

**ACTION: Resolution 2018-73 (Kenoyer/Madrigal; 7/0)** amending Fiscal Year 2017-18 Annual Operating and Capital Improvement Project Fund Budgets.

Consent

11. Consider approving a License Agreement and two Temporary Construction Easements for the City of Turlock, on City of Modesto property for the North Valley Regional Recycled Water Project. (Funding Source: Wastewater Fund)
    - Resolution approving a License Agreement with The City of Turlock for a 3.79-acre portion of real property, located at Jennings Ranch in Modesto (APN: 022-001-005), for The North Valley Regional Recycled Water Project, and authorizing the Interim City Manager, or his designee, to execute the License Agreement.
    - Resolution approving a Grant of Temporary Construction Easement to The City of Turlock for a 1.13-acre portion of real property, located at 4000 West Main Avenue in Modesto (APN: 058-001-001), and a second Temporary Construction Easement for 15.04-acres located at the Jennings Treatment Facilities (APN: 022-001-005) for the North Valley Regional Recycled Water Project, and authorizing the Interim City Manager, or his designee, to execute the two grants of Temporary Construction Easements.

    *Utilities; Jon Yuriar, 577-5399, jyuriar@modestogov.com*

**ACTION: Resolution 2018-74 (Kenoyer/Madrigal; 7/0)** approving a License Agreement with The City of Turlock for a 3.79-acre portion of real property, located at Jennings Ranch in Modesto (APN: 022-001-005), for The North Valley Regional Recycled Water Project, and authorizing the Interim City Manager, or his designee, to execute the License Agreement.

**ACTION: Resolution 2018-75 (Kenoyer/Madrigal; 7/0)** approving a Grant of Temporary Construction Easement to The City of Turlock for a 1.13-acre portion of real property, located at 4000 West Main Avenue in Modesto (APN: 058-001-001), and a second Temporary Construction Easement for 15.04-acres located at the Jennings Treatment Facilities (APN: 022-001-005) for the North Valley Regional Recycled Water Project, and authorizing the Interim City Manager, or his designee, to execute the two grants of Temporary Construction Easements.

Consent

12. Consider awarding the bid and issuing a Purchase Order to Harold W. Thompson, Inc., Stockton, CA, for the removal and replacement of carpet flooring in the Customer Services Division area of Tenth Street Place, in the amount of $48,000 for the Customer Services Carpet

Replacement Project. (Funding Source: Wastewater and Water Fund)

- Resolution approving the issuance of a Purchase Order to Harold W. Thompson, Inc., Stockton, CA, in the amount of $48,000 with a contingency of $20,000 for the Customer Services Carpet Replacement Project for a total amount not to exceed $68,000, and authorizing the Purchasing Manager, or her designee, to issue a purchase order.

*Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Resolution 2018-76 (Kenoyer/Madrigal; 7/0)** approving the issuance of a Purchase Order to Harold W. Thompson, Inc., Stockton, CA, in the amount of $48,000 with a contingency of $20,000 for the Customer Services Carpet Replacement Project for a total amount not to exceed $68,000, and authorizing the Purchasing Manager, or her designee, to issue a purchase order.

Consent

13. Consider approving an Amendment to the Agreement with e-Builder, Inc., Plantation, FL., for the purchase and installation of a "Portfolio Level Funding" Cost Module to the City's construction management software for an estimated total cost of $11,550. (Funding Source: Wastewater Fund)
    - Resolution approving an Amendment to the original Agreement with e-Builder, Inc., Plantation, FL, for the Work Order to upgrade to the "Portfolio Level Funding" Cost Module, not to exceed $11,550 and authorizing the Interim City Manager, or his designee, to execute the Amendment.

    *Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com*

**ACTION: Resolution 2018-77 (Kenoyer/Madrigal; 7/0)** approving an Amendment to the original Agreement with e-Builder, Inc., Plantation, FL, for the Work Order to upgrade to the "Portfolio Level Funding" Cost Module, not to exceed $11,550 and authorizing the Interim City Manager, or his designee, to execute the Amendment.

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

14. Consider approving Agreements for one year, for on-call land surveying services with Benchmark Engineering, Inc., of Oakdale, CA, Delamare-Fultz Engineering, Inc., of Modesto, CA, NorthStar Engineering, Inc., of Modesto, CA, and O'Dell Engineering of Modesto, CA, in an amount not to exceed $49,000 each. (Funding Source: Various CIPs)
    - Resolution approving an Agreement with Benchmark Engineering, Inc., Oakdale, CA, for on-call land surveying services for a term of one year, not to exceed $49,000 and authorizing the Interim City Manager, or his designee, to execute the agreement.
    - Resolution approving an Agreement with Delamare-Fultz Engineering, Inc., Modesto, CA, for on-call land surveying services for a term of one year, not to exceed $49,000 and authorizing the Interim City Manager, or his designee, to execute the agreement.
    - Resolution approving an Agreement with NorthStar Engineering, Inc., Modesto, CA, for on-call land surveying services for a term of one year, not to exceed $49,000 and authorizing the Interim City Manager, or his designee, to execute the agreement.
    - Resolution approving an Agreement with O'Dell Engineering, Inc., Modesto, CA for on-call land surveying services for a term of one year, not to exceed $49,000 and authorizing

the Interim City Manager, or his designee, to execute the agreement.
*Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com*

**ACTION: Resolution 2018-78 (Kenoyer/Ridenour; 6/0; Grewal absent due to conflict of interest)** approving an Agreement with Benchmark Engineering, Inc., Oakdale, CA, for on-call land surveying services for a term of one year, not to exceed $49,000 and authorizing the Interim City Manager, or his designee, to execute the agreement.
**ACTION: Resolution 2018-79 (Kenoyer/Ridenour; 6/0; Grewal absent due to conflict of interest**) approving an Agreement with Delamare-Fultz Engineering, Inc., Modesto, CA, for on-call land surveying services for a term of one year, not to exceed $49,000 and authorizing the Interim City Manager, or his designee, to execute the agreement.
**ACTION: Resolution 2018-80 (Kenoyer/Ridenour; 6/0; Grewal absent due to conflict of interest**) approving an Agreement with NorthStar Engineering, Inc., Modesto, CA, for on-call land surveying services for a term of one year, not to exceed $49,000 and authorizing the Interim City Manager, or his designee, to execute the agreement.
**ACTION: Resolution 2018-81 (Kenoyer/Ridenour; 6/0; Grewal absent due to conflict of interest**) approving an Agreement with O'Dell Engineering, Inc., Modesto, CA for on-call land surveying services for a term of one year, not to exceed $49,000 and authorizing the Interim City Manager, or his designee, to execute the agreement.

## COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer attended the "Without Permission" event on February 9, 2018; on Saturday she attended the Twelfth Annual Chinese New Year in Modesto.

Councilmember Madrigal attended the following: a Downtown Business Watch meeting at Modesto Police Department last Wednesday, a Latino Community Roundtable event on Thursday, a ribbon cutting at the Family Recovery Resource Center in Downtown Modesto; the Civil Air Patrol ceremony, and Wine Night at Century Wedding Event Center.

## CITY MANAGER COMMENTS & REPORTS

Interim City Manager Lopez thanked Community & Economic Development Director Cindy Birdsill for her service and congratulated her on her new position in Florida.

## HEARINGS

*Published in the Modesto Bee on February 2, 2018*

15. Hearing to consider an Ordinance amending Section 10-7.515 (e) (3) of the Modesto Municipal Code to allow larger projecting signs in the Central Downtown (CD), Transition Downtown (TD), Urban General Downtown (UGD), and Main Street Downtown (MSD) zones of downtown. (Funding Source: General Fund)
    - Motion introducing and waiving the first reading of an Ordinance amending Title 10 "Zoning Regulations," Chapter 7, "Other Land Use Zones," Article 5 "Downtown Zones," Section 10-7.515, "General Provisions," Subsection (e), "Signs."

*Community & Economic Development; Paul Liu, 577-5267, pliu@modestogov.com*

**ACTION: Motion (Ridenour/Madrigal; 7/0)** introducing and waiving the first reading of **Ordinance No. 3686-C.S.** amending Title 10 "Zoning Regulations," Chapter 7, "Other Land Use Zones," Article 5 "Downtown Zones," Section 10-7.515, "General Provisions," Subsection (e), "Signs."

**NEW BUSINESS**

*Continued to future Council meeting*

16. Consider an Ordinance Amending Title 4, "Public Welfare, Safety, and Health," Chapter 7, "Miscellaneous Regulations" to Add Article 20, "Default Beverages Offered with Children's Meals." (Funding Source: Not Applicable)
    - Motion introducing and waiving the first reading of an Ordinance Amending Title 4, "Public Welfare, Safety, and Health," Chapter 7, "Miscellaneous Regulations" to Add Article 20, "Default Beverages Offered with Children's Meals."

    *City Attorney; Adam Lindgren, 577-5284, alindgren@modestogov.com*

**ACTION:** Continued to future Council meeting.

17. Consider approving the submission of the Transportation Development Act Transit Claim for Fiscal Year 2017-2018 to the Stanislaus Council of Governments in the amount of $1,232,210 for improvements to the Transportation Center in preparation for the Altamont Corridor Express, and amending the Fiscal Year 2017-18 Operating Budget in the amount of $1,232,210. (Funding Source: Transportation Development Act Funds)
    - Resolution approving the submission of the City's Transportation Development Act (TDA) Transit Claim for Transportation Center improvements for Fiscal Year 2017-18 to the Stanislaus Council of Governments (StanCOG) in the amount of $1,232,210.
    - Resolution authorizing a budget adjustment amending Fiscal Year 2017-18 Operating Budget in the amount of $1,232,210 to fund improvements to the Transportation Center in preparation for the Altamont Corridor Express (ACE) and authorize the Interim City Manager to implement the provisions of this resolution.

    *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2018-82 (Ridenour/Madrigal; 7/0)** approving the submission of the City's Transportation Development Act (TDA) Transit Claim for Transportation Center improvements for Fiscal Year 2017-18 to the Stanislaus Council of Governments (StanCOG) in the amount of **$523,544**.
**ACTION: Resolution 2018-83 (Ridenour/Madrigal; 7/0)** authorizing a budget adjustment amending Fiscal Year 2017-18 Operating Budget in the amount of **$523,544** to fund improvements to the Transportation Center in preparation for the Altamont Corridor Express (ACE) and authorize the Interim City Manager to implement the provisions of this resolution.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 6:35 p.m.

**CLOSED SESSION**

*All Closed Session Matters heard prior to meeting*

## CONSENT ITEM

1. Consider appointing Real Property Negotiators Joseph P. Lopez, Interim City Manager and Adam U. Lindgren, City Attorney for Properties: APN: 007-024-001, 081-031-013, 007-024-003 & 04, 007-037-010, 007-039-042, 007-039-043, 101-003-020, 101-003-019, 101-004-059, 101-004-063, 101-004-064, 007-024-006, 007-037-012 & 13, 007-039-001 & 002, 007-039-020, 007-039-019, 007-039-017, 007-039-016, 007-039-015, 007-039-014, 007-039-013, 007-039-012, 029-018-025, 029-018-044, 007-039-011, 029-016-013, 029-016-014, 029-016-002, MID, 101-003-023, 101-004-069 and 101-004-070.

- Motion appointing Real Property Negotiators Joseph P. Lopez, Interim City Manager and Adam U. Lindgren, City Attorney for Properties: APN: 007-024-001, 081-031-013, 007-024-003 & 04, 007-037-010, 007-039-042, 007-039-043, 101-003-020, 101-003-019, 101-004-059, 101-004-063, 101-004-064, 007-024-006, 007-037-012 & 13, 007-039-001 & 002, 007-039-020, 007-039-019, 007-039-017, 007-039-016, 007-039-015, 007-039-014, 007-039-013, 007-039-012, 029-018-025, 029-018-044, 007-039-011, 029-016-013, 029-016-014, 029-016-002, MID, 101-003-023, 101-004-069 and 101-004-070.

*City Attorney, Adam Lindgren, 577-5284, alindgren@modestogov.com*

**ACTION: Motion (Kenoyer/Grewal; 5/0; Ah You, Madrigal absent)** appointing Real Property Negotiators Joseph P. Lopez, Interim City Manager and Adam U. Lindgren, City Attorney for Properties: APN: 007-024-001, 081-031-013, 007-024-003 & 04, 007-037-010, 007-039-042, 007-039-043, 101-003-020, 101-003-019, 101-004-059, 101-004-063, 101-004-064, 007-024-006, 007-037-012 & 13, 007-039-001 & 002, 007-039-020, 007-039-019, 007-039-017, 007-039-016, 007-039-015, 007-039-014, 007-039-013, 007-039-012, 029-018-025, 029-018-044, 007-039-011, 029-016-013, 029-016-014, 029-016-002, MID, 101-003-023, 101-004-069 and 101-004-070.

## CLOSED SESSION

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
**One Case (Pursuant to Section 54956.9(d)(1) of the Government Code)**
Name of case: Schmidt, et al. v. City of Modesto, et al.
Case No. 1:17-cv-01411-DAD-MJS

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**
**(Pursuant to Section 54956.8 of the Government Code)**
Property & Property Owners:

| APN # | OWNERS |
|---|---|
| 007-024-001 | David A & Gail M. Faria |
| 081-031-013 | Alcoma Farms, LLC |
| 007-024-003 & 04, 007-037-010 | Nita M. Wagner |
| 007-039-042 | John R & Suki Gonzalez |
| 007-039-043 | Mark & Cynthia M. Bender |
| 101-003-020 | Carl Gwaltney |

| | |
|---|---|
| 101-003-019 | Josephine Thompson Burrell TR |
| 101-004-059 | Jeffrey & Norina Manglona |
| 101-004-063 | Crystal Matthews |
| 101-004-064 | Nilo & Rachel Casiano |
| 007-024-006 | Salida Hulling Assoc. |
| 007-037-012 & 13 | Zaiger Family Limited Partnership |
| 007-039-001 & 002 | Dimas & Tracy Borba |
| 007-039-020 | Mark Brain O Kelly |
| 007-039-019 | Alfred & Tina Bettencourt |
| 007-039-017 | Juan M & Maria C Esparza |
| 007-039-016 | Jose Rosillo & Cristina Erreguin Aide |
| 007-039-015 | Jose & Magdelena Castillo |
| 007-039-014 | James & Rachel Bradley |
| 007-039-013 | Wright Agnus Jr. |
| 007-039-012 | Ronald Johns & Kristin Stackhouse Johns TRS |
| 029-018-025 | Arthur & Linda Mitchell TRS |
| 029-018-044 | Harman Management Corp. |
| 007-039-011 | Mednow Properties |
| 029-016-013 | Kamal Lal |
| 029-016-014 | Stanislaus County |
| 029-016-002 | Gudelia G. & Contreras Pedro Hernandez |
| MID | Modesto Irrigation District |
| 101-003-023 | Fregoso Alba |
| 101-004-069 | Dalila Zavala-Patino |
| 101-004-070 | Donald Grant |

Negotiating Parties:

For City: Joseph P. Lopez, Interim City Manager for City of Modesto
Adam U. Lindgren, City Attorney for City of Modesto

For Property Owner: Property Owners

Under Negotiation: Pricing

Attest:_____
Stephanie Lopez, City Clerk

# MINUTES

**City of Modesto**

# ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP

**Second Floor, Room 2008**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**

**Wednesday, February 14, 2018, at 2:00 p.m.**

Roll Call: Present: Mayor Brandvold, Councilmembers Ridenour (alternate) and Madrigal
Absent: Councilmember Zoslocki

## PUBLIC COMMENTS

None.

## NEW BUSINESS

1. Consider accepting an informational report on the Destination Modesto Task Force, provide direction to staff regarding the Convention and Visitors Bureau, and forwarding to Council for approval. (Funding Source: Transient Occupancy Tax)

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

**ACTION: Motion (Ridenour/Madrigal; 3/0)** accepting an informational report on the Destination Modesto Task Force, provide direction to staff regarding the Convention and Visitors Bureau, and forwarding to Council for approval.

2. Consider approving a Will Serve Letter and Outside Service Agreement for sewer service for properties located at 240 Bunker Ave and 310 River Road (APN: 038-004-025&026 and 038-004-004) and forwarding to Council for approval. (Funding Source: Sewer Funds)

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

**ACTION: Motion (Ridenour/Madrigal; 3/0)** approving a Will Serve Letter and Outside

Service Agreement for sewer service for properties located at 240 Bunker Ave and 310 River Road (APN: 038-004-025&026 and 038-004-004) and forwarding to Council for approval.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 2:34 p.m.

Attest:_____
Joseph Lopez, Interim City Manager

# MINUTES

**City of Modesto**

# SPECIAL FINANCE COMMITTEE / COUNCIL WORKSHOP

**Second Floor, Room 2008**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**

**Monday, February 26, 2018, at 1:00 p.m.**

Roll Call: Present: Councilmembers Grewal, Ah You, Mayor Brandvold (alternate)
Absent: Councilmember Zoslocki

## PUBLIC COMMENTS

None.

## CONSENT ITEMS

Consent

1. Consider accepting the recommended budget adjustments to Fiscal Year 2017-18 Annual Operating and Capital Improvement Project Budget and forward to Council for approval. (Funding Source: Water Fund Capital Improvement Project (CIP) Fund and Central Services Fund)

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

**ACTION: Motion (Mayor Brandvold/Ah You; 3/0)** accepting the recommended budget adjustments to Fiscal Year 2017-18 Annual Operating and Capital Improvement Project Budget and forward to Council for approval.

Consent

2. Consider approving the submission of a Fire Prevention and Safety Grant application to the Federal Emergency Management Agency for total project cost of approximately $91,500 to acquire a combination sprinkler and fire safety house demonstration trailer, with a required one-time cost share of 5%, or an estimated $4,575 and forwarding to Council for approval. (Funding Source: General Fund )

   *Fire; Michael Payton, 571-5876, mpayton@modestofire.com*

**ACTION: Motion (Ah You/Mayor Brandvold; 3/0)** approving the submission of a Fire Prevention and Safety Grant application to the Federal Emergency Management Agency for

total project cost of approximately $91,500 to acquire a combination sprinkler and fire safety house demonstration trailer, with a required one-time cost share of 5%, or an estimated $4,575 and forwarding to Council for approval.

Consent

3. Consider accepting a one year Agreement extension with the County of Stanislaus for government and educational programming on AccessModesto Community Television in the amount of $142,360 and forwarding to Council for approval. (Funding Source: Education & Government Cable funds)

   *Information Technology; Kevin Harless, 571-5593, kharless@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Ah You; 3/0)** accepting a one year Agreement extension with the County of Stanislaus for government and educational programming on AccessModesto Community Television in the amount of $142,360 and forwarding to Council for approval.

Consent

4. Consider accepting the purchase of 9 BMW police motorcycles from Cycle Specialties, Modesto, CA, for a total cost not to exceed $256,576, and forwarding to Council for approval. (Funding Source: Fleet Replacement Funds)

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

**ACTION: Motion (Ah You/Mayor Brandvold; 3/0)** accepting the purchase of 9 BMW police motorcycles from Cycle Specialties, Modesto, CA, for a total cost not to exceed $256,576, and forwarding to Council for approval.

Consent

5. Consider accepting the purchase of 1 new mini excavator from Volvo Construction Equipment and Services, Turlock, CA, for a total cost not to exceed $50,390, and forwarding to Council for approval. (Funding Source: Water Fund)

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

**ACTION: Motion (Mayor Brandvold/Ah You; 3/0)** accepting the purchase of 1 new mini excavator from Volvo Construction Equipment and Services, Turlock, CA, for a total cost not to exceed $50,390, and forwarding to Council for approval.

Consent

6. Consider approving an Agreement with NorthStar Engineering, Inc., Modesto, CA, for surveying services for the Downtown Sewer Collection System Improvements Project in the amount of $136,660, plus $13,666 for additional services, if needed, for an Agreement total of $150,326; and forwarding to Council for approval. (Funding Source: Wastewater Fund)

   *Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Motion (Ah You/Mayor Brandvold; 3/0)** approving an Agreement with NorthStar Engineering, Inc., Modesto, CA, for surveying services for the Downtown Sewer Collection System Improvements Project in the amount of $136,660, plus $13,666 for additional services, if needed, for an Agreement total of $150,326; and forwarding to Council for approval.

Consent

7. Consider accepting a prequalified list of Construction Contractors for the River Trunk Realignment Pump Station project and forwarding to Council for approval. (Funding Source: Wastewater Fund)

   *Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Motion (Ah You/Mayor Brandvold; 3/0)** accepting a prequalified list of Construction Contractors for the River Trunk Realignment Pump Station project and forwarding to Council for approval.

Consent

8. Consider approving the use of qualified firm(s) for On-call Agreement(s) for Special Inspection and Materials Testing Services for various capital improvement projects for a 2-year term, not to exceed $150,000 and forwarding to Council for approval. (Funding Source: CIP Project Funds)

   *Utilities; Collin Yerzy, 577-5860, cyerzy@modestogov.com*

**ACTION: Motion (Ah You/Mayor Brandvold; 3/0)** approving the use of qualified firm(s) for On-call Agreement(s) for Special Inspection and Materials Testing Services for various capital improvement projects for a 2-year term, not to exceed $150,000 and forwarding to Council for approval.

## NEW BUSINESS

9. Consider a First Amendment to the Professional Services Agreement with Municipal Resource Group to provide assistance with Community & Economic Development Department projects and forwarding to Council for approval. (Funding Source: Various Funds)

   *City Manager; Joseph Lopez, 571-5809, joelopez@modestogov.com*

**ACTION: Motion (Ah You/Mayor Brandvold; 3/0)** approving a First Amendment to the Professional Services Agreement with Municipal Resource Group to provide assistance with Community & Economic Development Department projects and forwarding to Council for approval.

10. Consider accepting an informational report on the November and December 2017 grant application and awards and forwarding to Council for approval. (Funding Source: Not Applicable)

    *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Ah You/Mayor Brandvold; 3/0)** accepting an informational report on the November and December 2017 grant application and awards and forwarding to Council for approval.

11. Consider accepting an informational monthly report on the City's Purchasing update Agreements and/or contracts. (Funding Source: Not Applicable)

    *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Ah You/Mayor Brandvold; 3/0)** accepting an informational monthly report on the City's Purchasing update Agreements and/or contracts.

12. Consider accepting an informational update on follow-up items from the comprehensive review and audit of City purchasing/contracting practices and recommended corrective action plan. (Funding Source: Various Funds)

    *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION:** Item continued to March Finance Committee meeting with Purchasing Manual item.

13. Consider an informational report regarding the mid-year financial status of the General Fund operating revenues and expenses, and consider recommending the proposed

budget adjustments and amendments to the FY 2017-18 Operating Budgets to the City Council for consideration and approval. (Funding Source: General Fund)

*Finance and City Manager; Stephan Christensen, 577-5390, schristensen@modestogov.com*

**ACTION: Motion (Ah You/Mayor Brandvold; 3/0)** accepting an informational report regarding the mid-year financial status of the General Fund operating revenues and expenses, and consider recommending the proposed budget adjustments and amendments to the FY 2017-18 Operating Budgets (**moving $2,507,000 in revenues)** and forwarding to Council for approval.

*Councilmember Grewal left meeting at 1:55 p.m.*

14. Consider accepting the Initial Study and Mitigated Negative Declaration for the Carpenter Road Landfill Clean Closure Project and forwarding to Council for approval. (Funding Source: Carpenter Road Landfill Fund)

*Public Works; Karin Neep, 577-5453, kneep@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Ah You; 2/0; Grewal absent)** accepting the Initial Study and Mitigated Negative Declaration for the Carpenter Road Landfill Clean Closure Project and forwarding to Council for approval

*Councilmember Grewal returned to meeting at 1:58 p.m.*

15. Consider accepting the piggyback award for the purchase of the service to prepare emergency response vehicles for service and use for the Modesto Police Department, by "accessing the terms" of a competitively bid contract with the City of Elk Grove, contract number C-17-342, to Emergency Vehicle Outfitters, Elk Grove, CA, and forwarding to Council for approval. (Funding Source: Fleet Funds)

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

**ACTION: Motion (Ah You/Mayor Brandvold; 3/0)** accepting the piggyback award for the purchase of the service to prepare emergency response vehicles for service and use for the Modesto Police Department, by "accessing the terms" of a competitively bid contract with the City of Elk Grove, contract number C-17-342, to Emergency Vehicle Outfitters, Elk Grove, CA, and forwarding to Council for approval.

16. Consider approving the sole source procurements for original equipment manufacturer Gillig transit bus parts to Gillig Corporation, Livermore, CA, for a Purchasing Agreement with an annual cost of $250,000, and a total cost not to exceed $1,250,000

over five years, and forwarding to Council for approval. (Funding Source: Transit Funds)

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

**ACTION: Motion (Mayor Brandvold/Ah You; 3/0)** approving the sole source procurements for original equipment manufacturer Gillig transit bus parts to Gillig Corporation, Livermore, CA, for a Purchasing Agreement with an annual cost of $250,000, and a total cost not to exceed $1,250,000 over five years, and forwarding to Council for approval.

17. Consider approving the sole source procurement for parking garage automated system equipment and field services from Amano McGann, Inc., Roseville, MN, for a four year Agreement with an annual cost not to exceed $45,000, and a total cost not to exceed $180,000, and forwarding to Council for approval. (Funding Source: Parking Fund)

    *Public Works; Patricia Morrison, 342-4578, pmorrison@modestogov.com*

**ACTION: Motion (Ah You/Mayor Brandvold; 3/0)** approving the sole source procurement for parking garage automated system equipment and field services from Amano McGann, Inc., Roseville, MN, for a four year Agreement with an annual cost not to exceed $45,000, and a total cost not to exceed $180,000, and forwarding to Council for approval.

18. Consider approving Purchase Agreements for low lead brass, PVC, and galvanized service fittings and valves from Ferguson Waterworks, Modesto, CA; Pace Supply Corporation, Stockton, CA; and R&B Company, Manteca, CA, for a combined annual cost not to exceed $914,552 and a total combined cost of $4,572,760 over five years and forwarding to Council for approval. (Funding Source: Water Fund)

    *Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Motion (Ah You/Mayor Brandvold; 3/0)** approving Purchase Agreements for low lead brass, PVC, and galvanized service fittings and valves from Ferguson Waterworks, Modesto, CA; Pace Supply Corporation, Stockton, CA; and R&B Company, Manteca, CA, for a combined annual cost not to exceed $914,552 and a total combined cost of $4,572,760 over five years and forwarding to Council for approval.

19. Consider accepting Grant Funding of up to $2,029,749 from the State Water Resources Control Board for the Arsenic, Nitrate and Uranium Remedial Investigation/Feasibility Study Project, and forwarding to Council for approval. (Funding Source: Water Fund)

    *Utilities; Tamorah Bryant, 577-5205, tbryant@modestogov.com*

**ACTION : Motion (Mayor Brandvold/Ah You; 3/0)** accepting Grant Funding of up to $2,029,749 from the State Water Resources Control Board for the Arsenic, Nitrate and Uranium Remedial Investigation/Feasibility Study Project, and forwarding to Council for approval.

20. Consider accepting a report on the annual review of adopted sewer rate increases for Fiscal Year 2018-19, and forwarding to Council for approval. (Funding Source: Wastewater Fund)

    *Utilities; Tamorah Bryant, 577-5205, tbryant@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Ah You; 3/0)** accepting a report on the annual review of adopted sewer rate increases for Fiscal Year 2018-19, and forwarding to Council for approval.

21. Consider approving an Amendment to the Agreement, specifically the Scope of Work, with RMC, a Woodard and Curran Company, Sacramento, CA, for the River Trunk Realignment project and forwarding to Council for approval. (Funding Source: Wastewater Fund)

    *Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Ah You; 3/0)** approving an Amendment to the Agreement, specifically the Scope of Work, with RMC, a Woodard and Curran Company, Sacramento, CA, for the River Trunk Realignment project and forwarding to Council for approval.

22. Consider approving an Agreement with GE Mobile Water, Inc. of Norfolk, Virginia, for a Nitrate Treatment System for Well 282 in Del Rio, in the amount of $780,000 over a three-year period, plus $78,000 for additional services, if needed, and $120,000 for upfront purchase of resin for an Agreement total of $978,000; and forwarding to Council for approval. (Funding Source: Water Fund)

    *Utilities; Jim Alves, 571-5557, jalves@modestogov.com*

**ACTION: Motion (Ah You/Mayor Brandvold; 3/0)** approving an Agreement with GE Mobile Water, Inc. of Norfolk, Virginia, for a Nitrate Treatment System for Well 282 in Del Rio, in the amount of $780,000 over a three-year period, plus $78,000 for additional services, if needed, and $120,000 for upfront purchase of resin for an Agreement total of $978,000; and forwarding to Council for approval.

23. Consider approving the procurement of an enterprise license and the implementation of two Computerized Maintenance Management Systems with Lucity, Inc., Overland

Park, KS, for an initial cost of $276,075, and a total cost not to exceed $439,100 over five years; and consider approving the procurement of a department enterprise license for ESRI GIS from Environmental Systems Research Institute, Inc., Redlands, CA, for an initial cost of $60,000, and a total cost not to exceed $310,000 over five years; and forwarding to Council for approval. (Funding Source: Water, Wastewater, and Stormwater Funds)

*Utilities; Robert Englent, 577-6222, renglent@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Ah You; 3/0)** approving the procurement of an enterprise license and the implementation of two Computerized Maintenance Management Systems with Lucity, Inc., Overland Park, KS, for an initial cost of $276,075, and a total cost not to exceed $439,100 over five years; and consider approving the procurement of a department enterprise license for ESRI GIS from Environmental Systems Research Institute, Inc., Redlands, CA, for an initial cost of $60,000, and a total cost not to exceed $310,000 over five years; and forwarding to Council for approval.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 2:19 p.m.

Attest:_____
Joseph Lopez, Interim City Manager

# MINUTES

City of Modesto

# CITY COUNCIL MEETING

**Chambers, Basement Level**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**
**Tuesday February 27, 2018, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
Absent: None

Pledge of Allegiance to the Flag

Invocation: Mike Gunnarson, City Ministry Network

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

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

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Recognition of staff who have reached 20 and 30 year milestones as employees of the City of Modesto. (Funding Source: Not Applicable)
   *Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION:** Mayor and City Councilmembers recognized staff who have reached 20 and 30 year milestones as employees of the City of Modesto.

2. Presentation of the Beverage Container Recycling Grant Program for Fiscal Year 2017-18 and 2019-20. (Funding Source: CalRecycle)
   *Public Works; Vicki Rice, 577-5495, vrice@modestogov.com*

**ACTION:** Public Works Recycling Program Coordinator Vicki Rice presented the Beverage Container Recycling Grant Program for Fiscal Year 2017-18 and 2019-20.

3. Presentation regarding an immediate Action Plan for a Temporary Low Barrier Emergency Shelter/Day Center with minimal support of services (Shelter) for the homeless population. (Funding Source: Not Applicable)

*City Manager; Rick Armendariz, 577-5226, armendariz@modestopd.com*

**ACTION:** Interim City Manager Joe Lopez, County Chief Executive Officer Jody Hayes, staff and community members gave a Presentation regarding an Immediate Action Plan for a Temporary Low Barrier Emergency Shelter/Day Center with minimal support of services (Shelter) for the homeless population.

## PUBLIC COMMENT PERIOD

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**
**ACTION CONSENT ITEMS 4-14: (Kenoyer/Ridenour/ 7/0)**

## 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 February 13, 2018 Council Meeting. (Funding Source: Not Applicable)
   - Motion approving the minutes from the February 13, 2018 Council Meeting.

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

**ACTION: Motion (Kenoyer/Ridenour; 7/0)** approving the minutes from the February 13, 2018 Council Meeting.

Consent

5. Consider final adoption of **Ordinance No. 3686-C.S.** amending Section 10-7.515 (e) (3) of the Modesto Municipal Code to allow larger projecting signs in the Central Downtown (CD), Transition Downtown (TD), Urban General Downtown (UGD), and Main Street Downtown (MSD) zones of downtown. (Funding Source: General Fund)
   - Motion approving final adoption of Ordinance No. 3686-C.S. amending Title 10 "Zoning Regulations," Chapter 7, "Other Land Use Zones," Article 5 "Downtown Zones," Section 10-7.515, "General Provisions," Subsection (e), "Signs."

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

**ACTION: Motion (Kenoyer/Ridenour; 7/0)** approving final adoption of **Ordinance No. 3686-C.S.** amending Title 10 "Zoning Regulations," Chapter 7, "Other Land Use Zones," Article 5 "Downtown Zones," Section 10-7.515, "General Provisions," Subsection (e), "Signs."

Consent

6. Consider approving a First Amendment to the consultant contract with CPSI of Fresno, CA for the State Route 132 Freeway/Expressway Phase 1 Project to increase the existing contract by $864,687 to provide additional right of way consultant services plus $86,500 for additional services, if needed, for a total contract amount of $1,759,687. (Funding Source: Streets Capital Facilities Fee and Regional Measure L funds)
   - Resolution approving the First Amendment to the consultant contract with CPSI of Fresno, CA for the State Route 132 Freeway/Expressway Phase 1 Project to increase the existing contract by $864,687 to provide additional right of way consultant services plus $86,500 for additional services, if needed, for a total contract amount of $1,759,687 and authorizing the Interim City Manager, or his designee, to execute the First Amendment to the contract.

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

**ACTION: Resolution 2018-84 (Kenoyer/Ridenour; 7/0)** approving the First Amendment to the consultant contract with CPSI of Fresno, CA for the State Route 132 Freeway/Expressway Phase 1 Project to increase the existing contract by $864,687 to provide additional right of way consultant services plus $86,500 for additional services, if needed, for a total contract amount of $1,759,687 and authorizing the Interim City Manager, or his designee, to execute the First Amendment to the contract.

Consent

7. Consider authorizing staff to make offers and commence acquisition and relocation activities necessary for right of way to support the construction of the State Route 132 West Freeway/Expressway Phase 1 Project. (Funding Source: Streets Capital Facilities Fee and Regional Measure L funds)
   - Resolution authorizing staff to engage in real property negotiations and to proceed with acquisitions not to exceed $3.54 Million, authorizing the City of Modesto Interim City Manager to establish the amount of just compensation to be offered to property owners, and delegating signature and settlement authority up to certain specified amounts to the City of Modesto Project Manager, City Engineer and Interim City Manager for right of way to support the construction of the State Route 132 West Freeway/Expressway Phase 1 Project.

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

**ACTION: Resolution 2018-85 (Kenoyer/Ridenour; 7/0)** authorizing staff to engage in real property negotiations and to proceed with acquisitions not to exceed $3.54 Million, authorizing the City of Modesto Interim City Manager to establish the amount of just

compensation to be offered to property owners, and delegating signature and settlement authority up to certain specified amounts to the City of Modesto Project Manager, City Engineer and Interim City Manager for right of way to support the construction of the State Route 132 West Freeway/Expressway Phase 1 Project.

Consent

8. Consider accepting an informational report for the January 2018 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the January 2018 Accounts Payable Payment Register and Void report.

    *Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 7/0)** accepting an informational report for the January 2018 Accounts Payable Payment Register and Void report.

Consent

9. Consider accepting the Monthly Investment Report for December 2017. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for December, 2017.

    *Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 7/0)** accepting the Monthly Investment Report for December, 2017.

Consent

10. Consider approving a two-year Agreement with 3 one year renewal options for Umpire Services with the Greater San Joaquin Umpire Association, for an annual amount not to exceed $35,000 and a total of $175,000 over five years. (Funding Source: General Fund)
    - Resolution approving a two-year Agreement with three (3) one year renewal options for Umpire Services with the Greater San Joaquin Umpire Association, for an annual amount not to exceed $35,000 and a total of $175,000 over five years, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

    *Parks, Recreation & Neighborhoods; Thien Nguyen, 571-5576, tnguyen@modestogov.com*

**ACTION: Resolution 2018-86 (Kenoyer/Ridenour; 7/0)** approving a two-year Agreement with three (3) one year renewal options for Umpire Services with the Greater San Joaquin Umpire Association, for an annual amount not to exceed $35,000 and a total of $175,000 over five years, and authorizing the Interim City Manager, or his designee, to execute the

Agreement.

Consent

11. Consider approving the award of bid for the purchase of Federal Brand and Speer duty-use ammunition from San Diego Police Equipment, Co., San Diego, CA, at an amount not to exceed $97,155 per year, for a two year Agreement with three one-year extension options, and for the purchase of Remington Brand training-use ammunition from Proforce Law Enforcement, Prescott, AZ, at an amount not to exceed $123,605 per year, for a two year Agreement with three one-year extension options. (Funding Source: General Fund)
    - Resolution approving the award of bid for the purchase of Federal and Speer brand duty-use ammunition for the Modesto Police Department to San Diego Police Equipment Co., Inc., San Diego, CA, for a two year Agreement with three one-year extension options and authorizing the Purchasing Manager, or her designee, to issue a Purchase Agreement for an amount not to exceed $97,155 annually and $485,775 over five years.
    - Resolution approving the award of bid for the purchase of Remington brand training-use ammunition for the Modesto Police Department to Proforce Law Enforcement, Prescott, AZ, for a two year Agreement with three one-year extension options, and authorizing the Purchasing Manager, or her designee, to issue a Purchase Agreement for an amount not to exceed $123,605 annually and $618,025 over five years.

    *Police; Galen Carroll, 572-9501, carrollg@modestopd.com*

**ACTION: Resolution 2018-87 (Kenoyer/Ridenour; 7/0)** approving the award of bid for the purchase of Federal and Speer brand duty-use ammunition for the Modesto Police Department to San Diego Police Equipment Co., Inc., San Diego, CA, for a two year Agreement with three one-year extension options and authorizing the Purchasing Manager, or her designee, to issue a Purchase Agreement for an amount not to exceed $97,155 annually and $485,775 over five years.

**ACTION: Resolution 2018-88 (Kenoyer/Ridenour; 7/0)** approving the award of bid for the purchase of Remington brand training-use ammunition for the Modesto Police Department to Proforce Law Enforcement, Prescott, AZ, for a two year Agreement with three one-year extension options, and authorizing the Purchasing Manager, or her designee, to issue a Purchase Agreement for an amount not to exceed $123,605 annually and $618,025 over five years.

Consent

12. Consider approving a sole source Purchase Agreement with Hach, Loveland, CO, for field service of on-line instruments, which are used at the Wastewater Treatment

Facility to monitor the treatment process, for a total cost not to exceed $59,904 over three years. (Funding Source: Wastewater Fund)

- Resolution approving a sole source Purchase Agreement with Hach, Loveland, CO, for field service of on-line instruments, which are used at the Wastewater Treatment Facility to monitor the treatment process, for a total cost not to exceed $59,904 over three years, and authorizing the Purchasing Manager, or her designee, to execute a Purchasing Agreement.

*Utilities; Laura Anhalt, 342-4502, lanhalt@modestogov.com*

**ACTION: Resolution 2018-89 (Kenoyer/Ridenour; 7/0)** approving a sole source Purchase Agreement with Hach, Loveland, CO, for field service of on-line instruments, which are used at the Wastewater Treatment Facility to monitor the treatment process, for a total cost not to exceed $59,904 over three years, and authorizing the Purchasing Manager, or her designee, to execute a Purchasing Agreement.

Consent

13. Consider approving the Stanislaus Multi-Agency Regional Storm Water Resource Plan Memorandum of Understanding for Local Match Commitments. (Funding Source: Storm Drain Fund)

    - Resolution approving the Stanislaus Multi-Agency Regional Storm Water Resource Plan Memorandum of Understanding for Local Match Commitments and authorizing the Interim City Manager, or his designee to execute the Agreement.

    *Utilities; Miguel Alvarez, 577-5348, malvarez@modestogov.com*

**ACTION: Resolution 2018-90 (Kenoyer/Ridenour; 7/0)** approving the Stanislaus Multi-Agency Regional Storm Water Resource Plan Memorandum of Understanding for Local Match Commitments and authorizing the Interim City Manager, or his designee to execute the Agreement.

Consent

14. Consider approving the plans and specifications for the Modesto Police Department's Heating, Venting and Air Conditioning Renovation Project for the Department's Administration Building; awarding a construction contract with American Chiller Service, Inc., of Rancho Cordova, CA, in the amount of $779,770; and amending the Fiscal Year 2017-2018 Capital Improvement Project Program Budget in the amount of $896,736. (Funding Source: MPD Building Services General Fund)

    - Resolution approving plans and specifications for the MPD HVAC Renovation Project (Administration Building), accepting the bid, and approving a construction contract with American Chiller Service, Inc., Modesto, CA, in the amount of $779,700 and authorizing the Interim City Manager, or his designee, to execute the contract.

- Resolution amending the Fiscal Year 2017-18 Capital Improvement Program Budget in the amount of $896,736 to be transferred into the project from MPD's Operating Budget to fully fund the construction, contingency, construction administration, and design support during construction for the MPD HVAC Renovation Project (Administration Building).

*Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Resolution 2018-91 (Kenoyer/Ridenour; 7/0)** approving plans and specifications for the MPD HVAC Renovation Project (Administration Building), accepting the bid, and approving a construction contract with American Chiller Service, Inc., Modesto, CA, in the amount of $779,700 and authorizing the Interim City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2018-92 (Kenoyer/Ridenour; 7/0)** amending the Fiscal Year 2017-18 Capital Improvement Program Budget in the amount of $896,736 to be transferred into the project from MPD's Operating Budget to fully fund the construction, contingency, construction administration, and design support during construction for the MPD HVAC Renovation Project (Administration Building).

## COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer attended the Chinese New Year celebration, blue ribbon cutting events, and the Beth Shalom celebration.

Councilmember Ridenour inquired when the Item 3 item regarding the Temporary Low Barrier Emergency Shelter/Day Center will return to Council.

Councilmember Madrigal announced Project Prom in the City of Modesto on March 7, 2018 and thanked sponsors.

## CITY MANAGER COMMENTS & REPORTS

City Manager introduced Thomas Reeves, Community Relations Officer.

## UNFINISHED BUSINESS

15. Consider awarding a design-build contract to Diede Construction, of Woodbridge, CA for the Water Corporation Yard Project located at 4240 Litt Road in the amount of $14,100,000; a partial reimbursement in an amount of $75,000 to Flint Builders, Inc. of Roseville, CA and $75,000 to Harris Construction, Inc. of Fresno, CA for work completed in attempting to obtain a design build contract; approving an Agreement with Consolidated CM, Oakland, CA for Owner’s Advisor Construction Services and Engineering Support During Construction in an amount not to exceed $856,289, plus

$85,629 for additional services (if needed) and amending the Fiscal Year 2017-18 Capital Improvement Program Budget in the amount of $3,897,500. (Funding Source: Water Fund, Parks Fund and Parks Capital Facility Fees)

- Resolution awarding a design build contract to Diede Construction, of Woodbridge, CA for the Water Corporation Yard Project in the amount of $14,100,000 and authorizing the Interim City Manager, or his designee to execute the Agreement.
- Resolution approving a partial reimbursement in an amount of $75,000 to Flint Builders, Inc. of Roseville, CA and $75,000 to Harris Construction, Inc. of Fresno, CA for the work completed in attempting to obtain a design build contract for the Water Corporation Yard Project.
- Resolution approving an Agreement with Consolidated CM, Inc., Oakland, CA, for Owner's Advisor Construction Services and Engineering Support During Construction for the Water Corporation Yard Project, in an amount not to exceed $856,289 for the identified scope of services, plus $85,629 for additional services (if needed), for a maximum total amount of $941,918 and authorizing the Interim City Manager, or his designee to execute the Agreement.
- Resolution amending the Fiscal Year 2017-18 Capital Improvement Program Budget in the amount of $3,897,500 to be transferred into the project from Water Fund Reserves in order to fully fund the construction, contingency, construction administration, City construction forces, and engineering support during construction for Water Corporation Yard Project.

*Utilities; Robert Davalos, 571-5869, rdavalos@modestogov.com*

**ACTION: Resolution 2018-93 (Ah You/Madrigal; 7/0)** awarding a design build contract to Diede Construction, of Woodbridge, CA for the Water Corporation Yard Project in the amount of $14,100,000 and authorizing the Interim City Manager, or his designee to execute the Agreement.

**ACTION: Resolution 2018-94 (Ah You/Madrigal; 7/0)** approving a partial reimbursement in an amount of $75,000 to Flint Builders, Inc. of Roseville, CA and $75,000 to Harris Construction, Inc. of Fresno, CA for the work completed in attempting to obtain a design build contract for the Water Corporation Yard Project.

**ACTION: Resolution 2018-95 (Ah You/Madrigal; 7/0)** approving an Agreement with Consolidated CM, Inc., Oakland, CA, for Owner's Advisor Construction Services and Engineering Support During Construction for the Water Corporation Yard Project, in an amount not to exceed $856,289 for the identified scope of services, plus $85,629 for additional services (if needed), for a maximum total amount of $941,918 and authorizing the Interim City Manager, or his designee to execute the Agreement. Resolution amending the Fiscal Year 2017-18 Capital Improvement Program Budget in the amount of $3,897,500 to be transferred into the project from Water Fund Reserves in order to fully fund the construction, contingency, construction administration, City construction forces, and engineering support during

construction for Water Corporation Yard Project.

**ACTION: Resolution 2018-96 (Ah You/Madrigal; 7/0)** amending the Fiscal Year 2017-18 Capital Improvement Program Budget in the amount of $3,897,500 to be transferred into the project from Water Fund Reserves in order to fully fund the construction, contingency, construction administration, City construction forces, and engineering support during construction for Water Corporation Yard Project.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 8:45 p.m.

## CLOSED SESSION

*All Closed Session Matters heard prior to meeting*

**PUBLIC EMPLOYEE APPOINTMENT**
**(Pursuant to Section 54957(b)(1) Government Code)**
Title: City Manager

**PUBLIC EMPLOYEE APPOINTMENT**
**(Pursuant to Section 54957(b)(1) Government Code)**
Title: City Auditor

Attest:_____
Stephanie Lopez, City Clerk

# MINUTES

City of Modesto

## CITY COUNCIL MEETING

**Chambers, Basement Level**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**
**Tuesday March 06, 2018, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

Absent: None

Pledge of Allegiance to the Flag

Invocation: Craig Bagley, Celebration Center

City Clerk's Announcements: Item 9 – Removed from Consent

Declaration of Conflicts of Interest: None

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

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation regarding the Tuolumne River Trust. (Funding Source: Not Applicable)

   *City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Juan Telles, Meg Gonzalez, and Edgar Garibay gave a Presentation regarding the Tuolumne River Trust.

**MISCELLANEOUS**

Legislation

Appointments

Other

2. Consider appointing Mani Grewal – Chair, Kristi Ah You – Vice Chair, and Jenny Kenoyer – Member to the Ad Hoc Committee regarding the County's Proposed Temporary Low Barrier Emergency Shelter/Day Center. (Funding Source: Not Applicable)

    - Motion appointing Mani Grewal – Chair, Kristi Ah You – Vice Chair, and Jenny Kenoyer – Member to the Ad Hoc Committee regarding the County's Proposed Temporary Low Barrier Emergency Shelter/Day Center.

    *City Council; Ted Brandvold, 571-5597, mayor@modestogov.com*

**ACTION: Motion (Zoslocki/Kenoyer; 7/0)** appointing Mani Grewal – Chair, Kristi Ah You – Vice Chair, and Jenny Kenoyer – Member to the Ad Hoc Committee regarding the County's Proposed Temporary Low Barrier Emergency Shelter/Day Center.

**PUBLIC COMMENT PERIOD**

- Art Fabela spoke regarding the Tuolumne River, Gateway Park and homeless camps.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**

**ACTION CONSENT ITEMS 3-8; 10-13: (Kenoyer/Madrigal; 7/0)**

**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 27, 2018 Council Meeting. (Funding Source: Not Applicable)

    - Motion approving the minutes from the February 27, 2018 Council Meeting.

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

**ACTION: Motion (Kenoyer/Madrigal; 7/0)** approving the minutes from the February 27, 2018 Council Meeting.

Consent

4. Consider a First Amendment to the Professional Services Agreement with Municipal Resource Group, in the amount of $68,000, to provide assistance with Community & Economic Development Department projects, for a total agreement amount of $113,000. (Funding Source: Various Funds)

    - Resolution approving a First Amendment to the Professional Services Agreement with Municipal Resource Group, in the amount of $68,000, to provide assistance with Community & Economic Development Department projects, for a total agreement amount of $113,000 and authorizing the Interim City Manager, or his designee to execute the amendment.

    *City Manager; Joseph Lopez, 571-5809, joelopez@modestogov.com*

**ACTION: Resolution 2018-97 (Kenoyer/Madrigal; 7/0)** approving a First Amendment to the Professional Services Agreement with Municipal Resource Group, in the amount of $68,000, to provide assistance with Community & Economic Development Department projects, for a total agreement amount of $113,000 and authorizing the Interim City Manager, or his designee to execute the amendment.

Consent

5. Consider approving a Will Serve Letter and Outside Service Agreement for sewer service for properties located at 240 Bunker Ave and 310 River Road (APN: 038-004-025&026 and 038-004-004). (Funding Source: Sewer Funds)

    - Resolution approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and Solar Cool Properties LLC, a California Limited Liability Company and Solar Cool Properties II LLC, a California Limited Liability Company, to connect to the City of Modesto's existing sewer system for the properties located at 240 Bunker Avenue and 310 River Road (APN: 038-004-025&026 and 038-004-004), and authorizing the Interim City Manager, or his designee, to sign the Will Serve Letter and execute the Outside Service Agreement.

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

**ACTION: Resolution 2018-98 (Kenoyer/Madrigal; 7/0)** approving a Will Serve Letter and Outside

Service Agreement between the City of Modesto and Solar Cool Properties LLC, a California Limited Liability Company and Solar Cool Properties II LLC, a California Limited Liability Company, to connect to the City of Modesto's existing sewer system for the properties located at 240 Bunker Avenue and 310 River Road (APN: 038-004-025&026 and 038-004-004), and authorizing the Interim City Manager, or his designee, to sign the Will Serve Letter and execute the Outside Service Agreement.

Consent

6. Consider directing staff to prepare and file the 2018-2019 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 2018-2019 Annual Engineer's Report for City of Modesto Landscape Maintenance Assessment District No. 1.

    *Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2018-99 (Kenoyer/Madrigal; 7/0)** directing staff to prepare and file the 2018-2019 Annual Engineer's Report for City of Modesto Landscape Maintenance Assessment District No. 1.

Consent

7. Consider directing staff to prepare and file the 2018-2019 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 2017-2018 Annual Engineer's Report for Landscape Maintenance Assessment District No. 2.

    *Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2018-100 (Kenoyer/Madrigal; 7/0)** directing staff to prepare and file the 2017-2018 Annual Engineer's Report for Landscape Maintenance Assessment District No. 2.

Consent

8. Consider directing staff to prepare and file the 2018-2019 Annual Engineer's Report for the Shackelford Landscape and Lighting District. (Funding Source: Shackelford Landscape and

Lighting District)

- Resolution directing staff to prepare and file the 2018-2019 Annual Engineer's Report for the Shackelford Landscape and Lighting District.

*Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2018-101 (Kenoyer/Madrigal; 7/0)** directing staff to prepare and file the 2018-2019 Annual Engineer's Report for the Shackelford Landscape and Lighting District.

*Removed from Consent*

9. Consider approving and authorizing the execution of documents in connection with the public sale and issuance of the City of Modesto, California Wastewater Revenue Refunding Bonds, Series 2018A (the "2018A Bonds") in an amount not to exceed $14,500,000 and authorizing certain other related matters. (Funding Source: Wastewater Fund)

    - Resolution authorizing the issuance of not to exceed $14,500,000 principal amount of Wastewater Revenue Refunding Bonds, Series 2018A, authorizing and directing execution of a fourth supplemental Wastewater Revenue Bond Indenture pursuant to which bonds are issued, approving a bond Purchase Agreement, an official statement and a continuing disclosure Agreement, and authorizing other official actions.

    *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Resolution 2018-102 (Kenoyer/Ah You; 7/0)** authorizing the issuance of not to exceed $14,500,000 principal amount of Wastewater Revenue Refunding Bonds, Series 2018A, authorizing and directing execution of a fourth supplemental Wastewater Revenue Bond Indenture pursuant to which bonds are issued, approving a bond Purchase Agreement, an official statement and a continuing disclosure Agreement, and authorizing other official actions.

Consent

10. Consider accepting the Monthly Investment Report for January 2018. (Funding Source: Various Funds)

    - Motion accepting the Monthly Investment Report for January, 2018.

    *Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 7/0)** accepting the Monthly Investment Report for January,

2018.

Consent

11. Consider approving the First Amendment to the Management Agreement for King-Kennedy Memorial Center with the West Modesto King-Kennedy Collaborative as currently budgeted to extend the term of the agreement to the end of the 2017-18 Fiscal Year. (Funding Source: General Fund)

    - Resolution approving the First Amendment to the Management Agreement for King-Kennedy Memorial Center with West Modesto King-Kennedy Collaborative, to extend the term of the Agreement until the end of Fiscal Year 2017-18, and authorizing the Interim City Manager, or his designee, to execute the Amendment to the Agreement.

    *Parks, Recreation & Neighborhoods; Marco Sepulveda, 577-5275, msepulveda@modestogov.com*

**ACTION: Resolution 2018-103 (Kenoyer/Madrigal; 7/0)** approving the First Amendment to the Management Agreement for King-Kennedy Memorial Center with West Modesto King-Kennedy Collaborative, to extend the term of the Agreement until the end of Fiscal Year 2017-18, and authorizing the Interim City Manager, or his designee, to execute the Amendment to the Agreement.

Consent

12. Consider supporting Senate Bill No. 5, California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018, be listed as a member of the Californians for Clean Water and Safe Park Coalition and directing staff to email a copy of the adopted resolution to the League of California Cities. (Funding Source: None Applicable)

    - Resolution in support of Senate Bill No. 5, California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018, be listed as a member of the Californians for Clean Water and Safe Parks Coalition, and directing staff to email a copy of the adopted resolution to the League of California Cities.

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

**ACTION: Resolution 2018-104 (Kenoyer/Madrigal; 7/0)** in support of Senate Bill No. 5, California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018, be listed as a member of the Californians for Clean Water and Safe Parks Coalition, and directing staff to email a copy of the adopted resolution to the League of California Cities.

Consent

13. Consider approving an Easement Agreement with the City of Turlock for a pipeline to be constructed on City of Modesto property for the North Valley Regional Recycled Water Project. (Funding Source: Wastewater Fund)

    - Resolution approving an Easement Agreement with The City of Turlock for a 3.79-acre portion of real property, located at Jennings Ranch in Modesto (APN: 022-001-005), for The North Valley Regional Recycled Water Project, and authorizing the Interim City Manager, or his designee, to execute the Easement Agreement.

    *Utilities; Jon Yuriar, 577-5399, jyuriar@modestogov.com*

**ACTION: Resolution 2018-105 (Kenoyer/Madrigal; 7/0)** approving an Easement Agreement with The City of Turlock for a 3.79-acre portion of real property, located at Jennings Ranch in Modesto (APN: 022-001-005), for The North Valley Regional Recycled Water Project, and authorizing the Interim City Manager, or his designee, to execute the Easement Agreement.

## COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer read to students at Chrysler Elementary School last week; she also attended a Literacy Awards Celebration.

Councilmember Madrigal attended the following events: Grand Opening/Ribbon Cutting for La Perla Tapatia Store in South Modesto, Grand Opening/Ribbon Cutting for the Ballet Folklorio Dance Studio in Downtown Modesto, and the NAACP Dinner on Saturday in honor of Mack Wilson; he invited everyone to attend the weekly Take Back our Trail Walk at the Helen White Trail; he also spoke regarding Project Prom for donating dresses or suits for students in need.

## CITY MANAGER COMMENTS & REPORTS

None.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 6:15 p.m.

14. COUNCIL WORKSHOP - 1) Update by the Downtown Modesto Partnership **(removed from Agenda)**; 2) Report on Final Fiber Master Plan (Funding Source: Not Applicable)

*City Manager; Joseph Lopez, 577-5224, joelopez@modestogov.com*

This Council Workshop adjourned at 7:15 p.m.

**CLOSED SESSION**

*All Closed Session Matters heard prior to meeting*

**PUBLIC EMPLOYEE APPOINTMENT**

**(Pursuant to Section 54957(b)(1) Government Code)**

Title: City Manager

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

**Two Cases (Pursuant to Section 54956.9(d)(1) of the Government Code)**

Name of case: County of Stanislaus v. City of Modesto (Geer Rd. Landfill)

Case No. 667396

City of Modesto, et al. v. The Dow Chemical Company, et al. (PCE)

Court of Appeals of the State of California

Appeal Case No: A134419

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

**Two Cases (Pursuant to Section 54956.9(d)(2) of the Government Code)**

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

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

Name of case(s): Lee Ann Roest v. City of Modesto

California Workers Compensation Appeals Board

Nos. ADJ9653341

Attest:_____
Stephanie Lopez, City Clerk

# MINUTES

**City of Modesto**

# SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP

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

**Monday, March 12, 2018, at 5:00 p.m.**

Roll Call – Present: Councilmembers Ah You, Ridenour, and Kenoyer
Absent: None

## PUBLIC COMMENTS

None.

## CONSENT

None.

## NEW BUSINESS

1. Consider requesting authorization to seek grant funding for the State Active Transportation Program Cycle 4 grant in the amount of $4,800,000 for an Encina Avenue and Lincoln Avenue Pedestrian/Bicycle Trail Corridor Project and forwarding to Council for approval. (Funding Source: State of California ATP Grant and Local Funds – Measure L)

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

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** authorizing grant funding for the State Active Transportation Program Cycle 4 grant in the amount of $4,800,000 for an Encina Avenue and Lincoln Avenue Pedestrian/Bicycle Trail Corridor Project and forwarding to Council for approval.

2. Consider accepting the status update of the high voltage street lights and high voltage street light circuits. (Funding Source: Not Applicable)

*Public Works; Jeffrey Barnes, 577-5214, jbarnes@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** accepting the status update of the high voltage street lights and high voltage street light circuits.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 6:00 p.m.

Attest:_____
Rick Armendariz, Interim Deputy City Manager

# MINUTES

City of Modesto

## CITY COUNCIL MEETING

**Chambers, Basement Level**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**
**Tuesday March 13, 2018, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

Absent: None

Pledge of Allegiance to the Flag

Invocation: Mark Hammond, Celebration Center

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

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

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Certificate of Recognition to Divya Katyal and Haiying Zeng in recognition of creating the Homeless Network App which will help individuals locate shelters and services for the homeless population. (Funding Source: Not Applicable)

   *City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor and Councilmembers presented Certificates of Recognition to Divya Katyal and Haiying Zeng in recognition of creating the Homeless Network App which will help individuals locate shelters and services for the homeless population.

2. FM Global Grant Award Presentation to Fire Department for Sparky the Fire Dog Costume and Bi-Lingual Public Safety Materials. (Funding Source: Not Applicable)

*Fire; Alan Ernst, 572-9596, aernst@modestofire.com*

**ACTION:** FM Global presented a Grant Award to the Fire Department for Sparky the Fire Dog Costume and Bi-lingual public safety materials.

**PUBLIC COMMENT PERIOD**

- Veronica Tovar, Catholic Charities, announced the SB1000 Community Workshop on March 22, 2018.
- Ronald Dafford spoke regarding the health and safety in the City of Modesto and the Sister Cities program.
- Loretta Carhart spoke regarding assistance for military veterans.
- Juan Telles spoke regarding Modesto RecFest on Saturday at the Tuolumne River Regional Park.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**

**ACTION CONSENT ITEMS 3-18: (Kenoyer/Grewal; 7/0)**

**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 March 6, 2018 Council Meeting. (Funding Source: Not Applicable)

   - Motion approving the minutes from the March 6, 2018 Council Meeting.

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

**ACTION: Motion (Kenoyer/Grewal; 7/0)** approving the minutes from the March 6, 2018 Council

Meeting.

Consent

4. Consider approving the prequalified list of consultants for Engineering Plan Check, Map Check, and Land Surveying Services for a period of three years, with two additional one-year renewal options and approving Standard Consultant Agreements for a combined annual cost of $90,000, and a total not to exceed amount of $450,000 over five years. (Funding Source: Developer Fees)

   - Resolution approving the prequalified list of consultants consisting of DF Engineering Inc., Modesto CA, Kier & Wright Civil Engineering and Surveyors, Inc., Livermore, CA, North Star Engineering, Modesto, CA, O'Dell Engineering Group, Modesto, CA, and Willdan Engineering, Elk Grove, CA for Engineering Plan Check, Map Check, and Land Surveying Services for a period of three years, with two additional one-year extension options; approving Standard Consultant Agreements for the above list, for a combined annual cost of $90,000, and a total not to exceed amount of $450,000 over five years and authorizing the Interim City Manager to execute the consultant Agreements.

   *Community & Economic Development; Daniel England, 571-5589, dengland@modestogov.com*

**ACTION: Resolution 2018-106 (Kenoyer/Grewal; 7/0)** approving the prequalified list of consultants consisting of DF Engineering Inc., Modesto CA, Kier & Wright Civil Engineering and Surveyors, Inc., Livermore, CA, North Star Engineering, Modesto, CA, O'Dell Engineering Group, Modesto, CA, and Willdan Engineering, Elk Grove, CA for Engineering Plan Check, Map Check, and Land Surveying Services for a period of three years, with two additional one-year extension options; approving Standard Consultant Agreements for the above list, for a combined annual cost of $90,000, and a total not to exceed amount of $450,000 over five years and authorizing the Interim City Manager to execute the consultant Agreements.

Consent

5. Consider accepting an informational report on the Destination Modesto Task Force and restoration of the Convention and Visitor's Bureau as an independent agency. (Funding Source: Transient Occupancy Tax)

   - Resolution accepting an informational report on the Destination Modesto Task Force and restoration of the Convention and Visitor's Bureau as an independent agency. (Funding Source: Transient Occupancy Tax).

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

**ACTION: Resolution 2018-107 (Kenoyer/Grewal; 7/0)** accepting an informational report on the Destination Modesto Task Force and restoration of the Convention and Visitor's Bureau as an independent agency. (Funding Source: Transient Occupancy Tax).

Consent

6. Consider accepting the recommended budget adjustments to the Fiscal Year 2017-18 Annual Operating and Capital Improvement Project Budgets. (Funding Source: Water Fund, Capital Improvement Project (CIP) Fund and Central Services Fund)

    - Resolution amending Fiscal Year 2017-18 Annual Operating and Capital Improvement Project Fund Budgets.

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

**ACTION: Resolution 2018-108 (Kenoyer/Grewal; 7/0)** amending Fiscal Year 2017-18 Annual Operating and Capital Improvement Project Fund Budgets.

Consent

7. Consider supporting Proposition 69 and opposing the repeal of Senate Bill No 1 – The Road Repair and Accountability Act, be listed as a member of the Coalition to Protect Local Transportation Improvements and directing staff to email a copy of the adopted resolution to the Coalition to Protect Local Transportation Improvements. (Funding Source: Not Applicable)

    - Resolution supporting Proposition 69 and opposing the repeal of Senate Bill No. 1 – The Road Repair and Accountability Act, be listed as a member of the Coalition to Protect Local Transportation Improvements and directing staff to email a copy of the adopted resolution to the Coalition to Protect Local Transportation Improvements.

    *Finance; Kaceey Culbertson, 577-5479, kculbertson@modestogov.com*

**ACTION: Resolution 2018-109 (Kenoyer/Grewal; 7/0)** supporting Proposition 69 and opposing the repeal of Senate Bill No. 1 – The Road Repair and Accountability Act, be listed as a member of the Coalition to Protect Local Transportation Improvements and directing staff to email a copy of the adopted resolution to the Coalition to Protect Local Transportation Improvements.

Consent

8. Consider approving the submission of a Fire Prevention and Safety Grant Application to the Federal Emergency Management Agency for total project cost of approximately $91,500 to

acquire a combination sprinkler and fire safety house demonstration trailer with a required one-time cost match of 5%, or an estimated $4,575. (Funding Source: General Fund)

- Resolution approving the submission of a Fire Prevention and Safety Grant Application to the Federal Emergency Management Agency for approximately $91,500 to acquire a Combination Sprinkler and Fire Safety House Demonstration Trailer with a required one-time cost match of 5%, or an estimated $4,575, and authorizing the Interim City Manager, or his designee, to execute all grant applications and related documents.

*Fire; Michael Payton, 571-5876, mpayton@modestofire.com*

**ACTION: Resolution 2018-110 (Kenoyer/Grewal; 7/0)** approving the submission of a Fire Prevention and Safety Grant Application to the Federal Emergency Management Agency for approximately $91,500 to acquire a Combination Sprinkler and Fire Safety House Demonstration Trailer with a required one-time cost match of 5%, or an estimated $4,575, and authorizing the Interim City Manager, or his designee, to execute all grant applications and related documents.

Consent

9. Consider approving the plans and specifications for the J.M. Pike & Garrison Park Improvements Project, accepting the bid, awarding the construction contract to Barham, Inc. dba BZ Construction of Ceres, CA in the amount of $650,115 and amending the Fiscal Year 2017-2018 Capital Improvement Program Budget by $40,000. (Funding Source: California Department of Housing and Community Development - Housing-Related Parks Program Grant and Parks Fund)

    - Resolution approving the plans and specifications for the J.M. Pike & Garrison Park Improvements Project, accepting the bid and awarding the construction contract to Barham, Inc. dba BZ Construction of Ceres, CA in the amount of $650,115 and authorizing the Interim City Manager, or his designee, to execute the contract.

    - Resolution authorizing the Interim City Manager, or his designee, to amend the Fiscal Year 2017-2018 Capital Improvement Program Budget for project accounts #100989 & #100995 to fully fund the J.M. Pike & Garrison Park Improvements Project in an amount not to exceed $822,150 in revenue and to budget expenditures as outlined in Attachment A.

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

**ACTION: Resolution 2018-111 (Kenoyer/Grewal; 7/0)** approving the plans and specifications for the J.M. Pike & Garrison Park Improvements Project, accepting the bid and awarding the construction contract to Barham, Inc. dba BZ Construction of Ceres, CA in the amount of $650,115 and authorizing the Interim City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2018-112 (Kenoyer/Grewal; 7/0)** authorizing the Interim City Manager, or his designee, to amend the Fiscal Year 2017-2018 Capital Improvement Program Budget for project accounts #100989 & #100995 to fully fund the J.M. Pike & Garrison Park Improvements Project in an amount not to exceed $822,150 in revenue and to budget expenditures as outlined in Attachment A.

Consent

10. Consider adopting the Initial Study and Mitigated Negative Declaration for the Carpenter Road Landfill Clean Closure Project. (Funding Source: Carpenter Road Landfill Fund)

    - Resolution adopting the initial study and Mitigated Negative Declaration for the Carpenter Road Landfill Clean Closure Project.

    *Public Works; Karin Neep, 577-5453, kneep@modestogov.com*

**ACTION: Resolution 2018-113 (Kenoyer/Grewal; 7/0)** adopting the initial study and Mitigated Negative Declaration for the Carpenter Road Landfill Clean Closure Project.

Consent

11. Consider approving the sole source procurements for original equipment manufacturer Gillig transit bus parts to Gillig Corporation, Livermore, CA for a Purchasing Agreement with an annual cost of $250,000 and a total cost not to exceed $1,250,000 over five years. (Funding Source: Transit Funds)

    - Resolution approving a Purchasing Agreement with Gillig Corporation, Livermore, CA, for the sole source procurement of original equipment manufacturer transit bus parts for an annual cost not to exceed $250,000, and a total cost not to exceed $1,250,000 over five years, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Agreement.

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

**ACTION: Resolution 2018-114 (Kenoyer/Grewal; 7/0)** approving a Purchasing Agreement with Gillig Corporation, Livermore, CA, for the sole source procurement of original equipment manufacturer transit bus parts for an annual cost not to exceed $250,000, and a total cost not to exceed $1,250,000 over five years, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Agreement.

Consent

12. Consider approving the City of Elk Grove piggyback contract for Emergency Vehicle

Outfitters, Elk Grove, CA for an annual cost not to exceed $144,000 and a total cost not to exceed $720,000 over five years. (Funding Source: Fleet Funds)

- Resolution approving the City of Elk Grove piggyback contract for Emergency Vehicle Outfitters, Elk Grove, CA for an annual cost not to exceed $144,000 and a total cost not to exceed $720,000 over five years, and authorizing the Acting Finance Director, or her designee, to adjust Agreement totals based on the work capacity for the vendor, ensuring the overall Agreement total does not change, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Agreement.

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

**ACTION: Resolution 2018-115 (Kenoyer/Grewal; 7/0)** approving the City of Elk Grove piggyback contract for Emergency Vehicle Outfitters, Elk Grove, CA for an annual cost not to exceed $144,000 and a total cost not to exceed $720,000 over five years, and authorizing the Acting Finance Director, or her designee, to adjust Agreement totals based on the work capacity for the vendor, ensuring the overall Agreement total does not change, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Agreement.

Consent

13. Consider approving Purchase Agreements for low lead brass, PVC, and galvanized service fittings and valves from Ferguson Waterworks, Modesto, CA; Pace Supply Corporation, Stockton, CA; and R&B Company, Manteca, CA, for a two-year purchasing agreement with three one-year extension options, for a combined annual cost not to exceed $914,552 and a total combined amount not to exceed $4,572,760 over five years. (Funding Source: Water Fund)

    - Resolution approving the Purchase Agreements for low lead brass, PVC, and galvanized service fittings and valves from Ferguson Waterworks, Modesto, CA; Pace Supply Corporation, Stockton, CA; and R&B Company, Manteca, CA; and R&B Company, Manteca, CA, for a two-year Purchasing Agreement with three one-year extension options, for a combined annual cost not to exceed $914,552 and a total combined amount not to exceed $4,572,760 over five years, and authorizing the Purchasing Manager, or her designee, to issue Purchasing Agreements.

    *Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Resolution 2018-116 (Kenoyer/Grewal; 7/0)** approving the Purchase Agreements for low lead brass, PVC, and galvanized service fittings and valves from Ferguson Waterworks, Modesto, CA; Pace Supply Corporation, Stockton, CA; and R&B Company, Manteca, CA; and R&B Company, Manteca, CA, for a two-year Purchasing Agreement with three one-year extension options, for a combined annual cost not to exceed $914,552 and a total combined amount not to exceed $4,572,760

over five years, and authorizing the Purchasing Manager, or her designee, to issue Purchasing Agreements.

Consent

14. Consider approving the procurement of an enterprise license and the implementation of two Computerized Maintenance Management Systems with Lucity, Inc., Overland Park, KS, for an initial cost of $276,075, and a total cost not to exceed $439,100 over five years; and consider approving the procurement of a department enterprise license for ESRI GIS from Environmental Systems Research Institute, Inc., Redlands, CA, for an initial cost of $60,000, and a total cost not to exceed $310,000 over five years. (Funding Source: Water, Wastewater, and Stormwater Funds)

    - Resolution approving the procurement of an enterprise license and the implementation of two Computerized Maintenance Management Systems with Lucity, Inc., Overland Park, KS, for an initial cost of $276,075, and a total cost not to exceed $439,100 over five years; and approving the procurement of a department enterprise license for ESRI GIS from Environmental Systems Research Institute, Inc., Redlands, CA, for an initial cost of $60,000, and a total cost not to exceed $310,000 over five years and authorizing the Purchasing Manager, or her designee, to execute a Purchase Agreement.

    *Utilities; Robert Englent, 577-6222, renglent@modestogov.com*

**ACTION: Resolution 2018-117 (Kenoyer/Grewal; 7/0)** approving the procurement of an enterprise license and the implementation of two Computerized Maintenance Management Systems with Lucity, Inc., Overland Park, KS, for an initial cost of $276,075, and a total cost not to exceed $439,100 over five years; and approving the procurement of a department enterprise license for ESRI GIS from Environmental Systems Research Institute, Inc., Redlands, CA, for an initial cost of $60,000, and a total cost not to exceed $310,000 over five years and authorizing the Purchasing Manager, or her designee, to execute a Purchase Agreement.

Consent

15. Consider approving the submittal of Drinking Water State Revolving Fund planning/design grant and subsequent construction loan applications for drinking water infrastructure replacement projects to serve the Grayson water service area and approving an Agreement with West Yost Associates, Inc., Davis, CA, for grant application support services in an amount not to exceed $83,700, plus $8,400 for additional services (if needed), for a maximum total not to exceed $92,100. (Funding Source: Water Fund)

    - Resolution approving the submittal of applications to the Drinking Water State Revolving Fund, and State Water Resources Control Board for planning/design and implementation funding for Grayson water infrastructure and authorizing the Interim City Manager, or his

designee, to execute all funding related documents.

- Resolution approving an Agreement with West Yost Associates, Inc., Davis, CA for the Grayson water infrastructure improvements project in an amount not to exceed $83,700, plus $8,400 for additional services (if needed), for a maximum total amount of $92,100, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

*Utilities; Tamorah Bryant, 577-5205, tbryant@modestogov.com*

**ACTION: Resolution 2018-118 (Kenoyer/Grewal; 7/0)** approving the submittal of applications to the Drinking Water State Revolving Fund, and State Water Resources Control Board for planning/design and implementation funding for Grayson water infrastructure and authorizing the Interim City Manager, or his designee, to execute all funding related documents.

**ACTION: Resolution 2018-119 (Kenoyer/Grewal; 7/0)** approving an Agreement with West Yost Associates, Inc., Davis, CA for the Grayson water infrastructure improvements project in an amount not to exceed $83,700, plus $8,400 for additional services (if needed), for a maximum total amount of $92,100, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

Consent

16. Consider approving an Agreement with NorthStar Engineering, Inc., Modesto, CA, for surveying services for the Downtown Sewer Collection System Improvements Project in the amount of $136,660, plus $13,666 for additional services if needed, for an agreement total of $150,326. (Funding Source: Wastewater Fund)

    - Resolution approving an Agreement with NorthStar Engineering, Inc., Modesto, CA, for surveying services for the Downtown Sewer Collection System Improvements Project in the amount of $136,660, plus $13,666 for additional services if needed, for an Agreement total of $150,326 and authorizing the Interim City Manager, or his designee, to execute the contract.

    *Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Resolution 2018-120 (Kenoyer/Grewal; 7/0)** approving an Agreement with NorthStar Engineering, Inc., Modesto, CA, for surveying services for the Downtown Sewer Collection System Improvements Project in the amount of $136,660, plus $13,666 for additional services if needed, for an Agreement total of $150,326 and authorizing the Interim City Manager, or his designee, to execute the contract.

Consent

17. Consider approving a prequalified list of seven Construction Contractors consisting of: Balfour Beatty Infrastructure; Flatiron West, Inc.; James W. Fowler, Co.; Kiewit Infrastructure West, Co.; Overaa; Steve P. Rados; and Walsh Construction for the River Trunk Realignment Pump Station Project. (Funding Source: Wastewater Fund)

    - Resolution approving a prequalified list of seven construction contractors for the River Trunk Realignment Pump Station Project.

    *Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Resolution 2018-121 (Kenoyer/Grewal; 7/0)** approving a prequalified list of seven construction contractors for the River Trunk Realignment Pump Station Project.

Consent

18. Consider approving an Agreement with SUEZ Water Technologies and Solutions, Inc. (SUEZ WTS) of Norfolk, Virginia, for a Nitrate Treatment System for Well 282 in Del Rio, in the amount not to exceed $750,000 over a three-year period, plus $75,000 for additional services, if needed, for an Agreement total not to exceed $825,000. (Funding Source: Water Fund)

    - Resolution approving an Agreement with SUEZ Water Technologies and Solutions, Inc. of Norfolk, Virginia, for a Nitrate Treatment System for Well 282 in Del Rio, in the amount not to exceed $750,000 over a three-year period, plus $75,000 for additional services, if needed, for an Agreement total not to exceed $825,000; and authorizing the Interim City Manager, or his designee, to execute the contract.

    *Utilities; Jim Alves, 571-5557, jalves@modestogov.com*

**ACTION: Resolution 2018-122 (Kenoyer/Grewal; 7/0)** approving an Agreement with SUEZ Water Technologies and Solutions, Inc. of Norfolk, Virginia, for a Nitrate Treatment System for Well 282 in Del Rio, in the amount not to exceed $750,000 over a three-year period, plus $75,000 for additional services, if needed, for an Agreement total not to exceed $825,000; and authorizing the Interim City Manager, or his designee, to execute the contract.

## COUNCIL COMMENTS & REPORTS

Councilmember Zoslocki attended the grand opening today of the North Valley Regional Water Recycle Project.

Councilmember Madrigal also attended the grand opening today of the North Valley Regional Water

Recycled Project; he also announced Project Prom and the need for donations of dresses and suits.

## CITY MANAGER COMMENTS & REPORTS

None.

## UNFINISHED BUSINESS

19. Consider supporting the vision of an Immediate Action Plan proposal for a Temporary Low Barrier Emergency Shelter/Day Center with minimal supportive services (Shelter) for the homeless population. (Funding Source: Not Applicable)

    - Resolution supporting the vision of an Immediate Action Plan for a Temporary Low Barrier Emergency Shelter/Day Center with minimal supportive services (Shelter) for the homeless population.

    *City Manager; Rick Armendariz, 577-5226, armendariz@modestopd.com*

**ACTION: Resolution 2018-123 (Grewal/Kenoyer; 7/0)** supporting the vision of an Immediate Action Plan for a Temporary Low Barrier Emergency Shelter/Day Center with minimal supportive services (Shelter) for the homeless population.

20. Consider amending the approved list of projects to be funded with Measure L tax proceeds in Fiscal Year 2017-2018 in the amount of $4,472,452, including additional projects in the Fiscal Year 2017-2018 Capital Improvement Program and approving related budget adjustments. (Funding Source: City local control Measure L funds)

    - Resolution amending the approved list of projects to be funded with Measure L tax proceeds in Fiscal Year 2017-2018 in the amount of $4,472,452, including additional projects in the Fiscal Year 2017-2018 Capital Improvement Program and approving the budget adjustment for each project.

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

**ACTION: Resolution 2018-124 (Madrigal/Zoslocki; 7/0)** amending the approved list of projects to be funded with Measure L tax proceeds in Fiscal Year 2017-2018 in the amount of $4,472,452, including additional projects in the Fiscal Year 2017-2018 Capital Improvement Program and approving the budget adjustment for each project.

*Councilmember Grewal left meeting at 7:10 p.m.*

21. Consider accepting the California Division of Boating and Waterways (DBW) Non-Motorized Boating Facility Grant Funding Program award in an amount of $780,000 to fund design and construction of the Tuolumne River Regional Park (TRRP) Neece Drive Boat Launch Project, and amending the Fiscal Year 2017-2018 Capital Improvement Program Budget in an amount not to exceed $805,000. (Funding Source: Non-Motorized Boating Facility Grant Funding Program and TRRP CIP Funding)

    - Resolution accepting the California Division of Boating and Waterways (DBW) Non-Motorized Boating Facility Grant Funding Program award in an amount of $780,000 to fund design and construction of the Tuolumne River Regional Park (TRRP) Neece Drive Boat Launch Project and authorizing the Interim City Manager, or his designee, to accept and utilize the grant award.

    - Resolution authorizing the Interim City Manager, or his designee, to amend the Fiscal Year 2017-18 Capital Improvement Program Budget to establish a new capital project #101071 for the TRRP Neece Drive Boat Launch project in an amount not to exceed $805,000 in revenue and to budget expenditures as outlined in Attachment A to fully fund the project.

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

**ACTION: Resolution 2018-125 (Ah You/Ridenour; 6/0; Grewal absent)** accepting the California Division of Boating and Waterways (DBW) Non-Motorized Boating Facility Grant Funding Program award in an amount of $780,000 to fund design and construction of the Tuolumne River Regional Park (TRRP) Neece Drive Boat Launch Project and authorizing the Interim City Manager, or his designee, to accept and utilize the grant award.

**ACTION: Resolution 2018-126 (Ah You/Ridenour; 6/0; Grewal absent)** authorizing the Interim City Manager, or his designee, to amend the Fiscal Year 2017-18 Capital Improvement Program Budget to establish a new capital project #101071 for the TRRP Neece Drive Boat Launch project in an amount not to exceed $805,000 in revenue and to budget expenditures as outlined in Attachment A to fully fund the project.

22. Consider accepting the California Urban Rivers Grant Program funds in an amount of $368,183 to partially fund the removal of the Remnant Dennett Dam and amending the Fiscal Year 2017-18 Multi-Year Operating Budget in the amount of the Grant award. (Funding Source: California Natural Resources Agency – Urban Rivers Grant Program and California Department of Water Resources - Urban Streams Restoration Program)

- Resolution accepting the California Urban Rivers Grant Program funds in an amount of $368,183 to partially fund removal of the Remnant Dennett Dam and authorizing the Interim City Manager, or his designee, to accept and utilize the grant award.

- Resolution authorizing the Interim City Manager, or his designee, to amend the Fiscal Year 2017-2018 Multi-Year Operating Budget to adjust the non-capital project #100993 for the removal of the Remnant Dennett Dam in an amount not to exceed $368,183 in revenue and to budget expenditures as outlined in Attachment A to partially fund the project.

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

**ACTION: Resolution 2018-127 (Zoslocki/Ah You; 6/0; Grewal absent)** accepting the California Urban Rivers Grant Program funds in an amount of $368,183 to partially fund removal of the Remnant Dennett Dam and authorizing the Interim City Manager, or his designee, to accept and utilize the grant award.

**ACTION: Resolution 2018-128 (Zoslocki/Ah You; 6/0; Grewal absent)** authorizing the Interim City Manager, or his designee, to amend the Fiscal Year 2017-2018 Multi-Year Operating Budget to adjust the non-capital project #100993 for the removal of the Remnant Dennett Dam in an amount not to exceed $368,183 in revenue and to budget expenditures as outlined in Attachment A to partially fund the project.

23. Consider approving the annual sewer rate review and maintaining the previously adopted 6% sewer rate increases to be effective July 1, 2018 for Fiscal Year 2018-19. (Funding Source: Wastewater Fund)

    - Resolution approving the annual sewer rate review and maintaining the previously adopted 6% sewer rate increases to be effective July 1, 2018 for Fiscal Year 2018-19.

    *Utilities; Tamorah Bryant, 577-5205, tbryant@modestogov.com*

**ACTION: Resolution 2018-129 (Kenoyer/Ridenour; 6/0; Grewal absent)** approving the annual sewer rate review and maintaining the previously adopted 6% sewer rate increases to be effective July 1, 2018 for Fiscal Year 2018-19.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 7:52 p.m.

## CLOSED SESSION

*All Closed Session Matters heard prior to meeting*

**PUBLIC EMPLOYEE APPOINTMENT**

**(Pursuant to Section 54957(b)(1) Government Code)**

Title: City Manager

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

**One Case (Pursuant to Section 54956.9(d)(1) of the Government Code)**

Name of case: Souliotes v. COM

Case No. 1:15-CV-00556-LJO-SKO (Appeal)

Attest:_____
Stephanie Lopez, City Clerk

# MINUTES

**City of Modesto**

# ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP

**Second Floor, Room 2008**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**

**Wednesday, March 14, 2018, at 2:00 p.m.**

Roll Call: Present: Mayor Brandvold, Councilmember Madrigal and Kenoyer (alternate)
Absent: Councilmember Zoslocki

## PUBLIC COMMENTS

None.

## CONSENT

Consent

1. Consider accepting a grant application for Federal Transit Administration Section 5339 transit funds in the amount of $1,014,188 and forwarding to Council for approval. (Funding Source: Federal Transit Administration Section 5339 FFY 2015/16 and 2016/17 formula apportionment)

   *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION; Motion (Madrigal/Kenoyer; 3/0)** accepting a grant application for Federal Transit Administration Section 5339 transit funds in the amount of $1,014,188 and forwarding to Council for approval.

## NEW BUSINESS

2. Discussion of potential bicycle sharing program. (Funding Source: Not Applicable)

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

**ACTION: Motion (Madrigal/Kenoyer; 3/0)** directing staff to issue RFQ and coordinate with "Bike to Work Week" to work on bike campaign.

3. Consider accepting an informational report: "One Water Modesto". (Funding Source: Not Applicable)

   *Utilities; Will Wong, 571-5801, wwong@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 3/0)** accepting an informational report: "One Water Modesto".

4. Consider accepting the plans and specifications for the Del Rio Replacement Well 271 Project, the award of a contract to Nor-Cal Pump & Well Drilling, Inc. of Yuba City, CA in the amount of $426,417; an increase in Director's Authority from 10% to 25%; and forwarding to Council for approval. (Funding Source: Water Fund)

   *Utilities; Robert Davalos, 571-5869, rdavalos@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 3/0)** accepting the plans and specifications for the Del Rio Replacement Well 271 Project, the award of a contract to Nor-Cal Pump & Well Drilling, Inc. of Yuba City, CA in the amount of $426,417; an increase in Director's Authority from 10% to 25%; and forwarding to Council for approval.

## MATTERS TOO LATE FOR THE AGENDA

**ACTION: Motion (Madrigal/Kenoyer; 3/0)** adding Opportunity Zones as an urgent item and provided direction with information and direction to staff.

## ADJOURNMENT

This meeting adjourned at 3:49 p.m.

Attest:_____
Joseph Lopez, Interim City Manager

# MINUTES

**City of Modesto**

## SPECIAL APPOINTMENTS COMMITTEE / COUNCIL WORKSHOP

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

**Thursday, March 22, 2018, at 3:00 p.m.**

Roll Call: Present: Councilmember Grewal (arrived at 3:15 p.m.), Mayor Brandvold, and Councilmember Kenoyer
Absent: None

### PUBLIC COMMENTS

None.

### CONSENT ITEMS

None.

### NEW BUSINESS

1. Consider and review Culture Commission applications from prospective candidates to fill 1 vacancy on the City of Modesto Culture Commission, and forward to Council for approval. (Funding Source: Not Applicable)

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

**ACTION: Motion (Mayor Brandvold/Kenoyer; 3/0)** appointing Patrick Cavanah to the City of Modesto Culture Commission and forwarding to Council for approval.

2. Consider interviewing 2 prospective candidates for appointments to fill 2 vacancies on the City of Modesto Landmark Preservation Commission and forwarding to Council for approval. (Funding Source: Not Applicable)

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

**ACTION:** No applicants are residents of Modesto.

3. Consider recommending the appointment of 1 board member to the Board of Building Appeals and forwarding to Council for approval. (Funding Source: Not Applicable)

   *Community & Economic Development; Thomas Trimberger, 577-5242, ttrimberger@modestogov.com*

**ACTION: Motion (Kenoyer/Mayor Brandvold; 3/0)** appointing John Bergman to the Board of Building Appeals and forwarding to Council for approval.

4. Consider recommending the appointment of 2 board members to the Disabled Access Appeals Board and forwarding to Council for approval. (Funding Source: Not Applicable)

   *Community & Economic Development; Thomas Trimberger, 577-5242, ttrimberger@modestogov.com*

**ACTION: Motion (Kenoyer/Mayor Brandvold; 3/0)** appointing Nicholas Sottero to the Disabled Access Appeals Board and forwarding to Council for approval; ongoing recruitment for vacancy with construction background.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 3:40 p.m.

Attest:_____
Stephanie Lopez, City Clerk

# MINUTES

**City of Modesto**

# SPECIAL FINANCE COMMITTEE / COUNCIL WORKSHOP

**Second Floor, Room 2008**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**

**Monday, March 26, 2018, at 3:00 p.m.**

Roll Call: Present: Councilmembers Grewal, Ah You (arrived at 3:03 p.m.), Zoslocki
Also Present: Councilmember Kenoyer
Absent: None

## PUBLIC COMMENTS

None.

## CONSENT ITEMS

Consent

1. Consider accepting the recommended budget adjustments to Fiscal Year 2017-18 Annual Operating and Capital Improvement Project Budget and forward to Council for approval. (Funding Source: Stanislaus Drug Enforcement Agency Fund and Wastewater Fund)

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

**ACTION: Motion (Zoslocki/Kenoyer; 3/0)** accepting the recommended budget adjustments to Fiscal Year 2017-18 Annual Operating and Capital Improvement Project Budget and forward to Council for approval.

Consent

2. Consider a list of projects to be funded with Road Repair and Accountability Act tax (SB1) proceeds in Fiscal Year 2018-19, and forwarding to Council for approval. (Funding Source: Senate Bill 1 funds)

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

**ACTION: Motion (Zoslocki/Kenoyer; 3/0)** approving a list of projects to be funded with Road Repair and Accountability Act tax (SB1) proceeds in Fiscal Year 2018-19, and forwarding to Council for approval.

Consent

3. Consider the real property at 119 South G Street in Empire, formerly Well 311, as exempt surplus property, a purchase and sale agreement with Mark Little and Joan Little for the purchase of said property in the amount of $40,000, and forwarding to Council for approval. (Funding Source: Water Division Sales of Fixed Assets)

   *Utilities; Jon Yuriar, 577-5399, jyuriar@modestogov.com*

**ACTION: Motion (Zoslocki/Kenoyer; 3/0)** approving the real property at 119 South G Street in Empire, formerly Well 311, as exempt surplus property, a purchase and sale agreement with Mark Little and Joan Little for the purchase of said property in the amount of $40,000, and forwarding to Council for approval.

*Councilmember Ah You arrived at 3:03 p.m.*

## NEW BUSINESS

4. Consider accepting an informational update on follow-up items from the comprehensive review of City purchasing/contracting practices and recommended corrective action plan. (Funding Source: Various Funds)

   *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Ah You/Zoslocki; 3/0)** accepting an informational update on follow-up items from the comprehensive review of City purchasing/contracting practices and recommended corrective action plan.

5. Consider accepting an informational report on the January and February 2018 grant applications and awards and forwarding to Council for approval. (Funding Source: Not Applicable)

   *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Ah You/Zoslocki; 3/0)** accepting an informational report on the January and February 2018 grant applications and awards and forwarding to Council for approval.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 3:40 p.m.

Attest:_____
Joseph Lopez, Interim City Manager

# MINUTES

City of Modesto

## CITY COUNCIL MEETING

**Chambers, Basement Level**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**
**Tuesday April 03, 2018, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal*, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
Absent: None

Pledge of Allegiance to the Flag

Invocation: Scott Nelson, Covenant Grove Church

City Clerk's Announcements: Item 10 - Removed from Consent

Declaration of Conflicts of Interest: None

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

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to Jeff Pishney proclaiming April 2018 as Love Modesto Month. (Funding Source: Not Applicable)
   *City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Brandvold and Council presented a Proclamation to Jeff Pishney proclaiming April 2018 as Love Modesto Month.

2. Presentation of Proclamation proclaiming April 8th – 14th as National Library Week. (Funding Source: Not Applicable)
   *City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Brandvold and Council presented a Proclamation proclaiming April 8th - 14th as National Library Week.

### MISCELLANEOUS

Legislation
Appointments

Other

3. Consider accepting the resignation of Joseph Sanchez from the City's Culture Commission. (Funding Source: Not Applicable)
   - Resolution accepting the resignation of Joseph Sanchez from the City of Modesto Culture Commission.

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

**ACTION: Resolution 2018-130 (Kenoyer/Ah You; 7/0)** accepting the resignation of Joseph Sanchez from the City of Modesto Culture Commission.

4. Consider accepting the resignation of Joseph Sanchez from the City's Landmark Preservation Commission. (Funding Source: Not Applicable)
   - Resolution accepting the resignation of Joseph Sanchez from the City of Modesto Landmark Preservation Commission.

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

**ACTION: Resolution 2018-131 (Kenoyer/Ah You; 7/0)** accepting the resignation of Joseph Sanchez from the City of Modesto Landmark Preservation Commission.

## PUBLIC COMMENT PERIOD

- Adrian Harrell, Modesto Sister Cities International, introduced Catrina Gerard and updated the Council.

- Joshua Whitfield spoke on behalf of Assemblyman Heath Flora with updates on his behalf in Sacramento.

- Carmen Sabatino spoke regarding "Make Modesto Lovable" and signs posted in Modesto.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**
**ACTION CONSENT ITEMS: 5-9; 11-19: (Kenoyer/Madrigal; 7/0)**

## 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 13, 2018 Council Meeting. (Funding Source: Not Applicable)
   - Motion approving the minutes from the March 13, 2018 Council Meeting.

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

**ACTION: Motion (Kenoyer/Madrigal; 7/0)** approving the minutes from the March 13, 2018 Council Meeting.

Consent

6. Consider accepting the 2017 General Plan Annual Report, and directing staff to submit it to the State of California Governor's Office of Planning and Research and to the State Department of Housing and Community Development. (Funding Source: General Fund)
   - Resolution accepting the 2017 General Plan Annual Report, and directing staff to submit it to the State of California Governor's Office of Planning & Research and the Department of Housing & Community Development.

   *Community & Economic Development; Brad Wall, 577-5273, bwall@modestogov.com*

**ACTION: Resolution 2018-132 (Kenoyer/Madrigal; 7/0)** accepting the 2017 General Plan Annual Report, and directing staff to submit it to the State of California Governor's Office of Planning & Research and the Department of Housing & Community Development.

Consent

7. Consider approving an informational report on the November and December 2017 grant application and awards. (Funding Source: Not Applicable)
   - Motion accepting an informational report for the November and December 2017 grant application and awards.

   *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 7/0)** accepting an informational report for the November and December 2017 grant application and awards.

Consent

8. Consider accepting an informational report for the February 2018 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
   - Motion accepting an informational report for the February 2018 Accounts Payable Payment Register and Void report.

   *Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 7/0)** accepting an informational report for the February 2018 Accounts Payable Payment Register and Void report.

Consent

9. Consider approving an Agreement with Ralph Andersen and Associates in the amount not to exceed $71,500 to conduct the recruitment for Director of Community and Economic Development, Chief Building Official and Traffic Engineer. (Funding Source: General Fund and Surface Transportation Fund)
   - Resolution approving an Agreement with Ralph Andersen and Associates in the amount not to exceed $71,500 to conduct the recruitment for Director of Community and Economic Development, Chief Building Official and Traffic Engineer and authorizing the Interim City Manager, or his designee, to execute an

Agreement.
*Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION: Resolution 2018-133 (Kenoyer/Madrigal; 7/0)** approving an Agreement with Ralph Andersen and Associates in the amount not to exceed $71,500 to conduct the recruitment for Director of Community and Economic Development, Chief Building Official and Traffic Engineer and authorizing the Interim City Manager, or his designee, to execute an Agreement.

*Removed from Consent*

10. Consider appointing Monica Houston as City Auditor, approving a City Auditor Employment Agreement and setting terms of employment, salary and benefits. (Funding Source: General Fund)
    - Resolution appointing Monica Houston as City Auditor, approving a City Auditor Employment Agreement, setting terms of employment, salary and benefits and authorizing the Mayor, or his designee to execute the agreement.

    *Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION: Resolution 2018-134 (Ridenour/Ah You; 7/0)** appointing Monica Houston as City Auditor, approving a City Auditor Employment Agreement, setting terms of employment, salary and benefits and authorizing the Mayor, or his designee to execute the agreement.

Consent

11. Consider awarding the bid and contract to One Diversified LLC, of Pleasanton, California for the Master Control Broadcast Facility Upgrade Project in the amount of $132,077, approving $6,604 in project contingency and amending the Fiscal Year 2017-2018 Program Budget 101099 IT in the amount of $138,681. (Funding Source: Education & Government Cable Funds)
    - Resolution awarding the bid and contract to One Diversified LLC, of Pleasanton, California for the Master Control Broadcast Facility Upgrade Project in the amount of $132,077 and $6,604 in project contingency for a total amount not to exceed $138,681 and authorizing the Interim City Manager or his designee to execute the Agreement.
    - Resolution authorizing the Project Budget Adjustment 101099 IT in the amount of $138,681 and authorizing the Interim City Manager or his designee to make the appropriate adjustments.

    *Information Technology; Kevin Harless, 571-5593, kharless@modestogov.com*

**ACTION: Resolution 2018-135 (Kenoyer/Madrigal; 7/0)** awarding the bid and contract to One Diversified LLC, of Pleasanton, California for the Master Control Broadcast Facility Upgrade Project in the amount of $132,077 and $6,604 in project contingency for a total amount not to exceed $138,681 and authorizing the Interim City Manager or his designee to execute the Agreement.

**ACTION: Resolution 2018-136 (Kenoyer/Madrigal; 7/0)** authorizing the Project Budget Adjustment 101099 IT in the amount of $138,681 and authorizing the Interim City Manager or his designee to make the appropriate adjustments.

Consent

12. Consider awarding the bid and issuing a Purchase Order to DOCON, Inc., Modesto, CA for the installation of shade netting fabric at John Thurman Field, in the amount of $25,894. (Funding Source: General Fund)
    - Resolution approving the award of bid and issuance of a Purchase Order to DOCON, Inc., Modesto, CA, in the amount of $25,894 for the John Thurman Field Shade Netting Project, and authorizing the Purchasing Manager, or her designee, to issue a Purchase Order.

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

**ACTION: Resolution 2018-137 (Kenoyer/Madrigal; 7/0)** approving the award of bid and issuance of a Purchase Order to DOCON, Inc., Modesto, CA, in the amount of $25,894 for the John Thurman Field Shade Netting Project, and authorizing the Purchasing Manager, or her designee, to issue a Purchase Order.

Consent

13. Consider approving an Agreement for the purchase of retired City Police canine, Riko, by its handler, Gerald Bohanan. (Funding Source: General Fund Revenue)
    - Resolution approving an Agreement with Officer Gerald Bohanan for the purchase of retired City of Modesto Police canine Riko, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

    *Police; Galen Carroll, 572-9501, carrollg@modestopd.com*

**ACTION: Resolution 2018-138 (Kenoyer/Madrigal; 7/0)** approving an Agreement with Officer Gerald Bohanan for the purchase of retired City of Modesto Police canine Riko, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

Consent

14. Consider approving the Agreement for the transfer of canine Hank by its owner, the Modesto Police Canine Association, to the City of Modesto for use as a police canine. (Funding Source: Not Applicable)
    - Resolution approving an Agreement between the City of Modesto and Modesto Police Canine Association for the donation and transfer of canine Hank, to the City of Modesto for use as a police canine; and authorizing the Interim City Manager, or his designee, to execute the Agreement.

    *Police; Galen Carroll, 572-9501, carrollg@modestopd.com*

**ACTION: Resolution 2018-139 (Kenoyer/Madrigal; 7/0)** approving an Agreement between the City of Modesto and Modesto Police Canine Association for the donation and transfer of canine Hank, to the City of Modesto for use as a police canine; and authorizing the Interim City Manager, or his designee, to execute the Agreement.

Consent

15. Consider approving the sole source procurement for parking garage automated system

equipment and field services from Amano McGann, Inc., Roseville, MN, for a four year Agreement with an annual cost not to exceed $45,000, and a total cost not to exceed $180,000. (Funding Source: Parking Fund)

- Resolution approving a sole source procurement for parking garage automated system equipment and field services from Amano McGann, Inc., Roseville, MN, for a four year Agreement with an annual cost not to exceed $45,000, and a total cost not to exceed $180,000, and authorizing the Purchasing Manager, or her designee, to issue the Purchasing Agreement.

*Public Works; Patricia Morrison, 342-4578, pmorrison@modestogov.com*

**ACTION: Resolution 2018-140 (Kenoyer/Madrigal; 7/0)** approving a sole source procurement for parking garage automated system equipment and field services from Amano McGann, Inc., Roseville, MN, for a four year Agreement with an annual cost not to exceed $45,000, and a total cost not to exceed $180,000, and authorizing the Purchasing Manager, or her designee, to issue the Purchasing Agreement.

Consent

16. Consider approving the purchase of nine BMW police motorcycles from Cycle Specialties, Modesto, CA for a total cost not to exceed $256,576. (Funding Source: Fleet Replacement Fund)

    - Resolution approving the purchase of nine BMW police motorcycles from Cycle Specialties, Modesto, CA for a total cost not to exceed $256, 576, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Agreement.

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

**ACTION: Resolution 2018-141 (Kenoyer/Madrigal; 7/0)** approving the purchase of nine BMW police motorcycles from Cycle Specialties, Modesto, CA for a total cost not to exceed $256, 576, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Agreement.

Consent

17. Consider approving the purchase of one new mini excavator from Volvo Construction Equipment and Services, Turlock, CA, for a total cost not to exceed $50,390. (Funding Source: Water Funds)

    - Resolution approving the purchase of one new mini excavator from Volvo Construction Equipment and Services, Turlock, CA for a total cost not to exceed $50,390, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Agreement.

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

**ACTION: Resolution 2018-142 (Kenoyer/Madrigal; 7/0)** approving the purchase of one new mini excavator from Volvo Construction Equipment and Services, Turlock, CA for a total cost not to exceed $50,390, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Agreement.

Consent

18. Consider approving a Temporary Construction Easement, containing an area of approximately 1.13 acres (49,439 square feet), to the City of Turlock, a municipal corporation, for the North Valley Regional Recycled Water Project. (Funding Source: CIP)
    - Resolution approving a grant of temporary construction easement to the City of Turlock for 1.13 acres (49,439 square feet) portion of real property, located at 4000 West Main Avenue in Modesto (APN 058-001-001), for the North Valley Regional Recycled Water Project, and authorizing the Interim City Manager, or his designee, to execute the grant of temporary construction easement.

    *Utilities; Jon Yuriar, 577-5399, jyuriar@modestogov.com*

**ACTION: Resolution 2018-143 (Kenoyer/Madrigal; 7/0)** approving a grant of temporary construction easement to the City of Turlock for 1.13 acres (49,439 square feet) portion of real property, located at 4000 West Main Avenue in Modesto (APN 058-001-001), for the North Valley Regional Recycled Water Project, and authorizing the Interim City Manager, or his designee, to execute the grant of temporary construction easement.

Consent

19. Consider approving the plans and specifications for the Del Rio Replacement Well 271 Project, accepting the bid and awarding a contract to Nor-Cal Pump & Well Drilling, Inc., of Yuba City, CA in the amount of $426,417; and authorizing an increase in the Director's Authority from 10% to 25% to issue change orders. (Funding Source: Water Fund - CIP)
    - Resolution approving the plans and specifications for the Del Rio Replacement Well 271 Project, accepting the bid, and approving a contract with Nor-Cal Pump & Well Drilling, Inc., of Yuba City, CA, in the amount of $426,417, and authorizing the Interim City Manager or his designee, to execute the contract.
    - Resolution authorizing an increase in the Director's authority to issue change orders for the Del Rio Replacement Well 271 Project from 10 percent ($42,642) to 25 percent ($106,604) of the construction contract amount.

    *Utilities; Robert Davalos, 571-5869, rdavalos@modestogov.com*

**ACTION: Resolution 2018-144 (Kenoyer/Madrigal; 7/0)** approving the plans and specifications for the Del Rio Replacement Well 271 Project, accepting the bid, and approving a contract with Nor-Cal Pump & Well Drilling, Inc., of Yuba City, CA, in the amount of $426,417, and authorizing the Interim City Manager or his designee, to execute the contract.

**ACTION: Resolution 2018-145 (Kenoyer/Madrigal; 7/0)** authorizing an increase in the Director's authority to issue change orders for the Del Rio Replacement Well 271 Project from 10 percent ($42,642) to 25 percent ($106,604) of the construction contract amount.

## COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer attended the Learning Quest Graduation ceremony on March 30, 2018.

Councilmember Madrigal attended Modesto Police Officers Association installation dinner

and the Easter Egg Hunt at Maddux Youth Center.

Councilmember Ridenour announced the Modesto Nuts Opening Night on April 12, 2018.

## CITY MANAGER COMMENTS & REPORTS

None.

## NEW BUSINESS

20. Consider supporting the Reducing Crime and Keeping California Safe Act of 2018. (Funding Source: Not Applicable)
    - Resolution in support of the Reducing Crime and Keeping California Safe Act of 2018.

    *Police; Galen Carroll, 572-9501, carrollg@modestopd.com*

**ACTION: Resolution 2018-146 (Zoslocki/Ridenour; 7/0)** in support of the Reducing Crime and Keeping California Safe Act of 2018.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 6:35 p.m.

## CLOSED SESSION

*All Closed Session Matters heard prior to meeting*

**PUBLIC EMPLOYEE APPOINTMENT**
**(Pursuant to Section 54957(b)(1) Government Code)**
Title: City Manager
City Auditor

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
**One Case (Pursuant to Section 54956.9(d)(1) of the Government Code)**
Name of case: Goodrum v. COM, et al
Case No. 2019311

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
**One Case (Pursuant to Section 54956.9(a) of the Government Code)**
Name of case(s): William Jones v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ10121678 and ADJ10122347

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
**Four Cases (Pursuant to Section 54956.9(d)(2) of the Government Code)**

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**
Agency Negotiators: Adam U. Lindgren, City Attorney
Norma Santoyo, Director of Human Resources
Employee: City Manager

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**
Agency Negotiators: Joseph P. Lopez, Interim City Manager
Norma Santoyo, Director of Human Resources
Employee: Auditor

Attest:_____
Stephanie Lopez, City Clerk

# MINUTES

City of Modesto

# CITY COUNCIL MEETING

**Chambers, Basement Level**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**
**Tuesday April 10, 2018, at 5:30 p.m.**

# CITY COUNCIL WORKSHOP

Roll Call – Present: Councilmembers Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
Absent: Councilmembers Ah You, Zoslocki

## PUBLIC COMMENT PERIOD

None.

1. Presentation by the Golf Courses Advisory Committee. (Funding Source: Not Applicable)
*Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com*

## ADJOURNMENT OF COUNCIL WORKSHOP

This Council Workshop adjourned at 4:48 p.m.

# CITY COUNCIL MEETING

* Via Conference Call

Councilmember Zoslocki

Washington Court Hotel

Lobby

525 New Jersey Ave., NW

Washington, DC

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki*, Mayor Brandvold
Absent: None

Pledge of Allegiance to the Flag

Invocation: Mike Gunnarson, City Ministry Network

City Clerk's Announcements: Items 10 and 11 - continued to future Council meeting dates

Mayor Brandvold introduced City Auditor Monica Houston

Declaration of Conflicts of Interest: None

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

## ACKNOWLEDGEMENTS AND PRESENTATIONS

2. Presentation of Certificate of Recognition to Kendall Wesenberg, for competing in the 2018 Winter Olympics. (Funding Source: Not Applicable)
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Brandvold and Council presented a Certificate of Recognition to Kendall Wesenberg, for competing in the 2018 Winter Olympics.

3. Presentation of Certificate of Recognition to Firoz Vohra for his dedication and service to the City of Modesto and Stanislaus County. (Funding Source: Not Applicable)
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Brandvold and Council presented a Certificate of Recognition to Firoz Vohra for his dedication and service to the City of Modesto and Stanislaus County.

4. Presentation of the City of Modesto's 29th Annual Earth Day in the Park Festival. (Funding Source: Not Applicable)
*Public Works; Vicki Rice, 577-5495, vrice@modestogov.com*

**ACTION:** Recycling Program Coordinator Vicki Rice gave a Presentation of the City of Modesto's 29th Annual Earth Day in the Park Festival.

## PUBLIC COMMENT PERIOD

- Samantha Bland spoke regarding the Patricia Parkette on Hintze Avenue and neighbor donations of $3,000 for the Parkette; she also spoke regarding the alley behind her home and clean-up on April 21, 2018 (Love Modesto and Earth Day) and requesting Gilton and Bertolotti to waive dumping fees.

- Janelle Haney spoke regarding Girl Scout Troop 1639 and the Children's Garden in La Loma Neighborhood; she requested assistance with installing a Children's Library Station and Art Pole in the Park on April 21, 2018 (Love Modesto).

- Deanna Garcia spoke regarding volunteering and community outreach in the City of

Modesto; she also spoke regarding cleaning up the alley behind 439 Maze Boulevard.

- Mike Herrero spoke regarding the Northgate Neighborhood, conditional uses along McHenry Avenue, and enforcing conditions of approval.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**
**ACTION CONSENT ITEMS 5-9: (Kenoyer/Madrigal; 7/0)**

**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 3, 2018 Council Meeting. (Funding Source: Not Applicable)
   - Motion approving the minutes from the April 3, 2018 Council Meeting.

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

**ACTION: Motion (Kenoyer/Madrigal; 7/0)** approving the minutes from the April 3, 2018 Council Meeting.

Consent
6. Consider reappointing Edith Awuah as a volunteer Administrative Hearing Officer. (Funding Source: Not Applicable)
   - Resolution reappointing Edith Awuah as a volunteer Administrative Hearing Officer.

   *City Attorney; Adam Lindgren, 577-5284, alindgren@modestogov.com*

**ACTION: Resolution 2018-147 (Kenoyer/Madrigal; 7/0)** reappointing Edith Awuah as a volunteer Administrative Hearing Officer.

Consent
7. Consider approving the submittal of a grant application to the Federal Transit Administration for Section 5339 transit funds in the amount of $1,014,188. (Funding Source: Federal Transit Administration Section 5339 FFY 2015-16 and 2016-17 formula apportionment)
   - Resolution approving the submittal of a grant application to the Federal Transit Administration for Section 5339 transit funds in the amount of $1,014,188.

   *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2018-148 (Kenoyer/Madrigal; 7/0)** approving the submittal of a grant application to the Federal Transit Administration for Section 5339 transit funds in the amount of $1,014,188.

Consent

8. Consider approving a list of projects to be submitted to the California Transportation Commission for potential funding with Road Repair and Accountability Act tax (SB1) proceeds in Fiscal Year 2018-19. (Funding Source: Senate Bill 1 Funds)
   - Resolution approving a list of projects to be submitted to the California Transportation Commission for potential funding with Road Repair and Accountability Tax (SB1) proceeds in Fiscal Year 2018-2019.

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

**ACTION: Resolution 2018-149 (Kenoyer/Madrigal; 7/0)** approving a list of projects to be submitted to the California Transportation Commission for potential funding with Road Repair and Accountability Tax (SB1) proceeds in Fiscal Year 2018-2019.

Consent

9. Consider approving two on-call Agreements for Materials Testing and Special Inspection Services, with Krazan Associates, Inc., and Construction Testing Services, for a two year term, for a total amount not to exceed $74,500 each; and approving a First Amendment to an Agreement with Krazan Associates, Inc., for special inspection and testing services for $25,000, for a total of not to exceed $75,000. (Funding Source: Various CIP'S)
   - Resolution approving an On-call Agreement with Krazan Associates, Inc., for Materials Testing and Special Inspection Services, for a two year term, not to exceed $74,500, and authorizing the Interim City Manager or his designee to execute the Agreement.
   - Resolution approving an On-call Agreement with Construction Testing Services, for Materials Testing and Special Inspection Services, for a two year term, not to exceed $74,500, and authorizing the Interim City Manager or his designee to execute the Agreement.
   - Resolution approving a First Amendment to the current contract with Krazan and Associates, Inc., for special inspection and testing services, in the amount of $25,000, for a total amount not to exceed $75,000, and authorizing the Interim City Manager or his designee to execute the Amendment.

   *Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com*

**ACTION: Resolution 2018-150 (Kenoyer/Madrigal; 7/0)** approving an On-call Agreement with Krazan Associates, Inc., for Materials Testing and Special Inspection Services, for a two year term, not to exceed $74,500, and authorizing the Interim City Manager or his designee to execute the Agreement.

**ACTION: Resolution 2018-151 (Kenoyer/Madrigal; 7/0)** approving an On-call Agreement with Construction Testing Services, for Materials Testing and Special Inspection Services, for a two year term, not to exceed $74,500, and authorizing the Interim City Manager or his designee to execute the Agreement.

**ACTION: Resolution 2018-152 (Kenoyer/Madrigal; 7/0)** approving a First Amendment to the current contract with Krazan and Associates, Inc., for special inspection and testing

services, in the amount of $25,000, for a total amount not to exceed $75,000, and authorizing the Interim City Manager or his designee to execute the Amendment.

## COUNCIL COMMENTS & REPORTS

Councilmember Ridenour requested updates on requests made at Council meetings.

Councilmember Kenoyer attended the Sixth Annual Sikh Awareness event and the American Legion Post 74 Veterans Public Safety Awards Dinner last night.

Councilmember Madrigal attended Sixth Annual Sikh Awareness Event and the Sikh Leader of the Year is Councilmember Mani Grewal; he also attended the American Legion Post 74 Veterans Public Safety Awards Dinner where Councilmember Ah You also received recognition; he also announced that the Project Prom Event was a success.

Councilmember Grewal announced Love Modesto and Earth Day on April 21, 2018 and need for additional volunteers.

## CITY MANAGER COMMENTS & REPORTS

None.

## HEARINGS

*Published in the Modesto Bee and Vida en el Valle on March 7, 2018; Continued to May 1, 2018 Council Meeting*

10. Hearing to consider approving the Fiscal Year 2018-2019 Annual Action Plan. (Funding Source: Not Applicable)
    - Item Continued to the May 1, 2018 City Council Meeting.

    *Community & Economic Development; Aaron Farnon, 577-5211, afarnon@modestogov.com*

**ACTION:** Item continued to the May 1, 2018 City Council Meeting

*Published in the Modesto Bee and Vida en el Valle on March 7, 2018; Continued to April 24, 2018 Council Meeting*

11. Hearing to consider approving Amendment No. 1 to City of Modesto Fiscal Year 2017-2018 Annual Action Plan and amending the Fiscal Year 2017-18 Annual Operating and Multi-Year Project budgets to reflect allocations approved in Amendment No. 1 to Fiscal Year 2017-18 Annual Action Plan. (Funding Source: Community Development Block Grant Entitlement Funds and Revolving Loan Funds)
    - Item Continued to the April 24, 2018 City Council Meeting.

    *Community & Economic Development; Aaron Farnon, 577-5211, afarnon@modestogov.com*

**ACTION:** Item Continued to the April 24, 2018 City Council Meeting.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 6:22 p.m.

## CLOSED SESSION

*All Closed Session Matters heard prior to and following the meeting*

**PUBLIC EMPLOYEE APPOINTMENT**
**(Pursuant to Section 54957(b)(1) Government Code)**
Title: City Manager

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
**One Case (Pursuant to Section 54956.9(d)(2) of the Government Code)**

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCEA**
Negotiator: Norma Santoyo
Employee Organization: Modesto City Employees Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCMA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Confidential & Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MPOA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Officers' Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MPNSA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Non-Sworn Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) –MPMA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCFFA**
Negotiator: Norma Santoyo
Employee Organization: Modesto City Firefighters Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**
Negotiator: Norma Santoyo
Employee Organization: Unrepresented Management and Confidential Employees

Attest:_____
Stephanie Lopez, City Clerk

# MINUTES

**City of Modesto**

# ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP

**Second Floor, Room 2008**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**

**Wednesday, April 11, 2018, at 2:00 p.m.**

Roll Call: Present: Mayor Brandvold, Councilmembers Madrigal and Ridenour (alternate)
Absent: Councilmember Zoslocki

## PUBLIC COMMENTS

None.

## CONSENT

Consent

1. Consider accepting the Destination Modesto Report for the Second Quarter – Fiscal Year 2017-18 and forwarding to Council for approval. (Funding Source: Transient Occupancy Tax)

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

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** accepting the Destination Modesto Report for the Second Quarter – Fiscal Year 2017-18 and forwarding to Council for approval.

## NEW BUSINESS

2. Consider approving an Agreement with Goodwin Consulting Group, in an average annual amount of $52,000, not to exceed $155,200 over three years, for the administration of the City Community Facilities Districts and forward to Council for approval. (Funding Source: Various Community Facilities Districts)

*Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** approving an Agreement with Goodwin Consulting Group, in an average annual amount of $52,000, not to exceed $155,200 over three years, for the administration of the City Community Facilities Districts and forward to Council for approval.

3. Consider Purchase Agreements for material hauling services from Destination Anywhere, Tracy, CA, and California Materials, Inc., Stockton, CA, for a combined annual cost not to exceed $364,500 and not to exceed $1,822,500 over five years and forwarding to Council for approval. (Funding Source: Wastewater, Water, Storm Drain and Surface Transportation Funds)

   *Utilities; Robert Englent, 577-6222, renglent@modestogov.com*

**ACTION: Motion (Madrigal/Ridenour; 3/0)** approving Purchase Agreements for material hauling services from Destination Anywhere, Tracy, CA, and California Materials, Inc., Stockton, CA, for a combined annual cost not to exceed $364,500 and not to exceed $1,822,500 over five years and forwarding to Council for approval.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 2:11 p.m.

Attest:_____
Joseph Lopez, Interim City Manager

# MINUTES

**City of Modesto**

# SPECIAL FINANCE COMMITTEE / COUNCIL WORKSHOP

**Second Floor, Room 2008**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**

**Monday, April 23, 2018, at 3:00 p.m.**

Roll Call: Present: Councilmembers Ah You, Zoslocki, Kenoyer (alternate)
Absent: Councilmember Grewal

## PUBLIC COMMENTS

None.

## CONSENT ITEMS

Consent

1. Consider the cancellation of seven completed bids for twenty-five vehicles and pieces of equipment from various vendors and forwarding to Council for approval. (Funding Source: Various City Department Funds)

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

**ACTION: Motion (Kenoyer/Zoslocki; 3/0)** approving the cancellation of seven completed bids for twenty-five vehicles and pieces of equipment from various vendors and forwarding to Council for approval.

Consent

2. Consider accepting a sole source purchase with Avail Technologies, Inc., State College, PA, for replacement cellular modems utilized by Modesto Area Express for a three year Agreement, with a total cost not to exceed $331,160 and forwarding to Council for approval. (Funding Source: Federal Transit Funds)

*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 3/0)** accepting a sole source purchase with Avail Technologies, Inc., State College, PA, for replacement cellular modems utilized by Modesto Area Express for a three year Agreement, with a total cost not to exceed $331,160 and forwarding to Council for approval.

Consent

3. Consider the supplemental payment of Local Transportation Funds for Fiscal Year 2016-17 from the Stanislaus Council of Governments to offset the shortfall in State Transit Assistance Funds in the amount of $308,775 and forward to Council for approval. (Funding Source: Transportation Development Act Funds)

   *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 3/0)** the supplemental payment of Local Transportation Funds for Fiscal Year 2016-17 from the Stanislaus Council of Governments to offset the shortfall in State Transit Assistance Funds in the amount of $308,775 and forward to Council for approval.

**NEW BUSINESS**

4. Consider a new Purchase Agreement with American Chiller Inc., in an amount not to exceed $75,000, for repairs and maintenance of the climate control system for the Modesto Centre Plaza facility and forward to Council for approval. (Funding Source: Cultural Services Administration - Fund 4700)

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

**ACTION: Motion (Zoslocki/Kenoyer; 3/0)** approving a new Purchase Agreement with American Chiller Inc., in an amount not to exceed $75,000, for repairs and maintenance of the climate control system for the Modesto Centre Plaza facility and forward to Council for approval.

5. Consider accepting an informational update on the Residential Parking Permit Zones and forwarding to Council for approval. (Funding Source: Not Applicable)

   *Finance; Jennifer Martin, 571-5892, jmartin@modestogov.com*

**ACTION: Motion (Zoslocki/Kenoyer; 3/0)** accepting an informational update on the Residential Parking Permit Zones and forwarding to Council for approval.

6. Consider accepting an update on the City's Debt Management Policy and forwarding to Council for approval. (Funding Source: Not Applicable)

   *Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 3/0)** accepting an update on the City's Debt Management Policy and forwarding to Council for approval.

7. Consider the award of bid and contract with Telcion Inc, of Turlock, CA for the procurement of Cisco communications equipment and deployment services (upgrade of network equipment) with a three-year maintenance Agreement for an estimated cost of $1,540,000 with a 5% contingency in the amount of $77,000, for a total amount not to exceed $1,617,000; amending the Fiscal Year 2017-18 Operating and Capital Improvement Budgets in the amount of $1,617,000 and forwarding to Council for approval. (Funding Source: Information Technology Fund)

   *Information Technology; Kevin Harless, 571-5593, kharless@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 3/0)** approving the award of bid and contract with Telcion Inc, of Turlock, CA for the procurement of Cisco communications equipment and deployment services (upgrade of network equipment) with a three-year maintenance Agreement for an estimated cost of $1,540,000 with a 5% contingency in the amount of $77,000, for a total amount not to exceed $1,617,000; amending the Fiscal Year 2017-18 Operating and Capital Improvement Budgets in the amount of $1,617,000 and forwarding to Council for approval.

8. Consider the City's sponsorship of the 20th Annual 2018 North Modesto Kiwanis Graffiti Parade and Car Show, including the waiver of City permit fees, Police Department overtime and vehicle costs, and Streets Division labor and equipment costs at an estimated value of $59,121, and forwarding to Council for approval. (Funding Source: General Fund)

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

**ACTION: Motion (Kenoyer/Zoslocki; 3/0)** approving the City's sponsorship of the 20th Annual 2018 North Modesto Kiwanis Graffiti Parade and Car Show, including the waiver of City permit fees, Police Department overtime and vehicle costs, and Streets Division labor and equipment costs at an estimated value of $59,121, and forwarding to Council for approval.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 3:35 p.m.

Attest:_____
Joseph Lopez, Interim City Manager

# MINUTES

City of Modesto

## CITY COUNCIL MEETING

**Chambers, Basement Level**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**
**Tuesday April 24, 2018, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
Absent: Councilmembers Grewal, Ridenour

Pledge of Allegiance to the Flag

Invocation: Lyn Crase, Emmanuel Lutheran Church

City Clerk's Announcements: Item 12 - continued to May 22, 2018 Council meeting

Declaration of Conflicts of Interest: None

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

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation proclaiming April 26th Arbor Day in the City of Modesto. (Funding Source: Not Applicable)
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION**: Mayor Brandvold presented a Proclamation proclaiming April 26th Arbor Day in the City of Modesto.

2. Presentation of Measure L Check by Rosa Park, Executive Director, Stanislaus Council of Governments. (Funding Source: Not Applicable)
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Rosa Park, Executive Director of the Stanislaus Council of Governments, presented a Measure L Check to the City of Modesto.

### MISCELLANEOUS

Legislation
Appointments
Other

3. Consider appointing Patrick Cavanah to the City of Modesto Culture Commission as a voter residing in the City of Modesto, with a term expiration of April 24, 2022. (Funding Source: Not Applicable)
   - Resolution approving the appointment of Patrick Cavanah to the City of Modesto Culture Commission as a voter residing in the City of Modesto, with a term expiration of April 24, 2022.

   *Community & Economic Development; Laurie Smith, 277-5347, lsmith@modestogov.com*

**ACTION: Resolution 2018-153 (Kenoyer/Zoslocki; 5/0; Grewal, Ridenour absent)** approving the appointment of Patrick Cavanah to the City of Modesto Culture Commission as a voter residing in the City of Modesto, with a term expiration of April 24, 2022.

## PUBLIC COMMENT PERIOD

- Ray Pefferini spoke regarding trees in the City of Modesto.
- Bobby Grays spoke regarding being evicted from his home in Modesto; Councilmember Madrigal referred him to Project Sentinel located at 1231 8th St, Modesto, CA.
- Sebastian Jones spoke regarding the homeless and rent control in Modesto.
- John Mataka spoke regarding homeless, restricted housing and rent control in Modesto.
- Kevin McCarty spoke in favor of eliminating term limits for Councilmembers.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**
**ACTION CONSENT ITEMS 4-11: (Kenoyer/Zoslocki; 5/0; Grewal, Ridenour absent)**

## 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 April 10, 2018 Council Meeting. (Funding Source: Not Applicable)
   - Motion approving the minutes from the April 10, 2018 Council Meeting.

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

**ACTION: Motion (Kenoyer/Zoslocki; 5/0; Grewal, Ridenour absent)** approving the minutes from the April 10, 2018 Council Meeting.

Consent

5. Consider approving a Homebuyer Assistance Loan in an amount not to exceed $60,000, including gap financing and related closing costs, for Lorenzo Villegas and Ana Villegas for the purchase of property located at 2324 Dora Street, Modesto, California, 95354. (Funding Source: Home Investment Partnerships Program)
   - Resolution approving a Homebuyer Assistance Loan in an amount not to exceed $60,000, including gap financing and related closing costs, for Lorenzo Villegas and Ana Villegas for the purchase of property located at 2324 Dora Street, Modesto, California, 95354, and authorizing the Interim City Manager or his designee, to execute the documents.

   *Community & Economic Development; Aaron Farnon, 577-5211, hjones@modestogov.com*

**ACTION: Resolution 2018-154 (Kenoyer/Zoslocki; 5/0; Grewal, Ridenour absent)** approving a Homebuyer Assistance Loan in an amount not to exceed $60,000, including gap financing and related closing costs, for Lorenzo Villegas and Ana Villegas for the purchase of property located at 2324 Dora Street, Modesto, California, 95354, and authorizing the Interim City Manager or his designee, to execute the documents.

Consent

6. Consider approving the recommended budget adjustments to the Fiscal Year 2017-18 Annual Operating and Capital Improvement Project Budgets. (Funding Source: Stanislaus Drug Enforcement Agency Fund and Wastewater Fund)
   - Resolution amending Fiscal Year 2017-18 Annual Operating and Capital Improvement Project Fund Budgets.

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

**ACTION: Resolution 2018-155 (Kenoyer/Zoslocki; 5/0; Grewal, Ridenour absent)** amending Fiscal Year 2017-18 Annual Operating and Capital Improvement Project Fund Budgets.

Consent

7. Consider approving an informational report on the January and February 2018 grant applications and awards. (Funding Source: Not Applicable)
   - Motion accepting an informational report for the January and February 2018 grant applications and awards.

   *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 5/0; Grewal, Ridenour absent)** accepting an informational report for the January and February 2018 grant applications and awards.

Consent

8. Consider approving a Lease Agreement with Suzanne McElroy for the Modesto Police Department Property and Evidence Building located at 1124 F Street, Modesto, CA.,

for an amount not to exceed $3,300 monthly, $39,600 annually and $198,000 over the five-year term. (Funding Source: General Fund)

- Resolution approving a lease agreement with Suzanne McElroy for the Modesto Police Department Property and Evidence Building located at 1124 F Street, Modesto, CA., for an amount not to exceed $3,300 monthly, $39,600 annually and $198,000 over the five-year term; and authorizing the Interim City Manager, or his designee, to execute the lease agreement.

*Police; Galen Carroll, 572-9501, carrollg@modestopd.com*

**ACTION: Resolution 2018-156 (Kenoyer/Zoslocki; 5/0; Grewal, Ridenour absent)** approving a lease agreement with Suzanne McElroy for the Modesto Police Department Property and Evidence Building located at 1124 F Street, Modesto, CA., for an amount not to exceed $3,300 monthly, $39,600 annually and $198,000 over the five-year term; and authorizing the Interim City Manager, or his designee, to execute the lease agreement.

Consent

9. Consider approving the real property at 119 South G Street in Empire, formerly Well Site No. 311, as exempt surplus property, a purchase and sale agreement with Mark Little and Joan Little for the purchase of said property in the amount of $40,000, and confirm detachment of a non-contiguous City property and revert the property back to unincorporated status within the County of Stanislaus. (Funding Source: Water Fund)

   - Resolution declaring the City-owned parcel located on 119 G Street in Empire (APN 133-16-007) as surplus property.
   - Resolution approving a Purchase and Sale Agreement with Mark Little and Joan Little, husband and wife, for sale of 14,000 square feet of surplus real property, located at 119 G Street, in Empire, (APN 133-016-007), and authorizing the Interim City Manager, or his designee, to execute the Agreement, grant deed, and all related documents required to close escrow.
   - Resolution confirming detachment of a non-contiguous City property located at 119 G Street in Empire (APN 133-016-007), reverting the property back to unincorporated status within the County of Stanislaus and authorizing application to the Stanislaus Local Agency Formation Commission to annex the territory back to the Stanislaus Consolidated Fire Protection District and authorizing the Interim City Manager, or his designee, to execute any and all necessary documents required for City detachment and application for annexation to the Stanislaus Consolidated Fire Protection District.

   *Utilities; Jon Yuriar, 577-5399, jyuriar@modestogov.com*

**ACTION: Resolution 2018-157 (Kenoyer/Zoslocki; 5/0; Grewal, Ridenour absent)** declaring the City-owned parcel located on 119 G Street in Empire (APN 133-16-007) as surplus property.

**ACTION: Resolution 2018-158 (Kenoyer/Zoslocki; 5/0; Grewal, Ridenour absent)** approving a Purchase and Sale Agreement with Mark Little and Joan Little, husband and wife, for sale of 14,000 square feet of surplus real property, located at 119 G Street, in Empire, (APN 133-016-007), and authorizing the Interim City Manager, or his designee, to execute the

Agreement, grant deed, and all related documents required to close escrow.

**ACTION: Resolution 2018-159 (Kenoyer/Zoslocki; 5/0; Grewal, Ridenour absent)** confirming detachment of a non-contiguous City property located at 119 G Street in Empire (APN 133-016-007), reverting the property back to unincorporated status within the County of Stanislaus and authorizing application to the Stanislaus Local Agency Formation Commission to annex the territory back to the Stanislaus Consolidated Fire Protection District and authorizing the Interim City Manager, or his designee, to execute any and all necessary documents required for City detachment and application for annexation to the Stanislaus Consolidated Fire Protection District.

Consent

10. Consider rejecting all bids for the Modesto Police Department's Heating, Venting and Air Conditioning Renovation Project for the Department's Operations Building and authorizing staff to re-advertise the project at a future date with an amended scope of work. (Funding Source: MPD Building Services General Fund)
    - Resolution rejecting all bids for the Modesto Police Department's Heating, Venting and Air Conditioning Renovation Project for the Department's Operations Building and authorizing staff to re-advertise the project at a future date with an amended scope of work.

    *Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Resolution 2018-160 (Kenoyer/Zoslocki; 5/0; Grewal, Ridenour absent)** rejecting all bids for the Modesto Police Department's Heating, Venting and Air Conditioning Renovation Project for the Department's Operations Building and authorizing staff to re-advertise the project at a future date with an amended scope of work.

Consent

11. Consider approving additional one-time software implementation costs associated with the Computerized Maintenance Management Systems from Lucity, Inc., Overland Park, KS, for $4,500, and ESRI GIS from Environmental Systems Research Institute, Inc., Redlands, CA, for $17,200. (Funding Source: Water, Wastewater and Stormwater Funds)
    - Resolution approving additional one-time software implementation costs associated with the Computerized Maintenance Management Systems from Lucity, Inc., Overland Park, KS, for $4,500, and ESRI GIS from Environmental Systems Research Institute, Inc., Redlands, CA, for $17,200, and authorizing the Purchasing Manager, or her designee, to execute a Purchase Agreement.

    *Utilities; Robert Englent, 577-6222, renglent@modestogov.com*

**ACTION: Resolution 2018-161 (Kenoyer/Zoslocki; 5/0; Grewal, Ridenour absent)** approving additional one-time software implementation costs associated with the Computerized Maintenance Management Systems from Lucity, Inc., Overland Park, KS, for $4,500, and ESRI GIS from Environmental Systems Research Institute, Inc., Redlands, CA, for $17,200, and authorizing the Purchasing Manager, or her designee, to execute a Purchase Agreement.

## COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer went by train to the League of California Cities Legislative Action Day to Sacramento on April 18, 2018; she also attended Special Olympics, Earth Day and Love Modesto events on April 21, 2018.

Councilmember Madrigal also attended the following events: League of California Cities Legislative Action Day on April 18, 2018, Measure L Public Information meeting last week, and a Ballet Folklorico event; he also participated in Love Modesto on April 21, 2018.

## CITY MANAGER COMMENTS & REPORTS

None.

## HEARINGS

*Published in the Modesto Bee and Vida en el Valle on March 7, 2018; Continued from April 10, 2018 Council Meeting;* ***Continued to May 22, 2018 Council Meeting***

12. Hearing to consider approving Amendment No. 1 to City of Modesto Fiscal Year 2017-2018 Annual Action Plan and amending the Fiscal Year 2017-18 Annual Operating and Multi-year Project budgets to reflect allocations approved in Amendment No. 1 to Fiscal Year 2017-18 Annual Action Plan. (Funding Source: Community Development Block Grant Entitlement Funds and Revolving Loan Funds)
    - Continued to May 22, 2018 Council Meeting.

    *Community & Economic Development; Aaron Farnon, 577-5211, afarnon@modestogov.com*

**ACTION:** Continued to May 22, 2018 Council Meeting.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 6:15 p.m.

## CLOSED SESSION

*All Closed Session Matters heard prior to meeting*

## CONSENT ITEM

1. Consider appointing Real Property Negotiators Rosalyn Ziegler, Right-of-Way Consultant with Associated Right of Way Services and Adam U. Lindgren, City Attorney for Properties: APN: 082-009-003, 082-009-005, 082-009-007, 082-009-009 and 082-009-014.

- Motion appointing Real Property Negotiators Rosalyn Ziegler, Right-of-Way Consultant with Associated Right of Way Services and Adam U. Lindgren, City Attorney for Properties: APN: 082-009-003, 082-009-005, 082-009-007, 082-009-009 and 082-009-014.

City Attorney, Adam Lindgren, 577-5284, alindgren@modestogov.com

**ACTION: Motion (Madrigal; Kenoyer; 4/0; Ah You, Grewal, Ridenour absent)** appointing Real Property Negotiators Rosalyn Ziegler, Right-of-Way Consultant with Associated Right of Way Services and Adam U. Lindgren, City Attorney for Properties: APN: 082-009-003, 082-009-005, 082-009-007, 082-009-009 and 082-009-014.

## CLOSED SESSION

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
**Three Cases (Pursuant to Section 54956.9(d)(2) of the Government Code)**

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**
**(Pursuant to Section 54956.8 of the Government Code)**
Property: 301 Claratina Avenue, Modesto, CA (APN: 082-009-003)
Property Owners: Central California Conference Association of Seventh-Day Adventists, a Religious Corporation

Property: 341 Claratina Avenue, Modesto, CA (APN: 082-009-005)
Property Owners: Liberty Landmark Missionary Baptist Church

Property: 407 Claratina Avenue, Modesto, CA (APN: 082-009-007)
Property Owners: Ravi K Gogna & Harjit R. Gogna

Property: 525 Claratina Avenue, Modesto, CA (APN: 082-009-009)
Property Owners: Margarita L. Fernandez

Property: 325 Claratina Avenue, Modesto, CA (APN: 082-009-014)
Property Owners: Randy L. Butler & Melinda D. Butler

Negotiating Parties:
For City: Rosalyn Ziegler, Right-of-Way Consultant with Associated Right of Way Services
Adam U. Lindgren, City Attorney for City of Modesto
For Property Owner: Property Owners
Under Negotiation: Price and Terms

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCEA**
Negotiator: Norma Santoyo
Employee Organization: Modesto City Employees Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCMA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Confidential & Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MPOA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Officers' Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MPNSA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Non-Sworn Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) –MPMA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCFFA**
Negotiator: Norma Santoyo
Employee Organization: Modesto City Firefighters Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**
Negotiator: Norma Santoyo
Employee Organization: Unrepresented Management and Confidential Employees

Attest:_____
Stephanie Lopez, City Clerk

# 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**
**Monday, April 30, 2018 at 9:00 a.m.**

Roll Call - Present: Mani Grewal (arrived at 10:57 a.m.), Kristi Ah You (arrived at 9:43 a.m.), Bill Zoslocki
Absent: None
Also Present: Mayor Brandvold, Councilmembers Madrigal, Kenoyer

**PUBLIC COMMENT PERIOD**
**Three minute time limit per speaker**

None.

View the 2018/2019 Proposed Operating Budget

**NEW BUSINESS**

**Monday, April 30, 2018**

**Budget Overview**

- Budget Overview Presentation
  - Revenue (Major) and Departmental (General Fund)
  - Expenses
    - Appropriation Units A, B, and C
      - High Level General Fund Departmental Expenses

Interim City Manager Joe Lopez gave Presentation and Budget Overview.

Budget Manager Stephan Christensen gave Presentation: The Financial Picture; Closing the Initial Shortfall (Shortfall = $17.13 Million); Fiscal Year 2018-19 General Fund Proposed Revenues; Total General Fund Revenues; Property Tax – Property and VLF; Sales and Use Tax; Utility Users Tax; Transient

Occupancy Tax; Construction Revenues; Fiscal Year 2018-19 General Fund Proposed Expenses; Total General Fund Expenses; Overall General Fund Expense by Appropriation Unit; Fiscal Year 2018-2018 General Fund Proforma.

*Councilmember Madrigal left meeting at 10:00 a.m.*

*Recess at 10:10 a.m.*
*Reconvened at 10:18 a.m.*

**Fund Presentations**

- **Internal Service Funds**
    - Human Resources Department
        - Worker's Compensation
        - Liability
        - Employee Benefits

Human Resources Director Norma Santoyo gave Presentation: Workers' Compensation & General Liability Funds and Employee Benefits Fund – ISF Overview; Department Org Chart; FTE Count History; Workers' Comp & Liability Fund Cost Allocation Methods; Risk Administration Expenses; Workers' Comp Financials; Workers' Comp Fund History and Projection (5320); General Liability Fund Financials; General Liability Fund History and Projection; Ms. Santoyo also gave Employee Benefits Fund Cost Allocation Method; Fund 5510; Fund 5520; EBF Administration Expense Budget; Employee Benefits Financials; Employee Benefits Fund History and Projection; Department Proposed Reductions; Department Division Priorities.

    - Information Technology
        - Software Maintenance/Contracts Update

Chief Information Officer Charlie Haase gave Presentation: IT Department Overview; IT Department Org Chart; IT Department Staffing; Revenue by Division; Expense by Appropriation Unit; Revenue/Expense Comparison; Business Applications Division Priorities – What we Accomplish with Current Resources; What we are Not Getting Done; What We Accomplish with Current Resources; Annual Software Maintenance Fiscal Year 2017-2018; Annual Software Maintenance Fiscal Year 2018-2019.

    - Fleet

Public Works Director Bill Sandhu gave Presentation: Fleet Division Staffing; Fleet Division Staff Breakdown; Fleet Revenues; Fleet Expenses.

*Recess at 11:50 a.m.*
*Reconvened at 1:15 p.m.*

- **Utilities Funds (Water, Wastewater, Storm Drain)**
    - Utilities Department

Utilities Director Will Wong gave Presentation: Department Overview; Org Chart Current Staffing Allocations; 273 Full-Time Employees; FTE Count; Department Revenue by Fund; Total Revenue by Fund;

Expense by Appropriation Unit; Water Expenses (4100) - Expense by Appropriation Unit; Wastewater Expenses (4210) – Expense by Appropriation Unit; Storm Drain Expenses (4480) – Accomplishments, Priorities, Proposed Adjustments; Wastewater Fund (4210) Accomplishments, Priorities, Proposed Adjustments; Wastewater Fund (4480) Accomplishments and Priorities; Construction Administration (1300) Accomplishments and Priorities; Proposed Adjustments – Expenditure Increases.

- **Public Works Department (Overview)**

Public Works Director Bill Sandhu gave Presentation: Department Org Chart – 211 Full-Time Employees; Current Staffing Allocations; FTE Count; Administration Revenues; GoModesto Requests.

- **Surface Transportation Fund**
    - Public Works Department

Public Works Director Bill Sandhu gave Presentation: Street Services Org Chart; Street Services Staff; Traffic Services Org Chart; Traffic Services Staff; Surface Transportation Fund Revenues; Surface Transportation Fund Expenses; Budget Adjustment Requests.

- **Solid Waste Fund**
    - Public Works Department

Public Works Director Bill Sandhu gave Presentation: Solid Waste Org Chart; Staff Breakdown; Revenues; Expenses; Adjustments.

- **Airport Fund**
    - Public Works Department

Public Works Director Bill Sandhu gave Presentation: Org Chart; Airport Staffing; Airport Fund Revenues; Airport Fund Expenses.

- **Building Services**
    - Public Works Department

Public Works Director Bill Sandhu gave Presentation: Org Chart; Staffing; Building Services Revenue; Building Services Expenses.

- **Forestry/Green Waste**

Public Works Director Bill Sandhu gave Presentation: Org Chart; Staff Breakdown; Green Waste Revenues; Green Waste Expenses; Storm Drain Fund Revenues; Storm Drain Fund Expenses; Solid Waste Service Rate Study; Solid Waste Rate Study Recommendations.

- **Parking**

Public Works Director Bill Sandhu gave Presentation: Staffing; Parking Fund Revenues; Parking Fund Expenses.

- **Transit Funds**

Public Works Director Bill Sandhu gave Presentation: Org Chart; Staff Breakdown; Revenues; Expenses.

- **Parks**

Public Works Director Bill Sandhu gave Presentation: Staffing (Parks Operations Services, Grogan Sports Complex and Tagging Abatement); Revenues; Expenses; Proposed Adjustment Requests; Reductions.

*Recess at 3:00 p.m.*
*Reconvened at 3:14 p.m.*

- **General Fund**
  - City Manager's Office

Interim City Manager Joe Lopez gave Presentation: Overview; Org Chart; FTE Count; Expense by Appropriation Unit; Proposed Reductions; Priorities for Fiscal Year 2018-2019.

  - City Attorney's Office

City Attorney Lindgren gave Presentation: Org Chart; Overview; FTE Count; Salary and Benefit Expense; Discretionary Expense; Total Expenses; Department Utilization from CAO General Fund; Department Goals for Fiscal Year 2018-19.

  - City Clerk's Office

City Clerk Stephanie Lopez gave Presentation: Overview; Org Chart; FTE Count; Expense and Revenue by Appropriation Unit; Proposed Reductions; Priorities.

  - City Auditor

No reportable action.

  - Human Resources Department

Human Resources Director Norma Santoyo gave Presentation: Overview; Org Chart; FTE Count History; Revenue; Expenses; Proposed Reductions; Priorities.

  - Finance Department

Finance Director DeAnna Christensen gave Presentation: Overview; Org Chart; FTE Count; Revenue by Division; Expenses by Appropriation Unit – General Fund; Expenses by Appropriation Unit – Water Fund; Department Proposed Reductions; Department Proposed Increases Revenues; Department Division – Accomplishments; Delay in Completion; Adjustment Request (restructure Customer Service Division); Restructure Purchasing Division.

## MATTERS TOO LATE FOR THE AGENDA

None.

This meeting adjourned at 4:30 p.m.; will reconvene on Wednesday, May 2, 2018 at 1:00 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 May 01, 2018, at 5:30 p.m.**

Roll Call – Present: Councilmembers Absent: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
Absent: Councilmember Ridenour

Pledge of Allegiance to the Flag

Invocation: Mayor Brandvold led the Council and public in a moment of silence

City Clerk's Announcements: Item 9 - continued to May 22, 2018 Council meeting

Declaration of Conflicts of Interest: Grewal - Item 10

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

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to the Commission on Aging declaring May 2018 as Older Americans Month. (Funding Source: Not Applicable)
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Brandvold and Council presented a Proclamation to the Commission on Aging declaring May 2018 as Older Americans Month.

### MISCELLANEOUS

Legislation
Appointments
Other

2. Consider approving the appointment of Ameet Birring as the Planning Commission representative to the Citizens Housing and Community Development Committee with a term expiration of January 1, 2019. (Funding Source: Not Applicable)
   - Resolution approving the appointment of Ameet Birring as the Planning Commission representative to the Citizens Housing and Community Development Committee (CH&CDC) with a term expiration of January 1, 2019.

   *Community & Economic Development; Patrick Kelly, 577-5267,*

*pkelly@modestogov.com*

**ACTION: Resolution 2018-162 (Kenoyer/Grewal; 6/0; Ridenour absent)** approving the appointment of Ameet Birring as the Planning Commission representative to the Citizens Housing and Community Development Committee (CH&CDC) with a term expiration of January 1, 2019.

3. Consider appointing Nicholas Sottero to the Disabled Access Appeals Board with a term expiration of January 1, 2022. (Funding Source: Not Applicable)
   - Resolution appointing Nicholas Sottero to the Disabled Access Appeals Board with a term expiration of January 1, 2022.

   *Community & Economic Development; Thomas Trimberger, 577-5242, ttrimberger@modestogov.com*

**ACTION: Resolution 2018-163 (Madrigal/Kenoyer; 6/0; Ridenour absent)** appointing Nicholas Sottero to the Disabled Access Appeals Board with a term expiration of January 1, 2022.

4. Consider appointing John Bergman to the Board of Building Appeals with a term expiration of January 1, 2022. (Funding Source: Not Applicable)
   - Resolution appointing John Bergman to the Board of Building Appeals with a term expiration date of January 1, 2022.

   *Community & Economic Development; Thomas Trimberger, 577-5242, ttrimberger@modestogov.com*

**ACTION: Resolution 2018-164 (Zoslocki/Ah You; 6/0; Ridenour absent)** appointing John Bergman to the Board of Building Appeals with a term expiration date of January 1, 2022.

## PUBLIC COMMENT PERIOD

- Maggie Countryman spoke regarding the Board of Zoning Adjustment, code enforcement, and permits in Modesto.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**
**ACTION CONSENT ITEMS 5-8: (Kenoyer/Ah You; 6/0; Ridenour absent)**

## 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, 2018 Council Meeting. (Funding Source: Not Applicable)
   - Motion approving the minutes from the April 24, 2018 Council Meeting.

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

**ACTION: Motion (Kenoyer/Ah You; 6/0; Ridenour absent)** approving the minutes from the April 24, 2018 Council Meeting.

Consent

6. Consider authorizing submittal of a grant application to seek grant funding for the State Active Transportation Program Cycle 4 grant in the amount of $4,800,000 for an Encina Avenue and Lincoln Avenue Pedestrian/Bicycle Trail Corridor Project. (Funding Source: State of California ATP Grant, Local Funds – Measure L & CFF-Air Quality)
   - Resolution authorizing submittal of a grant application to seek grant funding for the state active transportation program cycle 4 grant in the amount of $4,800,000 for the Encinca Avenue and Lincoln Avenue Pedestrian/Bicycle Trail Corridor Project and authorizing the Interim City Manager, or his designee, to conduct all negotiations, execute and submit all documents.

   *Community & Economic Development; Vickey Dion, 571-5442, vdion@modestogov.com*

**ACTION: Resolution 2018-165 (Kenoyer/Ah You; 6/0; Ridenour absent)** authorizing submittal of a grant application to seek grant funding for the state active transportation program cycle 4 grant in the amount of $4,800,000 for the Encinca Avenue and Lincoln Avenue Pedestrian/Bicycle Trail Corridor Project and authorizing the Interim City Manager, or his designee, to conduct all negotiations, execute and submit all documents.

Consent

7. Consider accepting an informational report for the March 2018 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
   - Motion accepting an informational report for the March 2018 Accounts Payable Payment Register and Void report.

   *Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 6/0; Ridenour absent)** accepting an informational report for the March 2018 Accounts Payable Payment Register and Void report.

Consent

8. Consider accepting the Monthly Investment Report for February 2018. (Funding Source: Various Funds)
   - Motion accepting the Monthly Investment Report for February, 2018.

   *Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 6/0; Ridenour absent)** accepting the Monthly Investment Report for February, 2018.

## COUNCIL COMMENTS & REPORTS

Councilmember Madrigal participated in the "Walk a Mile in Her Shoes" event last Saturday; he also attended the American Legion Loyalty Awards last week.

Councilmember Kenoyer spoke regarding about her grand-nephew's basketball game over the weekend and her granddaughter playing soccer in Europe.

## CITY MANAGER COMMENTS & REPORTS

None.

## HEARINGS

*Published in the Modesto Bee and Vida en el Valle on March 7, 2018; Continued from April 10, 2018 Council Meeting;* ***Continued to May 22, 2018 Council Meeting***

9. Hearing to consider approving the Fiscal Year 2018-2019 Annual Action Plan. (Funding Source: Not Applicable)
   - Continued to the May 22, 2018 Council Meeting.

   *Community & Economic Development; Aaron Farnon, 577-5211, afarnon@modestogov.com*

**ACTION:** Continued to the May 22, 2018 Council Meeting.

*Published in the Modesto Bee on April 10, 2018; Councilmember Grewal absent due to conflict of interest*

10. Consider approving the application of Costa Limited Partners LP for Specific Plan Amendment No. 7 to the Kiernan Business Park Specific Plan, to change the land use designation of 2.8 acres from Office (O) to Regional Commercial (RC). (Funding Source: General Fund)
    - Resolution approving Amendment No. 7 to the Kiernan Business Park Specific Plan to change the land use designation of 2.8 acres from Office (O) uses to Regional Commercial (RC) uses, property located on Pelandale Avenue east of Chapman Road.

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

**ACTION: Resolution 2018-166 (Zoslocki/Ah You; 5/0; Grewal absent due to conflict of interest; Ridenour absent)** approving Amendment No. 7 to the Kiernan Business Park Specific Plan to change the land use designation of 2.8 acres from Office (O) uses to Regional Commercial (RC) uses, property located on Pelandale Avenue east of Chapman Road.

## NEW BUSINESS

11. Consider approving the City's sponsorship of the 20th Annual 2018 North Modesto Kiwanis Graffiti Parade and Car Show, including the waiver of City permit fees, Police Department overtime and vehicle costs, and Streets Division labor and equipment costs at an estimated cost of $59,121. (Funding Source: General Fund)
    - Resolution approving the City's sponsorship of the 20th Annual 2018 North

Modesto Kiwanis Graffiti Parade and Car show, including the waiver of City permit fees, Police Department overtime and vehicle costs, and Streets Division labor and equipment costs at an estimated cost of $59,121.

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

**ACTION: Resolution 2018-167 (Zoslocki/Ah You; 6/0; Ridenour absent)** approving the City's sponsorship of the 20th Annual 2018 North Modesto Kiwanis Graffiti Parade and Car show, including the waiver of City permit fees, Police Department overtime and vehicle costs, and Streets Division labor and equipment costs at an estimated cost of $59,121.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 6:35 p.m.

## CLOSED SESSION

*All Closed Session Matters heard prior to meeting*

## CONSENT ITEM

1. Consider appointing Real Property Negotiators Joseph P. Lopez and Adam U. Lindgren, City Attorney for Property: APN: 039-010-220

- Motion appointing Real Property Negotiators Joseph P. Lopez and Adam U. Lindgren, City Attorney for Property: APN: 039-010-220. City Attorney, Adam Lindgren, 577-5284, alindgren@modestogov.com

## CLOSED SESSION

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
**One Case (Pursuant to Section 54956.9(d)(2) of the Government Code)**

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**
**(Pursuant to Section 54956.8 of the Government Code)**
Property: 2846 Finch Rd. APN: 039-010-220
Property Owners: City of Modesto/Stanislaus County
Negotiating Parties:
For City: Joseph P. Lopez, Interim City Manager
Adam U. Lindgren, City Attorney for City of Modesto
Under Negotiation: Price and Terms

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCEA**
Negotiator: Norma Santoyo
Employee Organization: Modesto City Employees Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCMA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Confidential & Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MPOA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Officers' Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MPNSA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Non-Sworn Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) –MPMA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCFFA**
Negotiator: Norma Santoyo
Employee Organization: Modesto City Firefighters Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**
Negotiator: Norma Santoyo
Employee Organization: Unrepresented Management and Confidential Employees

Attest:_____
Stephanie Lopez, City Clerk

# 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**
**Wednesday, May 2, 2018 at 1:00 p.m.**

Roll Call – Present: Councilmembers Kristi Ah You, Bill Zoslocki and Kenoyer (alternate)
Absent: Councilmember Grewal
Also Present: Mayor Brandvold (arrived at 1:10 p.m.)

**PUBLIC COMMENT PERIOD**
**Three minute time limit per speaker**

None.

View the 2018/2019 Proposed Operating Budget

**NEW BUSINESS**

**Wednesday May 2, 2018**

**Fund Presentations (Continued)**

- **General Fund: 1 PM to 5 PM**
  - Community and Economic Development Department

Business Manager Laurie Smith gave Presentation: Overview; Org Chart; Org Chart Proposed; FTE Count Per Division; Revenue History by Division; Revenue History by Fund; Salary Expense by Division; Salary Expense by Fund; Internal Service Expenses by Division; Discretionary Expenses by Division; Discretionary Expenses by Fund; Department Proposed Reductions & Adjustments; Department Service Level Adjustments; Department Priorities FY 2018-19.

  - Police Department

Chief Galen Carroll gave Presentation: Goals for FY 2018-19; Department Overview; Org Chart; FTE Count; Revenue by Division General Fund; Expenses by Appropriation Unit – General Fund; Revenue by

Division Traffic Safety and Traffic Offender Funds; Expenses by Appropriation Unit – Traffic Safety and Traffic Offender Funds; Proposed Reductions; Proposed Increases in Revenues; Requested Adjustments.

- Fire Department

Chief Ernst gave Presentation: Department Overview; Department Org Chart; FTE Count; Revenue by Division; Expense by Appropriation Unit; Department Proposed Revenue Enhancements; Department Proposed Reductions; Emergency Operations Priorities; Support Services Priorities; Fire Prevention Priorities.

*Recess at 2:28 p.m.*
*Reconvened at 2:41 p.m.*

- Parks Recreation and Neighborhoods Department

Recreation & Neighborhood Services Manager Ashley Weaver gave Presentation: Department Overview; Department Org Chart; FTE Count; Revenue by Division; Expense by Division; Expense by Appropriation Unit; PRN Proposed Reductions, PRN Accomplishments; PRN Shortfalls/Adjustments; PRN Priorities for FY 2018-19.

## MATTERS TOO LATE FOR THE AGENDA

None.

This meeting adjourned at 3:15 p.m.

Attest:_____
Stephanie Lopez, City Clerk

# 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**
**Thursday, May 3, 2018 at 9:00 a.m.**

Roll Call - Present: Councilmembers Ah You (arrived at 9:07 a.m.), Zoslocki, Kenoyer (alternate)
Absent: Councilmember Grewal
Also Present: Jenny Kenoyer, Tony Madrigal (arrived at 9:28 a.m.), Mayor Brandvold (alternate)

**PUBLIC COMMENT PERIOD**
**Three minute time limit per speaker**

None.

View the 2018/2019 Proposed Operating Budget

**NEW BUSINESS**

**Thursday May 3, 2018**

- Capital Improvement Program
  - SB 1 and Measure L Highlight
  - Highlight higher profile type projects

Budget Manager Stephen Christensen gave Presentation: Capital Improvement Program: Purpose; % by Category; Measure L Funded Projects: MJC Bike Path Phase II, New Traffic Signals, Carpenter Road Pavement Rehabilitation Project, Lakewood Neighborhood Improvement Project, Sandiford Avenue Pavement Rehabilitation Project, SR-132 Phase 1; Transportation Projects Funded by Non-Measure L Sources: Roselle Widening – Floyd to Sylvan, New Traffic Signal at McHenry and Grecian, Pelandale Avenue Pavement Rehabilitation, Claratina Ave Hetch-Hetchy Crossing Phase 1, Claratina – McHenry to Coffee Phase II, Public Works (Project Construction Complete); Road and Rehabilitation Repair Act (SB 1) Funded Projects; Public Works SB1; Fiscal Year 2018-19 Slurry; Public Works (Projects Going to Bid This Summer); Utilities Funded Projects; Water Design (Under Construction); Utilities Water Design (Currently Bidding); Utilities Wastewater/Storm Drain Engineering - Soon to be Under Construction, In Design, Completed, Nearing Completion, In Construction,

Completed, Environmental Document in Progress, Water Resources Engineering – Completed, Environmental Document in Progress, Soon to be Under Construction; Capital Improvement Program: What's Next?

*Recess at 10:27 a.m.*
*Reconvened at 10:35 a.m.*

- CalPERS – Human Resources Presentation
    - Options for mitigating the increase

Human Resources Director Norma Santoya gave Presentation: Thank You (Labor Groups); How We Got Here; PERS Liability – Miscellaneous, Safety; Five Year Increase Trend; Fire Year UAL Increase Trend; Paying Down Unfunded Liability & Rate Stabilization; CalPERS; Internal Service Fund; Irrevocable Trust; Trust vs. Prepayment; Agency Examples; Possible Funding.

- 100 Day Committee Update

Interim City Manager Joe Lopez gave Presentation: Mayor's 100 Day Committee Status Update; Summary of Fiscal Impacts Fiscal Year 2016-17.

- Revenue Manual

Finance Director DeAnna Christensen gave Presentation: Background; How the Revenue Manual Fits into the Budget Process; Example from the Revenue Manual; Approved Fee Changes; Fiscal Year 2016-17 Significant Variances Non-Fee Related; Other Fee Changes or Updates Being Considered; Service Fee Update: Challenges; Service Fee Implementation Update; Service Fee – Fiscal Impacts.

Planning Manager Patrick Kelly gave Presentation (Comprehensive Fees Task Force Update): Fee Updates – CEDD.

*Councilmember Zoslocki left meeting at 11:30 a.m.*

Business Manager Laurie Smith gave Presentation (Golf and Centre Plaza Fee Update): Modesto Rounds & Revenues for Past 3 Years; Green Fees $1 Increase Proforma; Modesto Centre Plaza Rate Review.

Public Works Director Bill Sandhu gave Presentation (Solid Waste Service Rate Study Update): Solid Waste Service Rate Study; Solid Waste Rate Study Recommendations.

- Potential New Revenue Sources
    - Fire First Responder Fee

Division Chief Tim Tietjen gave Presentation (Fire First Responder Fee): Background; What is a First Responder Fee?; What is the basis for the fee?; First Responder Fee Example.

*Recess at 11:51 a.m.*
*Reconvened at 1:34 p.m.*

Fire Marshal Michael Payton gave Presentation (Fire Prevention Fees): Background; S Occupancies; S Occupancy Fees Comparison; Existing Fees Review; Existing Fees Comparison; Existing Fees Comparison Detail; New Fees Identified; New Fees Comparison & Detail; Impact of Proposed Fees.

- Deferred Maintenance (Facility)

Public Works Director Bill Sandhu gave Presentation: Parks - Inventory; Modesto Park System; Deferred Maintenance Request for Parks; Roof Repairs Throughout City Parks; Concrete Walkway (ADA) Repairs; Restroom Repairs/Replacements; Asphalt Paving Lot Repaving; Playground Repairs/Replacements; Shade Structure Replacements; Security and Sports Field Lighting; Tennis Court Resurfacing; Turf Reductions and Irrigation System Replacements; Repairs Throughout City Parks; Traffic & Street Lights – Inventory; Street Light Repairs; Replace Damaged or Failed Equipment; Pavement Striping and Thermoplastic Applicators; Install 6 School Crosswalk Beacons & Replace 20 In-Road Lighted Crosswalks with Beacons; Repairs Throughout Traffic Engineering & Operations; Streets – Inventory; Street Repairs; Sidewalks; Curbs, Gutters & Sidewalks; Airport; Repairs Throughout Airport & Streets; Forestry – Pruning; Tree Removal; Stump Removal; Repairs Throughout Forestry; Parking – Inventory; Structural Improvements; Elevator Maintenance & Cleaning; Equipment Maintenance and Upgrades; Paint Garages and Stairwells; ADA and Signage Updates; Repairs Throughout Parking; Building Services – Inventory; Facility Condition Upgrades; Corporation Yard Roof & Gutter Repairs; Corporation Yard Restroom Repairs; Corporation Yard Gate Upgrades; Corporation Yard Security Upgrades; Repairs Throughout Parking.

- One Time Adjustment Requests (General Fund)

Parks, Recreation & Neighborhoods Manager Ashley Weaver gave Presentation (One-Time Funding Requests): The Awesome Spot Playground ($50,000); Graceada Park Improvements ($300,000); Park Partners Program ($150,000); King-Kennedy Memorial Center Automatic Front Door ($60,000); American Legion Hall Roof ($200,000); Portable Storage ($75,000).

Budget Manager Stephen Christensen gave Presentation (Report Back Items): Questions from Finance Committee - Construction Revenues, Water Fund, Water Fund Proforma, Wastewater Fund, Wastewater Fund Proforma, Storm Drain Fund, Storm Drain Fund Proforma, Surface Transportation Fund Proforma, Historical Surface Transportation Fund Revenues; Measure L Fund Proforma; Revenue under Tagging Abatement Division; Employee Benefits Fund.

Chief Information Officer Charlie Haase gave Presentation (Follow-Up – Public Safety Project Backlog): Business Applications Public Safety Project Backlog.

*Recess at 2:28 p.m.*
*Reconvened at 2:38 p.m.*

Budget Manager Stephen Christensen: Reductions Taken/Adjustments Approved (General Fund); Not Approved Adjustment Requests from Departments (General Fund).

**ACTION: Motion (Kenoyer/Mayor Brandvold; 3/0)** forwarding the 2018-2019 draft budget to the full City Council for consideration, to be scheduled at a time after the Mayor's Final Budget Modifications are delivered to the City Council under City Charter Section 1303, with such modifications being due at least 30 days prior to the new Fiscal Year.

## MATTERS TOO LATE FOR THE AGENDA

None.

This meeting adjourned at 3:17 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 May 08, 2018, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
Absent: None

Pledge of Allegiance to the Flag

Invocation: Yvonne Rhoades, Church of Jesus Christ, Latter Day Saints

City Clerk's Announcements: Item 12 - continued to May 22, 2018 Council meeting

Declaration of Conflicts of Interest: Grewal - Items 6, 8 and 9

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

Mayor Brandvold announced the appointment of Joseph Lopez, City Manager; the City of Modesto will be entering into contract negotiations with Mr. Lopez

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation declaring May 6-12, 2018 as Public Service Recognition Week. (Funding Source: Not Applicable)
   *City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Brandvold and Council presented a Proclamation declaring May 6-12 as Public Service Recognition Week.

2. Presentation of Proclamation declaring May 20-26, 2018 as National Public Works Week. (Funding Source: Not Applicable)
   *Public Works; Bill Sandhu, 341-2906, bsandhu@modestogov.com*

**ACTION:** Mayor Brandvold presented a Proclamation declaring May 20-26 as National Public Works Week.

3. Recognition of Jennifer Peet as the California Water Environment Association 2017-18 Community Engagement and Outreach Person of the Year - Large Agency. (Funding Source: Not Applicable)

*Utilities; Will Wong, 571-5801, wwong@modestogov.com*

**ACTION:** Environmental Compliance Inspector II Jennifer Peet was recognized as the California Water Environment Association 2017-18 Large Agency Community Engagement and Outreach Person of the Year.

## PUBLIC COMMENT PERIOD

- Meg Gonzalez, Tuolumne River Trust, invited Council to a tour and celebration on Saturday, May 19, 2018 at Dos Rios Ranch.

- Perfecto Munoz spoke regarding the West Modesto Community Collaborative.

- Dave Pratt spoke regarding homeless Veterans in Modesto.

- Carla Edwards spoke regarding the Lord's Closet, a local non-profit organization, and rehabilitation of Veterans; Mayor Brandvold referred her to Acting Community Development Manager Jessica Narayan.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**
**ACTION CONSENT ITEMS: 4-5; 7; 10-11: (Kenoyer/Ah You; 7/0)**
**ACTION CONSENT ITEMS 6, 8-9: (Kenoyer/Ah You; 6/0; Grewal 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 May 1, 2018 Council Meeting. (Funding Source: Not Applicable)
   - Motion approving the minutes from the May 1, 2018 Council Meeting.

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

**ACTION: Motion (Kenoyer/Ah You; 7/0)** approving the minutes from the May 1, 2018 Council Meeting.

Consent
5. Consider accepting the Destination Modesto Report for the Second Quarter – Fiscal Year 2017-18. (Funding Source: Transient Occupancy Tax)
   - Resolution accepting the Destination Modesto Report for the Second Quarter – Fiscal Year 2017-18.

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

**ACTION: Resolution 2018-168 (Kenoyer/Ah You; 7/0)** accepting the Destination Modesto Report for the Second Quarter – Fiscal Year 2017-18.

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

6. Consider approving the Final Map and subdivision agreement of Vintage Unit One Subdivision located east of Vintage Drive and Blue Bird Drive intersection, west of Dale Road and north of the Vintage Fair Mall. (Funding Source: Developer Fees)
    - Resolution approving the Final Map and subdivision agreement of Vintage Unit One Subdivision, authorizing the Interim City Manager, or his designee, to execute a subdivision agreement with the owner, NRB Investments, LLC and the developer, Modesto Roselle, LLC, and authorizing the City Clerk to certify the final map and record it with the Stanislaus County Recorder's Office.

    *Community & Economic Development; Daniel England, 571-5589, dengland@modestogov.com*

**ACTION: Resolution 2018-169 (Kenoyer/Ah You; 6/0; Grewal absent due to conflict of interest)** approving the Final Map and subdivision agreement of Vintage Unit One Subdivision, authorizing the Interim City Manager, or his designee, to execute a subdivision agreement with the owner, NRB Investments, LLC and the developer, Modesto Roselle, LLC, and authorizing the City Clerk to certify the final map and record it with the Stanislaus County Recorder's Office.

Consent

7. Consider approving an agreement with Goodwin Consulting Group, in an average annual amount of $52,000, not to exceed $155,200 over three years, for the administration of the City Community Facilities Districts. (Funding Source: Various Community Facilities Districts)
    - Resolution approving an agreement with Goodwin Consulting Group, in an average annual amount of $52,000, not to exceed $155,200 over three years, for the administration of the City Community Facilities Districts and authorizing the Interim City Manager, or his designee, to execute the agreement.

    *Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2018-170 (Kenoyer/Ah You; 7/0)** approving an agreement with Goodwin Consulting Group, in an average annual amount of $52,000, not to exceed $155,200 over three years, for the administration of the City Community Facilities Districts and authorizing the Interim City Manager, or his designee, to execute the agreement.

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

8. Consider accepting Fiscal Year 2018-19 Engineer's Report and setting a public hearing for the levy and collection of assessments for landscape maintenance in the public right-of-way, street medians, and areas adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6. (Funding Source: Landscape Maintenance District No. 1)
    - Resolution accepting Fiscal Year 2018-2019 Engineer's Report for Landscape

Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6; Notice of Intention to Levy and Collect Assessments for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6 and setting a Public Hearing on June 26, 2018 to Consider the Fiscal Year 2018-2019 Levy and Collection of Assessments Within Landscape Maintenance Assessment District No. 1.

*Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2018-171 (Kenoyer/Ah You; 6/0; Grewal absent due to conflict of interest)** accepting Fiscal Year 2018-2019 Engineer's Report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6; Notice of Intention to Levy and Collect Assessments for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6 and setting a Public Hearing on June 26, 2018 to Consider the Fiscal Year 2018-2019 Levy and Collection of Assessments Within Landscape Maintenance Assessment District No. 1.

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

9. Consider accepting the Fiscal Year 2018-19 Engineer's Annual Report and setting a public hearing for the levy and collection of assessment for landscape maintenance in the public right-of-way, street medians, and areas adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 and 2. (Funding Source: Landscape Maintenance District No. 2)
    - Resolution accepting Fiscal Year 2018-19 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; Notice 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 June 26, 2018 to consider the levy and collection of assessments within Landscape Maintenance Assessment District No. 2.

    *Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2018-172 (Kenoyer/Ah You; 6/0; Grewal absent due to conflict of interest)** accepting Fiscal Year 2018-19 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; Notice 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 June 26, 2018 to consider the levy and collection of assessments within Landscape Maintenance Assessment District No. 2.

Consent

10. Consider approving Fiscal Year 2018-19 Engineer's Report and setting a public

hearing for the levy and collection of assessments for the maintenance and service of 77 street lights within the Shackelford Landscape and Lighting District. (Funding Source: Shackelford Landscape and Lighting District)

- Resolution accepting the Fiscal Year 2018-19 Engineer's Report for the Shackelford Landscape and Lighting District; Notice 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 June 26, 2018 to consider the 2018-19 levy and collection of assessments within Shackelford Landscape and Lighting District.

*Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2018-173 (Kenoyer/Ah You; 7/0)** accepting the Fiscal Year 2018-19 Engineer's Report for the Shackelford Landscape and Lighting District; Notice 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 June 26, 2018 to consider the 2018-19 levy and collection of assessments within Shackelford Landscape and Lighting District.

Consent

11. Consider accepting the supplemental payment of Local Transportation Funds for Fiscal Year 2016-17 from the Stanislaus Council of Governments to offset the shortfall in State Transit Assistance Funds in the amount of $308,775. (Funding Source: Transportation Development Act Funds)

    - Resolution accepting the supplemental payment of the Local Transportation Fund (LTF) for Fiscal Year 2016-17 from the Stanislaus Council of Governments (StanCOG) in the amount of $308,775 to offset the shortfall in State Transit Assistance Funds (STA).

    *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2018-174 (Kenoyer/Ah You; 7/0)** accepting the supplemental payment of the Local Transportation Fund (LTF) for Fiscal Year 2016-17 from the Stanislaus Council of Governments (StanCOG) in the amount of $308,775 to offset the shortfall in State Transit Assistance Funds (STA).

Consent

12. Consider approving a sole source Purchase Agreement with Avail Technologies, Inc., State College, PA, for replacement cellular modems utilized by Modesto Area Express at a total cost not to exceed $331,160 for three years; and amending the Fiscal Year 2017-18 Operating Budget in the amount of $58,930 to fund the project. (Funding Source: Federal Transit Funds)

    - Resolution approving a sole source Purchase Agreement with Avail Technologies, Inc., State College, PA, for replacement cellular modems utilized by Modesto Area Express (MAX) for a total cost not to exceed $331,160 for three years, and authorizing the Interim City Manager, or his designee, to execute the Purchase Agreement.

- Resolution amending the Fiscal Year 2017-18 Operating Budgets in the amount of $58,930 to fund the purchase of replacement cellular modems utilized by Modesto Area Express (MAX), and authorizing the Interim City Manager, or his designee to implement the provisions of the Resolution.

*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION:** Continued to May 22, 2018 Council meeting.

## COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer attended the following events: Police Officers Memorial at Lakewood Memorial Park on May 2, 2018, National Day of Prayer on May 3, 2018, Leadership Day at Standiford Elementary School on May 4, 2018, and she took the Amtrak Train to Sacramento on May 7, 2018.

Councilmember Madrigal also attended the National Day of Prayer on May 3, 2018 and Cinco de Mayo Parade on May 5, 2018.

## CITY MANAGER COMMENTS & REPORTS

None.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 6:20 p.m.

13. COUNCIL WORKSHOP - One Water Modesto (Funding Source: Not Applicable)
*Utilities; Will Wong, 571-5801, wwong@modestogov.com*

This Council Workshop adjourned at 6:40 p.m.

## CLOSED SESSION

*All Closed Session Matters heard prior to meeting*

## CONSENT ITEM

1. Consider appointing Real Property Negotiators Joseph P. Lopez and Adam U. Lindgren, City Attorney for Property: APN: 039-010-220

- Motion appointing Real Property Negotiators Joseph P. Lopez and Adam U. Lindgren, City Attorney for Property: APN: 039-010-220.

*City Attorney, Adam Lindgren, 577-5284, alindgren@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 6/0; Ah You absent)** appointing Real Property Negotiators Joseph P. Lopez and Adam U. Lindgren, City Attorney for Property: APN: 039-010-220.

## CLOSED SESSION

**PUBLIC EMPLOYEE APPOINTMENT**
**(Pursuant to Section 54957(b)(1) Government Code)**
Title: City Manager

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**
Agency Negotiators: Adam U. Lindgren, City Attorney
Norma Santoyo, Director of Human Resources
Employee: City Manager

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
**Two Cases (Pursuant to Section 54956.9(d)(2) of the Government Code)**

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
**One Case (Pursuant to Section 54956.9(d)(1) of the Government Code)**
Name of case: Patrick Green v. COM
Case No. 2020908

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**
**(Pursuant to Section 54956.8 of the Government Code)**
Property: 2846 Finch Rd. APN: 039-010-220
Property Owners: City of Modesto/Stanislaus County
Negotiating Parties:
For City: Joseph P. Lopez, Interim City Manager
Adam U. Lindgren, City Attorney for City of Modesto
Under Negotiation: Price and Terms

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCEA**
Negotiator: Norma Santoyo
Employee Organization: Modesto City Employees Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCMA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Confidential & Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MPOA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Officers' Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MPNSA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Non-Sworn Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) –MPMA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCFFA**
Negotiator: Norma Santoyo
Employee Organization: Modesto City Firefighters Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**
Negotiator: Norma Santoyo
Employee Organization: Unrepresented Management and Confidential Employees

Attest:_____
Stephanie Lopez, City Clerk

# MINUTES

**City of Modesto**

# ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP

**Second Floor, Room 2008**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**

**Wednesday, May 9, 2018, at 2:00 p.m.**

Roll Call: Present: Councilmember Zoslocki, Mayor Brandvold, and Councilmember Madrigal
Absent: None
*Councilmember Zoslocki left meeting at 5:12 p.m.*

## 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 fare changes on the Modesto Area Express service to the Bay Area Rapid Transit station in Pleasanton to provide for electronic fare media, and forwarding to Council for approval. (Funding Source: Transit Funds)

   *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Brandvold/Madrigal; 3/0)** approving fare changes on the Modesto Area Express service to the Bay Area Rapid Transit station in Pleasanton to provide for electronic fare media, and forwarding to Council for approval.

Consent

2. Consider approving submission of the Transportation Development Act Transit Claim for Fiscal Year 2018-2019 to the Stanislaus Council of Governments in the amount of $11,815,332, and forwarding to Council for approval. (Funding Source: Transportation Development Act Funds)

*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Brandvold/Madrigal; 3/0)** approving submission of the Transportation Development Act Transit Claim for Fiscal Year 2018-2019 to the Stanislaus Council of Governments in the amount of $11,815,332, and forwarding to Council for approval.

Consent

3. Consider the revision to the scope of work/project summary for the Public Transit Modernization, Improvement and Service Enhancement Account grant program under Proposition 1B to Caltrans and forward to Council for approval. (Funding Source: Transit Funds)

   *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Brandvold/Madrigal; 3/0)** approving the revision to the scope of work/project summary for the Public Transit Modernization, Improvement and Service Enhancement Account grant program under Proposition 1B to Caltrans and forward to Council for approval.

Consent

4. Consider approving a ten-year license agreement with Orchard Supply Company, LLC, for the use of parking spaces for the Modesto Area Express Park and Ride lot at 2800 Sisk Road for a total amount of $6,000 in the initial year and a total not to exceed $63,000 for the term of the agreement, and forwarding to Council for approval. (Funding Source: Transit Funds)

   *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Brandvold/Madrigal; 3/0)** approving a ten-year license agreement with Orchard Supply Company, LLC, for the use of parking spaces for the Modesto Area Express Park and Ride lot at 2800 Sisk Road for a total amount of $6,000 in the initial year and a total not to exceed $63,000 for the term of the agreement, and forwarding to Council for approval.

Consent

5. Consider approving a Purchase and Sale Agreement with Angelina R. Arriaga to acquire real property at 1426 Garden Avenue, for the River Trunk Realignment Project in an amount not to exceed $159,100, including estimated closing costs, and a sixty-

day leaseback option to the seller; and forwarding to Council for approval. (Funding Source: Wastewater CIP 100646)

*Utilities; Jon Yuriar, 577-5399, jyuriar@modestogov.com*

**ACTION: Motion (Brandvold/Madrigal; 3/0)** approving a Purchase and Sale Agreement with Angelina R. Arriaga to acquire real property at 1426 Garden Avenue, for the River Trunk Realignment Project in an amount not to exceed $159,100, including estimated closing costs, and a sixty-day leaseback option to the seller; and forwarding to Council for approval.

Consent

6. Consider approving an Agreement with Pires, Lipomi and Navarro Architects, Modesto, CA, for architectural design services for the Downtown Modesto Transportation Center Improvement Project in the amount of $136,820, plus $13,682 for additional services, if needed, for an agreement total not to exceed $150,502; and forwarding to Council for approval. (Funding Source: Transit Fund)

   *Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Motion (Brandvold/Madrigal; 3/0)** approving an Agreement with Pires, Lipomi and Navarro Architects, Modesto, CA, for architectural design services for the Downtown Modesto Transportation Center Improvement Project in the amount of $136,820, plus $13,682 for additional services, if needed, for an agreement total not to exceed $150,502; and forwarding to Council for approval.

Consent

7. Consider an Agreement with Pires, Lipomi and Navarro Architects, Modesto, CA, for architectural design services for the Phase I Fleet Maintenance Facility Heavy Maintenance Bay Project in the amount of $84,125, plus $8,413 for additional services, if needed, for an agreement total not to exceed $92,538; and forwarding to Council for approval. (Funding Source: Fleet Fund)

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

**ACTION: Motion (Brandvold/Madrigal; 3/0)** approving an Agreement with Pires, Lipomi and Navarro Architects, Modesto, CA, for architectural design services for the Phase I Fleet Maintenance Facility Heavy Maintenance Bay Project in the amount of $84,125, plus $8,413 for additional services, if needed, for an agreement total not to exceed $92,538; and forwarding to Council for approval.

## NEW BUSINESS

8. Consider accepting a J Street Corridor Surface Improvements option and forwarding to Council for approval. (Funding Source: Federal Regional Surface Transportation Program)

   *Community & Economic Development; Michael Sacuskie, 571-5552, msacuskie@modestogov.com*

**ACTION: Motion (Madrigal/Mayor Brandvold; 1/2; Zoslocki, Mayor Brandvold no)** accepting Option 3 regarding J Street Corridor Surface Improvements option and forwarding to Council for approval. **(MOTION FAILED)**

**ACTION: Motion (Mayor Brandvold/Zoslocki; 3/0)** accepting Option 2 regarding J Street Corridor Surface Improvements option and forwarding to Council for approval.

9. Consider approving the plans and specifications, bid, and the construction contract to DSS Company, dba Knife River Construction, of Stockton, California, in the amount of $1,588,636 for the Claus Road Pavement Rehabilitation Project, and forwarding to Council for approval. (Funding Source: Federal Regional Surface Transportation Program Funds (RSTP))

   *Community & Economic Development; Michael Sacuskie, 571-5552, msacuskie@modestogov.com*

**ACTION: Motion (Madrigal/Mayor Brandvold; 2/0; Zoslocki absent)** approving the plans and specifications, bid, and the construction contract to DSS Company, dba Knife River Construction, of Stockton, California, in the amount of $1,588,636 for the Claus Road Pavement Rehabilitation Project, and forwarding to Council for approval.

10. Consider appointing the Mayor and City Council as the interim Board of Directors for the Modesto Convention and Visitor's Bureau, and forwarding to Council for approval. (Funding Source: Transient Occupancy Tax)

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

**ACTION: Motion (Madrigal/Mayor Brandvold; 2/0; Zoslocki absent)** appointing the Mayor and City Council as the interim Board of Directors for the Modesto Convention and Visitor's Bureau, and forwarding to Council for approval.

11. Consider directing staff to proceed with an agreement with Management Advisory Services to develop a Scope of Work and issue a Request for Proposals for a downtown hotel market study and forwarding to Council for approval. (Funding Source: General Fund)

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

**ACTION: Motion (Madrigal/Mayor Brandvold; 2/1; Zoslocki no)** directing staff to move forward with market study under City Manager authority (Phase 1) and directing staff to identify costs on moving forward with _____ provision should Economic Development Committee or go to Council; _____ RDA Successor Agency as needed.

12. Consider the plans, specifications and bid, and awarding the construction contract to DSS Company dba Knife River Construction of Stockton, California, in the amount of $2,204,866 for the Carpenter Road Street Improvements Project; and increasing Utility Department Director's authority to approve change orders up to the cumulative amount of $220,487 (10% of the original contract price); and forwarding to Council for approval. (Funding Source: Measure L)

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

**ACTION: Motion (Madrigal/Mayor Brandvold; 2/0; Zoslocki absent)** approving the plans, specifications and bid, and awarding the construction contract to DSS Company dba Knife River Construction of Stockton, California, in the amount of $2,204,866 for the Carpenter Road Street Improvements Project; and increasing Utility Department Director's authority to approve change orders up to the cumulative amount of $220,487 (10% of the original contract price); and forwarding to Council for approval.

13. Consider approving the award of bid for the furnishing of analytical laboratory testing services for the Utilities Department, Wastewater Division, to Alpha Analytical Laboratories, Dublin, CA, for a two-year agreement with three one-year extension options, for an annual cost not to exceed $170,000 and not to exceed $850,000 over five years; and to McCampbell Analytical, Inc., Pittsburg, CA, for a two-year agreement with three one-year extension options, for an annual cost not to exceed $70,000, and not to exceed $350,000 over five years and forwarding to Council for approval. (Funding Source: Wastewater and Stormwater Funds)

*Utilities; Thomas Sinclair, 577-6240, tsinclair@modestogov.com*

**ACTION: Motion (Madrigal/Mayor Brandvold; 2/0; Zoslocki absent)** approving the award of bid for the furnishing of analytical laboratory testing services for the Utilities Department, Wastewater Division, to Alpha Analytical Laboratories, Dublin, CA, for a two-year agreement with three one-year extension options, for an annual cost not to exceed $170,000 and not to exceed $850,000 over five years; and to McCampbell Analytical, Inc., Pittsburg, CA, for a two-year agreement with three one-year extension options, for an annual cost not to exceed $70,000, and not to exceed $350,000 over five years and forwarding to Council for approval.

14. Consider awarding the bid and the Purchase Agreement for the furnishing of State required regulatory analytical laboratory testing services for the Utilities Department, Water Services Division, to Alpha Analytical Laboratories, Livermore, CA, for a two-year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost not to exceed $233,310, and an amount not to exceed $1,166,550 over five years; the Purchase Agreement for the furnishing of Environmental Protection Agency (EPA) Unregulated Contaminant Monitoring Rule (UCMR 4) laboratory testing for the Utilities Department, Water Services Division, to BSK Associates, Fresno, CA, for a three-year agreement for a total cost not to exceed $79,112 over three years; and forwarding to Council for approval. (Funding Source: Water Fund)

    *Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Motion (Madrigal/Mayor Brandvold; 2/0; Zoslocki absent)** awarding the bid and the Purchase Agreement for the furnishing of State required regulatory analytical laboratory testing services for the Utilities Department, Water Services Division, to Alpha Analytical Laboratories, Livermore, CA, for a two-year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost not to exceed $233,310, and an amount not to exceed $1,166,550 over five years; the Purchase Agreement for the furnishing of Environmental Protection Agency (EPA) Unregulated Contaminant Monitoring Rule (UCMR 4) laboratory testing for the Utilities Department, Water Services Division, to BSK Associates, Fresno, CA, for a three-year agreement for a total cost not to exceed $79,112 over three years; and forwarding to Council for approval.

15. Consider rejecting all bids received to Request for Bid No. 1718-38 for Transport of Wastewater Debris to Disposal Site and forwarding this rejection to Council for approval. (Funding Source: Wastewater Fund)

    *Utilities; Laura Anhalt, 342-4502, lanhalt@modestogov.com*

**ACTION: Motion (Madrigal/Mayor Brandvold; 2/0; Zoslocki absent)** rejecting all bids received to Request for Bid No. 1718-38 for Transport of Wastewater Debris to Disposal Site and forwarding this rejection to Council for approval.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 5:21 p.m.

Attest:_____
Joseph Lopez, Interim City Manager

# MINUTES

**City of Modesto**

# SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP

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

**Monday, May 14, 2018, at 5:00 p.m.**

Roll Call – Present: Councilmembers Kenoyer, Zoslocki (alternate), and Mayor Brandvold (alternate)
Absent: Councilmembers Ah You, Ridenour

**CONSENT ITEMS: Items 1 through 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 an Agreement with Alta Planning + Design Inc. for the Active Transportation Plan (Non-Motorized Master Plan Update), in an amount not to exceed $199,994 for the identified scope of services, plus $19,999 for additional services (if needed), for a maximum total amount not to exceed $219,993 and forwarding to Council for approval. (Funding Source: Measure L funds)

   *Community & Economic Development; Vickey Dion, 571-5442, vdion@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 3/0)** approving an Agreement with Alta Planning + Design Inc. for the Active Transportation Plan (Non-Motorized Master Plan Update), in an amount not to exceed $199,994 for the identified scope of services, plus $19,999 for additional services (if needed), for a maximum total amount not to exceed $219,993 and forwarding to Council for approval. approving an Agreement with Alta Planning + Design Inc. for the Active Transportation Plan (Non-Motorized Master Plan Update), in an amount not to exceed $199,994 for the identified scope of services, plus $19,999 for additional services (if needed), for a maximum total amount not to exceed $219,993 and forwarding to Council for approval.

Consent

2. Consider approving an agreement with Fehr and Peers, Walnut Creek, CA, for consultant services for the Systemic Safety Analysis Report project for $183,240.00 for the identified scope of services plus $18,324 for additional services (if needed), for a total amount not to exceed $201,564, and forwarding to Council for approval. (Funding Source: State Systemic Safety Analysis Report Program Grant and Local Measure L funds)

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

**ACTION: Motion (Kenoyer/Zoslocki; 3/0)** approving an agreement with Fehr and Peers, Walnut Creek, CA, for consultant services for the Systemic Safety Analysis Report project for $183,240.00 for the identified scope of services plus $18,324 for additional services (if needed), for a total amount not to exceed $201,564, and forwarding to Council for approval.

Consent

3. Consider accepting the California River Parkways Grant Program award in an amount of $500,000 to fund design and construction of the Tuolumne River Regional Park (TRRP) River Overlook Project, and amending the Fiscal Year 2017-18 Capital Improvement Project Budget in an amount not to exceed $849,940, and forwarding to Council for approval. (Funding Source: California River Parkways Grant Program and Federal High-Priority Demo Funds)

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

**ACTION: Motion (Kenoyer/Zoslocki; 3/0)** accepting the California River Parkways Grant Program award in an amount of $500,000 to fund design and construction of the Tuolumne River Regional Park (TRRP) River Overlook Project, and amending the Fiscal Year 2017-18 Capital Improvement Project Budget in an amount not to exceed $849,940, and forwarding to Council for approval.

Consent

4. Consider approving the sole source procurement of a proprietary software upgrade and associated hardware to assist with the collection, analysis, and storage of digital evidence from Pen-Link Ltd., Lincoln, NE, for an amount not to exceed $113,673, and forwarding to Council for approval. (Funding Source: 2016-17 State Law Enforcement Supplemental Funds (SLESF))

*Police; Galen Carroll, 572-9501, carrollg@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 3/0)** approving the sole source procurement of a proprietary software upgrade and associated hardware to assist with the collection, analysis, and storage of digital evidence from Pen-Link Ltd., Lincoln, NE, for an amount not to exceed $113,673, and forwarding to Council for approval.

**NEW BUSINESS**

5. Consider accepting a Report Summary for 624 9th Street Studio Apartments and forwarding to Council for approval. (Funding Source: Abatement Fund)

   *Community & Economic Development; Tom Trimberger, 577-5242, ttrimberger@modestogov.com*

**ACTION: Motion (Zoslocki/Mayor Brandvold; 3/0)** accepting a Report Summary for 624 9th Street Studio Apartments, having stakeholders meeting to include rental associations, advocates and renters or rental programs, and report back to Safety & Communities Committee.

6. Consider accepting an informational update regarding the Stanislaus County EMS Strategic Plan. (Funding Source: Not Applicable)

   *Fire; Alan Ernst, 572-9596, aernst@modestofire.com*

**ACTION: Motion (Zoslocki/Mayor Brandvold; 3/0)** accepting an informational update regarding the Stanislaus County EMS Strategic Plan.

7. Consider approving a Memorandum of Understanding with Valley Mountain Regional Center (VMRC) for the purposes of fund raising related to the development of The Awesome Spot Playground at Beyer Community Park and forwarding to Council for approval. (Funding Source: Park Partners Program and Community Donations)

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

**ACTION: Motion (Mayor Brandvold/Zoslocki; 3/0)** approving a Memorandum of Understanding with Valley Mountain Regional Center (VMRC) for the purposes of fund raising related to the development of The Awesome Spot Playground at Beyer Community Park and forwarding to Council for approval.

8. Consider approving the California Urban Greening Grant Program funding in an amount of $3,193,401 to fund construction of Virginia Corridor Phase 7 Trail and amending the Fiscal Year 2017-18 Capital Improvement Program Budget and

forwarding to Council for approval. (Funding Source: Urban Greening Grant Program, CMAQ and Local Non-Motorized Transportation Funding)

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

**ACTION: Motion (Zoslocki/Mayor Brandvold; 3/0)** approving the California Urban Greening Grant Program funding in an amount of $3,193,401 to fund construction of Virginia Corridor Phase 7 Trail and amending the Fiscal Year 2017-18 Capital Improvement Program Budget and forwarding to Council for approval.

9. Consider approving a Funding Agreement with the Tuolumne River Preservation Trust for removal of the Remnant Dennett Dam, amending the Fiscal Year 2017-18 Multi-Year Operating Budget in an amount of $1,247,103, approving the plans and specifications for the Tuolumne River Sheet Pile and Dam Debris Removal Project, accepting the bid and awarding the construction contract to Innovative Construction Solutions of Dublin, CA in the amount of $968,260 and forwarding to Council for approval. (Funding Source: Various Grant Funding Sources)

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

**ACTION: Motion (Mayor Brandvold/Zoslocki; 3/0)** approving a Funding Agreement with the Tuolumne River Preservation Trust for removal of the Remnant Dennett Dam, amending the Fiscal Year 2017-18 Multi-Year Operating Budget in an amount of $1,247,103, approving the plans and specifications for the Tuolumne River Sheet Pile and Dam Debris Removal Project, accepting the bid and awarding the construction contract to Innovative Construction Solutions of Dublin, CA in the amount of $968,260 and forwarding to Council for approval.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 6:40 p.m.

Attest:_____
**Joseph Lopez, Interim City Manager**

# MINUTES

**City of Modesto**

# SPECIAL FINANCE COMMITTEE / COUNCIL WORKSHOP

**Second Floor, Room 2008**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**

**Monday, May 21, 2018, at 2:00 p.m.**

Roll Call: Present: Councilmembers Grewal, Kenoyer (alternate), Ridenour (alternate)
Absent: Councilmembers Ah You, Zoslocki

## PUBLIC COMMENTS

None.

## CONSENT ITEMS

Consent

1. Consider accepting the recommended budget adjustments to Fiscal Year 2017-18 Annual Operating and Capital Improvement Project Budget and forwarding to Council for approval. (Funding Source: Water Capital Improvement Project Fund, Capital Grants Fund, 10th Street Joint Powers Agreement Fund and Tuolumne River Regional Park Fund)

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

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** accepting the recommended budget adjustments to Fiscal Year 2017-18 Annual Operating and Capital Improvement Project Budget and forwarding to Council for approval.

Consent

2. Consider approving the payment to Pacific Gas and Electric for contract work performed on the State Route 99 / Pelandale Avenue Interchange Reconstruction Project, Utility Agreement #3863.41, for an amount not to exceed $105,116, and forwarding to Council for approval. (Funding Source: Streets Capital Facilities Fees)

*Public Works; Bill Sandhu, 341-2906, bsandhu@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** approving the payment to Pacific Gas and Electric for contract work performed on the State Route 99 / Pelandale Avenue Interchange Reconstruction Project, Utility Agreement #3863.41, for an amount not to exceed $105,116, and forwarding to Council for approval.

Consent

3. Consider approving the award of bid to Towne Ford, Redwood City, CA for the purchase of eleven Ford Police Interceptor AWD utility vehicles for the Modesto Police Department for a total cost not to exceed $370,415, and forwarding to Council for approval. (Funding Source: Fleet Funds)

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

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** approving the award of bid to Towne Ford, Redwood City, CA for the purchase of eleven Ford Police Interceptor AWD utility vehicles for the Modesto Police Department for a total cost not to exceed $370,415, and forwarding to Council for approval.

Consent

4. Consider accepting the award from the California Governor's Office of Emergency Services under Proposition 1B for the California Transit Security Grant Program – California Transit Assistance Fund for a combined total of $546,091 for transit security projects and forwarding to Council for approval. (Funding Source: Transit Funds)

   *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** accepting the award from the California Governor's Office of Emergency Services under Proposition 1B for the California Transit Security Grant Program – California Transit Assistance Fund for a combined total of $546,091 for transit security projects and forwarding to Council for approval.

Consent

5. Consider approving a Third Amendment to Lease Agreement with Louis Boer, Jr. to lease agricultural property at Frazine Rd. and La Coste Ln. (APN 014-037-056), in the amount not to exceed $5,400 for one year and forwarding to Council for approval. (Funding Source: Water Division 4100-45050-53040)

*Utilities; Jon Yuriar, 577-5399, jyuriar@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** approving a Third Amendment to Lease Agreement with Louis Boer, Jr. to lease agricultural property at Frazine Rd. and La Coste Ln. (APN 014-037-056), in the amount not to exceed $5,400 for one year and forwarding to Council for approval.

Consent

6. Consider approving an Amendment to the Sole Source Purchase Agreement with Hach, Loveland, CO, for field service of on-line instruments for a new annual cost not to exceed $36,965 and a total cost not to exceed $86,028 over three years and purchases of meters for an annual cost not to exceed $51,753 and a total cost not to exceed $146,210 over three years and forwarding to Council for approval. (Funding Source: Wastewater Fund)

   *Utilities; Laura Anhalt, 342-4502, lanhalt@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** approving an Amendment to the Sole Source Purchase Agreement with Hach, Loveland, CO, for field service of on-line instruments for a new annual cost not to exceed $36,965 and a total cost not to exceed $86,028 over three years and purchases of meters for an annual cost not to exceed $51,753 and a total cost not to exceed $146,210 over three years and forwarding to Council for approval.

## NEW BUSINESS

7. Consider accepting the Solid Waste Service Rate Study from SCS Engineers, Inc., Modesto, CA adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services to become effective July 1, 2018, and forwarding to Council for approval. (Funding Source: Solid Waste Fund, Compost Fund, Green Waste Diversion Fund)

   *Public Works; Karin Rodriguez, 577-5453, krodriguez@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** accepting the Solid Waste Service Rate Study from SCS Engineers, Inc., Modesto, CA adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services to become effective July 1, 2018, and forwarding to Council for approval.

8. Consider accepting the City's Investment Policy and forwarding to Council for approval. (Funding Source: Not Applicable)

*Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** accepting the City's Investment Policy and forwarding to Council for approval.

9. Consider accepting an informational report providing an overview of the City of Modesto's Municipal Code regarding Commercial Business Licenses and Mill Tax. (Funding Source: General Fund)

   *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** accepting an informational report providing an overview of the City of Modesto's Municipal Code regarding Commercial Business Licenses and Mill Tax.

10. Consider approving payment of various equipment maintenance agreements for Fiscal Year 2018-2019 with multiple equipment manufacturers for all City Departments, for an estimated annual cost not to exceed $492,490 and forwarding to Council for approval. (Funding Source: Various Funds)

    *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** approving payment of various equipment maintenance agreements for Fiscal Year 2018-2019 with multiple equipment manufacturers for all City Departments, for an estimated annual cost not to exceed $492,490 and forwarding to Council for approval.

11. Consider approving the payment of hardware and software maintenance support agreements for Fiscal Year 2018-2019 for an estimated annual cost not to exceed $4,852,275 and forwarding to Council for approval. (Funding Source: Information Technology Fund and Various Funds)

    *Information Technology; Charlie Haase, 577-5229, chaase@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** approving the payment of hardware and software maintenance support agreements for Fiscal Year 2018-2019 for an estimated annual cost not to exceed $4,852,275 and forwarding to Council for approval.

12. Consider approving the submission of a grant application for the Federal Transit Administration Section 5339(c) Low or No Emission Vehicle Program in the amount of $2,500,000 for electric buses and forwarding to Council for approval. (Funding Source: Federal Transit Administration Section 5339 Funds and Toll Credits)

*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** approving the submission of a grant application for the Federal Transit Administration Section 5339(c) Low or No Emission Vehicle Program in the amount of $2,500,000 for electric buses and forwarding to Council for approval.

13. Consider approving a project update for the Headworks, Dryden Box and Influent Flume Improvements Project, and receive information concerning bid opening and anticipated award of a contract for the Project and related actions, and forwarding to Council for bid award and contract approval. (Funding Source: Wastewater Fund)

    *Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** approving a project update for the Headworks, Dryden Box and Influent Flume Improvements Project, and receive information concerning bid opening and anticipated award of a contract for the Project and related actions, and forwarding to Council for bid award and contract approval.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 3:37 p.m.

Attest:_____
Joseph Lopez, Interim City Manager

# MINUTES

City of Modesto

## CITY COUNCIL MEETING

**Chambers, Basement Level**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**
**Tuesday May 22, 2018, at 5:30 p.m.**

Roll Call – Present: Councilmembers Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
Absent: Councilmember Ah You

Pledge of Allegiance to the Flag

Invocation: Michael Schiefelbein, College Avenue United Church of Christ

City Clerk's Announcements: Item 15 - continued to June 12, 2018 Council meeting; Item 16 - Removed from Agenda

Declaration of Conflicts of Interest: None

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

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Certificates of Merit for the City of Modesto's Industrial Pretreatment Program. (Funding Source: Not Applicable)
   *Utilities; Tom Sinclair, 577-6240, tsinclair@modestogov.com*

**ACTION:** Mayor Brandvold presented Certificates of Merit for the City of Modesto's Industrial Pretreatment Program.

### PUBLIC COMMENT PERIOD

- Debra Harper spoke regarding the City of Modesto and Stanislaus County.
- Edgar Garibay spoke regarding the Tuolumne River Trust and Airport Bicycle Club.
- Sebastian Jones spoke regarding the First Amendment and the Brown Act; he attended events at the King-Kennedy Memorial Center and was asked to leave.
- Dave Pratt spoke regarding a benefit to help Veterans at Texas Roadhouse on July 24, 2018.

- A citizen spoke regarding emergency response vehicles.

- Loretta Carhart spoke regarding roof work done on her home.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**
**ACTION CONSENT ITEMS 2-14: (Kenoyer/Grewal; 6/0; Ah You absent)**

**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 May 8, 2018 Council Meeting. (Funding Source: Not Applicable)
   - Motion approving the minutes from the May 8, 2018 Council Meeting.

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

**ACTION: Motion (Kenoyer/Grewal; 6/0; Ah You absent)** approving the minutes from the May 8, 2018 Council Meeting.

Consent
3. Consider approving a new Purchase Agreement with American Chiller Inc., in an amount not to exceed $75,000, for repairs and maintenance of the climate control system for the Modesto Centre Plaza facility. (Funding Source: Cultural Services Administration – Fund 4700)
   - Resolution approving a new Purchase Agreement with American Chiller Inc., in an amount not to exceed $75,000, for repairs and maintenance of the climate control system for the Modesto Centre Plaza facility, and authorizing the Purchasing Manager, or her designee, to issue the Purchasing Agreement.

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

**ACTION: Resolution 2018-175 (Kenoyer/Grewal; 6/0; Ah You absent)** approving a new Purchase Agreement with American Chiller Inc., in an amount not to exceed $75,000, for repairs and maintenance of the climate control system for the Modesto Centre Plaza facility, and authorizing the Purchasing Manager, or her designee, to issue the Purchasing Agreement.

Consent
4. Consider approving the plans and specifications and accepting the bid and awarding a contract to DSS Company, dba Knife River Construction, of Stockton, California, in the amount of $1,588,636 for the Claus Road Pavement Rehabilitation Project, STPL-5059(195). (Funding Source: Federal Regional Surface Transportation Program Funds (RSTP))
   - Resolution approving the plans and specifications, accepting the bid and awarding

the construction contract to DSS Company, dba Knife River Construction of Stockton, California, in the amount of $1,588,636, for the Claus Road Pavement Rehabilitation Project and authorizing the Interim City Manager, or his designee to execute the Agreement.

*Community & Economic Development; Michael Sacuskie, 571-5552, msacuskie@modestogov.com*

**ACTION: Resolution 2018-176 (Kenoyer/Grewal; 6/0; Ah You absent)** approving the plans and specifications, accepting the bid and awarding the construction contract to DSS Company, dba Knife River Construction of Stockton, California, in the amount of $1,588,636, for the Claus Road Pavement Rehabilitation Project and authorizing the Interim City Manager, or his designee to execute the Agreement.

Consent

5. Consider approving the plans, specifications and bid, awarding the construction contract to DSS Company dba Knife River Construction of Stockton, California, in the amount of $2,204,866 for the Carpenter Road Street Improvements Project; and increasing the Utility Department Director's authority to approve change orders up to the cumulative amount of $220,487 (10% of the original contract price). (Funding Source: Measure L)
   - Resolution approving the plans, specifications and bid, awarding the construction contract to DSS Company dba Knife River Construction of Stockton, California, in the amount of $2,204,866 for the Carpenter Road Street Improvements Project and authorizing the Interim City Manager, or his designee to execute the Agreement.
   - Resolution authorizing the Utility Department Director to approve change orders up to the cumulative amount of $220,487 (10% of the original contract price).

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

**ACTION: Resolution 2018-177 (Kenoyer/Grewal; 6/0; Ah You absent)** approving the plans, specifications and bid, awarding the construction contract to DSS Company dba Knife River Construction of Stockton, California, in the amount of $2,204,866 for the Carpenter Road Street Improvements Project and authorizing the Interim City Manager, or his designee to execute the Agreement.

**ACTION: Resolution 2018-178 (Kenoyer/Grewal; 6/0; Ah You absent)** authorizing the Utility Department Director to approve change orders up to the cumulative amount of $220,487 (10% of the original contract price).

Consent

6. Consider accepting an informational update on the Residential Parking Permit zones. (Funding Source: Not Applicable)
   - Motion accepting an informational update on the Residential Parking Permit zones.

   *Finance; Jennifer Martin, 571-5892, jmartin@modestogov.com*

**ACTION: Motion (Kenoyer/Grewal; 6/0; Ah You absent)** accepting an informational update on the Residential Parking Permit zones.

Consent

7. Consider approving a change order to purchase order #135006 with DOCON, Inc., Modesto, CA in the amount of $7,161 for the installation of shade netting fabric at John Thurman Field, and $3,305 in project contingency (if needed) for a total amount of $10,466. (Funding Source: John Thurman Field Capital Improvement Fund)
   - Resolution approving a change order to purchase order #135006 with DOCON, Inc., Modesto, CA in the amount of $7,161 for the installation of shade netting fabric at John Thurman Field, an additional $3,305 in project contingency (if needed), and authorizing the Purchasing Manager, or her designee, to issue change orders to the purchase order for a total amount not to exceed $36,360, as necessary.

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

**ACTION: Resolution 2018-179 (Kenoyer/Grewal; 6/0; Ah You absent)** approving a change order to purchase order #135006 with DOCON, Inc., Modesto, CA in the amount of $7,161 for the installation of shade netting fabric at John Thurman Field, an additional $3,305 in project contingency (if needed), and authorizing the Purchasing Manager, or her designee, to issue change orders to the purchase order for a total amount not to exceed $36,360, as necessary.

Consent

8. Consider approving the cancellation of seven completed bids for 22 vehicles and pieces of equipment from various vendors. (Funding Source: Various City Department Funds)
   - Resolution approving the cancellation of seven completed bids for 22 vehicles and pieces of equipment from various vendors.

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

**ACTION: Resolution 2018-180 (Kenoyer/Grewal; 6/0; Ah You absent)** approving the cancellation of seven completed bids for 22 vehicles and pieces of equipment from various vendors.

Consent

9. Consider approving the submission of the Transportation Development Act Transit Claim for Fiscal Year 2018-2019 to the Stanislaus Council of Governments in the amount of $11,815,332. (Funding Source: Transportation Development Act Funds)
   - Resolution approving the submission of the City's Transportation Development Act (TDA) Transit Claim for Fiscal Year 2018-2019 to the Stanislaus Council of Governments (StanCOG) in the amount of $11,815,332.

   *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2018-181 (Kenoyer/Grewal; 6/0; Ah You absent)** approving the submission of the City's Transportation Development Act (TDA) Transit Claim for Fiscal Year 2018-2019 to the Stanislaus Council of Governments (StanCOG) in the amount of $11,815,332.

Consent

10. Consider approving fare changes on the Modesto Area Express service to the Bay Area Rapid Transit station in Pleasanton to provide for electronic fare media. (Funding Source: Transit Funds)
    - Resolution approving fare changes on the Modesto Area Express (MAX) commuter service to the Bay Area Rapid Transit (BART) station effective July 1, 2018, and authorizing the Transit Manager to implement the changes.

    *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2018-182 (Kenoyer/Grewal; 6/0; Ah You absent)** approving fare changes on the Modesto Area Express (MAX) commuter service to the Bay Area Rapid Transit (BART) station effective July 1, 2018, and authorizing the Transit Manager to implement the changes.

Consent

11. Consider approving a ten-year license agreement with Orchard Supply Company, LLC, for the use of parking spaces for the Modesto Area Express Park and Ride lot at 2800 Sisk Road for a total amount of $6,000 in the initial year, and a total not to exceed $63,000 for the term of the agreement. (Funding Source: Transit Funds)
    - Resolution approving a ten-year license Agreement with Orchard Supply Company, LLC, for the use of parking spaces for the Modesto Area Express (MAX) Park and Ride lot at 2800 Sisk Road for a total amount of $6,000 in the initial year and a total cost not to exceed $63,000 for the term of the Agreement, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

    *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2018-183 (Kenoyer/Grewal; 6/0; Ah You absent)** approving a ten-year license Agreement with Orchard Supply Company, LLC, for the use of parking spaces for the Modesto Area Express (MAX) Park and Ride lot at 2800 Sisk Road for a total amount of $6,000 in the initial year and a total cost not to exceed $63,000 for the term of the Agreement, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

Consent

12. Consider approving a sole source Purchase Agreement with Avail Technologies, Inc., State College, PA, for replacement cellular modems utilized by Modesto Area Express at a total cost not to exceed $316,144 for three years; and amending the Fiscal Year 2017-18 Operating Budget in the amount of $43,911 to fund the project. (Funding Source: Federal Transit Funds)
    - Resolution approving a sole source Purchase Agreement with Avail Technologies, Inc., State College, PA, for replacement cellular modems utilized by Modesto Area Express (MAX) for a total cost not to exceed $316,144 for three years, and authorizing the Interim City Manager, or his designee, to execute the Purchase Agreement.

- Resolution amending the Fiscal Year 2017-18 Operating Budgets in the amount of $43,911 to fund the purchase of replacement cellular modems utilized by Modesto Area Express (MAX), and authorizing the Interim City Manager, or his designee to implement the provisions of the resolution.

*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2018-184 (Kenoyer/Grewal; 6/0; Ah You absent)** approving a sole source Purchase Agreement with Avail Technologies, Inc., State College, PA, for replacement cellular modems utilized by Modesto Area Express (MAX) for a total cost not to exceed $316,144 for three years, and authorizing the Interim City Manager, or his designee, to execute the Purchase Agreement.

**ACTION: Resolution 2018-185 (Kenoyer/Grewal; 6/0; Ah You absent)** amending the Fiscal Year 2017-18 Operating Budgets in the amount of $43,911 to fund the purchase of replacement cellular modems utilized by Modesto Area Express (MAX), and authorizing the Interim City Manager, or his designee to implement the provisions of the resolution.

Consent

13. Consider accepting the Downstream Water System Improvements-Tier 1 North Tank 11 and Pump Station Project as complete, authorizing all necessary steps to file with the County Recorder, release securities and release payments totaling $10,693,011.53 to Gateway Pacific Contractors Inc., of Sacramento, CA. (Funding Source: Water Fund-CIP)
    - Resolution accepting the Downstream Water System Improvements-Tier 1 North Tank 11 and Pump Station Project as complete, authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling $10,693,011.53 to Gateway Pacific Contractors Inc., of Sacramento, CA.

    *Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com*

**ACTION: Resolution 2018-186 (Kenoyer/Grewal; 6/0; Ah You absent)** accepting the Downstream Water System Improvements-Tier 1 North Tank 11 and Pump Station Project as complete, authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling $10,693,011.53 to Gateway Pacific Contractors Inc., of Sacramento, CA.

Consent

14. Consider accepting the Tully Road & 9th Street Pavement Rehabilitation Project as complete, authorizing all necessary steps to file with the County Recorder, release securities and release payments totaling $601,986.51 to George Reed, Inc., of Modesto, CA. (Funding Source: Regional Surface Transportation Program Funds, RSTP)
    - Resolution accepting the Tully Road & 9th Street Pavement Rehabilitation Project as complete, authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling $601,986.51 to George Reed, Inc. of Modesto, CA.

    *Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com*

**ACTION: Resolution 2018-187 (Kenoyer/Grewal; 6/0; Ah You absent)** accepting the Tully

Road & 9th Street Pavement Rehabilitation Project as complete, authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling $601,986.51 to George Reed, Inc. of Modesto, CA.

## COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer attended the following events: San Joaquin Policy Board meeting on May 10 and 11, 2018; she assisted with clean-up at the Tuolumne River on May 12, 2018; and American Legion Girls & Boys Award ceremony on May 14, 2018; she also encouraged mentoring at Modesto elementary schools.

Councilmember Madrigal attended the following events: Neighborhood Watch Coordinators event, American GI Forum's monthly membership meeting, American Asian Resources Picnic last Sunday, 4th of July Festival Planning Committee; and a Memorial for Ken Williams, Sr.

## CITY MANAGER COMMENTS & REPORTS

None.

## HEARINGS

*Published in the Modesto Bee and Vida en el Valle on March 7, 2018; Continued from April 10, 2018 and May 1, 2018 Council Meetings.* ***Item continued to June 12, 2018***

15. Hearing to consider approving the Fiscal Year 2018-2019 Annual Action Plan. (Funding Source: Not Applicable)
    - Item continued to June 12, 2018.

    *Community & Economic Development; Aaron Farnon, 577-5211, afarnon@modestogov.com*

**ACTION:** Item continued to June 12, 2018.

*Published in the Modesto Bee and Vida en el Valle on March 7, 2018; Continued from April 10th and April 24th, 2018 Council Meetings.* ***Item removed from Agenda***

16. Hearing to consider approving Amendment No. 1 to City of Modesto Fiscal Year 2017-2018 Annual Action Plan and amending the Fiscal Year 2017-18 Annual Operating and Multi-year Project budgets to reflect allocations approved in Amendment No. 1 to Fiscal Year 2017-18 Annual Action Plan. (Funding Source: Community Development Block Grant Entitlement Funds and Revolving Loan Funds)
    - Item removed from Agenda.

    *Community & Economic Development; Aaron Farnon, 577-5211, afarnon@modestogov.com*

**ACTION:** Item removed from Agenda.

## NEW BUSINESS

17. Consider approving the Purchase Agreements for the furnishing of Hot Patch Work

from Garrett Thompson Construction, Inc., Modesto, CA, for an annual cost not to exceed $4,106,500; and United Pavement Maintenance, Hughson, CA, for an annual cost not to exceed $200,000, for two-year agreements with three one-year extension options, for an annual combined total cost not to exceed $4,306,500; approval of any of the one year extensions would require future approval by the City Council. (Funding Source: Water Funds 4100 and 4180, Wastewater Fund 4210, and Stormwater Fund 4480)

- Resolution approving the Purchase Agreements for the furnishing of Hot Patch Work from Garrett Thompson Construction, Inc., Modesto, CA, for an annual cost not to exceed $4,106,500; and United Pavement Maintenance, Hughson, CA, for an annual cost not to exceed $200,000, for two-year agreements with three one-year extension options, for an annual combined total cost not to exceed $4,306,500; approval of any of the one year extensions would require future approval by the City Council, and authorizing the Purchasing Manager, or her designee, to issue purchasing agreements.

*Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Resolution 2018-188 (Madrigal/Ridenour; 6/0; Ah You absent)** approving the Purchase Agreements for the furnishing of Hot Patch Work from Garrett Thompson Construction, Inc., Modesto, CA, for an annual cost not to exceed $4,106,500; and United Pavement Maintenance, Hughson, CA, for an annual cost not to exceed $200,000, for two-year agreements with three one-year extension options, for an annual combined total cost not to exceed $4,306,500; approval of any of the one year extensions would require future approval by the City Council, and authorizing the Purchasing Manager, or her designee, to issue purchasing agreements.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 6:30 p.m.

## CLOSED SESSION

*All Closed Session Matters heard prior to meeting*

## CONSENT ITEM

1. Consider appointing Real Property Negotiators James Staudinger, CPSI and Adam U. Lindgren, City Attorney for Properties: APN: 007-039-043, 007-039-042, 007-037-013, 007-037-012, 007-039-001, 101-004-064, 029-015-008.

- Motion appointing Real Property Negotiators James Staudinger, CPSI and Adam U. Lindgren, City Attorney for Properties: APN: 007-039-043, 007-039-042, 007-037-013, 007-037-012, 007-039-001, 101-004-064, 029-015-008.

City Attorney, Adam Lindgren, 577-5284, alindgren@modestogov.com

## CLOSED SESSION

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
One Case (Pursuant to Section 54956.9(d)(2) of the Government Code)

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
One Case (Pursuant to Section 54956.9(d)(4) of the Government Code)

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**
(Pursuant to Section 54956.8 of the Government Code)
Property & Property Owners:

| APN | Address | Owner Name |
|---|---|---|
| 007-039-043 | 1812 Kansas Avenue | Bender Trust |
| 007-039-042 | 1820 Kansas Avenue | John and Suki Gonzalez |
| 007-037-013 | 537 N Rosemore Avenue | Zaiger Family Trust |
| 007-037-012 | Kansas Avenue | Zaiger Family Trust |
| 007-039-001 | 700 N Rosemore Avenue | Dimas M. Borba |
| 101-004-064 | 212 Linden Street | Nilo & Rachel Casiano |
| 029-015-008 | 611 N Franklin Street | Melton & Olmstead |

Negotiating Parties:
For City: James Staudinger, CPSI
Adam U. Lindgren, City Attorney for City of Modesto
For Property Owner: Property Owners
Under Negotiation: Price and Terms

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCEA**
Negotiator: Norma Santoyo
Employee Organization: Modesto City Employees Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCMA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Confidential & Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MPOA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Officers' Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MPNSA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Non-Sworn Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) –MPMA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCFFA**
Negotiator: Norma Santoyo
Employee Organization: Modesto City Firefighters Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**
Negotiator: Norma Santoyo
Employee Organization: Unrepresented Management and Confidential Employees

Attest:_____
Stephanie Lopez, City Clerk

# MINUTES

City of Modesto

## CITY COUNCIL MEETING

**Chambers, Basement Level**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**
**Tuesday June 05, 2018, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
Absent: Councilmember Zoslocki

Pledge of Allegiance to the Flag

Invocation: Mark Krieger, Modesto Covenant Church

City Clerk's Announcements: Item 7 - continued to June 12, 2018 Council meeting

Declaration of Conflicts of Interest: None

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

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation declaring June 2018 Disability Awareness Month. (Funding Source: Not Applicable)
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Brandvold presented a Proclamation declaring June 2018 Disability Awareness Month.

2. Recognition of staff who have reached 20 year milestones as employees of the City of Modesto. (Funding Source: Not Applicable)
*Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION:** Mayor Brandvold and City Councilmembers recognized staff who have reached 20 year milestones as employees of the City of Modesto.

### PUBLIC COMMENT PERIOD

- Becky Barnes-Boers spoke regarding the Americans with Disabilities Act.
- Sebastian Jones spoke regarding the homeless in Modesto.

- A citizen spoke regarding the need for officers in Modesto and the need for fixing sidewalks in Modesto.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**
**CONSENT ITEMS 3-6; 8-20: (Kenoyer/Grewal; 6/0; Zoslocki 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 May 22, 2018 Council Meeting. (Funding Source: Not Applicable)
   - Motion approving the minutes from the May 22, 2018 Council Meeting.

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

**ACTION: Motion (Kenoyer/Grewal; 6/0; Zoslocki absent)** approving the minutes from the May 22, 2018 Council Meeting.

Consent
4. Consider appointing a voting delegate for the 2018 League of California Cities Annual Conference to be held in Long Beach, CA on September 12-14, 2018. (Funding Source: Not Applicable)
   - Motion approving Mayor Ted Brandvold as a voting delegate and Councilmembers Tony Madrigal and Douglas Ridenour, Sr. as alternate for the 2018 League of California Cities Annual Conference to be held in Long Beach, CA on September 12-14, 2018.

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

**ACTION: Motion (Kenoyer/Grewal; 6/0; Zoslocki absent)** approving Mayor Ted Brandvold as a voting delegate and Councilmembers Tony Madrigal and Douglas Ridenour, Sr. as alternate for the 2018 League of California Cities Annual Conference to be held in Long Beach, CA on September 12-14, 2018.

Consent
5. Consider naming the Mayor and City Council as the Interim Board of Directors of the Modesto Convention and Visitor's Bureau. (Funding Source: Transient Occupancy Tax)
   - Resolution naming the Mayor and City Council as the Interim Board of Directors of the Modesto Convention and Visitor's Bureau.

   *Community & Economic Development; Laurie Smith, 577-5437, lsmith@modestogov.com*

**ACTION: Resolution 2018-189 (Kenoyer/Grewal; 6/0; Zoslocki absent)** naming the Mayor

and City Council as the Interim Board of Directors of the Modesto Convention and Visitor's Bureau.

Consent

6. Consider approving an Agreement with Alta Planning + Design Inc., Oakland, CA, for engineering services for the Active Transportation Plan (Non-Motorized Master Plan Update) in an amount not to exceed $199,994 for the identified scope of services, plus $19,999 for additional services (if needed), for a maximum total amount not to exceed $219,993. (Funding Source: Measure L funds)
    - Resolution approving an Agreement with Alta Planning + Design Inc., Oakland, CA, for engineering services for the Active Transportation Plan (Non-Motorized Master Plan Update) in an amount not to exceed $199,994 for the identified scope of services, plus $19,999 for additional services (if needed), for a maximum total amount not to exceed $219,993 and authorizing the Interim City Manager, or his designee, to execute the Agreement.

    *Community & Economic Development; Vickey Dion, 571-5442, vdion@modestogov.com*

**ACTION: Resolution 2018-190 (Kenoyer/Grewal; 6/0; Zoslocki absent)** approving an Agreement with Alta Planning + Design Inc., Oakland, CA, for engineering services for the Active Transportation Plan (Non-Motorized Master Plan Update) in an amount not to exceed $199,994 for the identified scope of services, plus $19,999 for additional services (if needed), for a maximum total amount not to exceed $219,993 and authorizing the Interim City Manager, or his designee, to execute the Agreement.

Consent

7. Consider approving an Agreement with Fehr and Peers, Walnut Creek, CA, for consultant services for the Systemic Safety Analysis Report project for $183,240 for the identified scope of services plus $18,324 for additional services (if needed), for a total amount not to exceed $201,564. (Funding Source: State Systemic Safety Analysis Report Program Grant and Local Measure L funds)
    - Resolution approving an Agreement with Fehr and Peers, Walnut Creek, CA, for consultant services for the Systemic Safety Analysis Report project for $183,240 for the identified scope of services, plus $18,324 for additional services (if needed), for a total amount not to exceed $201,564, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

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

**ACTION:** Item continued to June 12, 2018 Council meeting.

Consent

8. Consider accepting an informational report for the April 2018 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the April 2018 Accounts Payable Payment Register and Void report.

*Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Kenoyer/Grewal; 6/0; Zoslocki absent)** accepting an informational report for the April 2018 Accounts Payable Payment Register and Void report.

Consent

9. Consider accepting the Monthly Investment Report for March 2018. (Funding Source: Various Funds)
   - Motion accepting the Monthly Investment Report for March, 2018.

   *Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Kenoyer/Grewal; 6/0; Zoslocki absent)** accepting the Monthly Investment Report for March, 2018.

Consent

10. Consider approving a Fiscal Sponsor Agreement with Valley Mountain Regional Center (VMRC) for the purposes of fund raising related to the development of The Awesome Spot Playground at Beyer Community Park. (Funding Source: Park Partners Program and community donations)
    - Resolution approving a Fiscal Sponsor Agreement with Valley Mountain Regional Center for the purposes of fund raising related to the development of The Awesome Spot Playground at Beyer Community Park, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

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

**ACTION: Resolution 2018-191 (Kenoyer/Grewal; 6/0; Zoslocki absent)** approving a Fiscal Sponsor Agreement with Valley Mountain Regional Center for the purposes of fund raising related to the development of The Awesome Spot Playground at Beyer Community Park, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

Consent

11. Consider accepting the California River Parkways Grant Program award in an amount of $500,000 to fund design and construction of the Tuolumne River Regional Park (TRRP) River Overlook Project, and amending the Fiscal Year 2017-18 Capital Improvement Project Budget in an amount not to exceed $849,940. (Funding Source: California River Parkways Grant Program and Federal High-Priority Demo Funds)
    - Resolution accepting the California River Parkways Grant Program funds in an amount of $500,000 to fund design and construction of the Tuolumne River Regional Park (TRRP) River Overlook Project and authorizing the Interim City Manager, or his designee, to accept and utilize the grant award.
    - Resolution amending the Fiscal Year 2017-18 Capital Improvement Program Budget in an amount not to exceed $849,940 in revenue and to budget expenditures as outlined in Attachment A to fund design and construction of the Tuolumne River Regional Park River Overlook project and authorizing the Interim City Manager, or his designee, to implement the budget adjustment.

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

**ACTION: Resolution 2018-192 (Kenoyer/Grewal; 6/0; Zoslocki absent)** accepting the California River Parkways Grant Program funds in an amount of $500,000 to fund design and construction of the Tuolumne River Regional Park (TRRP) River Overlook Project and authorizing the Interim City Manager, or his designee, to accept and utilize the grant award.

**ACTION: Resolution 2018-193 (Kenoyer/Grewal; 6/0; Zoslocki absent)** amending the Fiscal Year 2017-18 Capital Improvement Program Budget in an amount not to exceed $849,940 in revenue and to budget expenditures as outlined in Attachment A to fund design and construction of the Tuolumne River Regional Park River Overlook project and authorizing the Interim City Manager, or his designee, to implement the budget adjustment.

Consent

12. Consider approving the sole source procurement of a proprietary software upgrade and associated hardware to assist with the collection, analysis, and storage of digital evidence from Pen-Link Ltd., Lincoln, NE, for an amount not to exceed $113,673. (Funding Source: 2016-17 State Law Enforcement Supplemental Funds (SLESF))
    - Resolution approving the sole source procurement of a proprietary software upgrade and associated hardware to assist with the collection, analysis, and storage of digital evidence from Pen-Link Ltd., Lincoln, NE, for an amount not to exceed $113,673 and authorizing the Purchasing Manager, or her designee, to issue a Purchase Order.

    *Police; Galen Carroll, 572-9501, carrollg@modestopd.com*

**ACTION: Resolution 2018-194 (Kenoyer/Grewal; 6/0; Zoslocki absent)** approving the sole source procurement of a proprietary software upgrade and associated hardware to assist with the collection, analysis, and storage of digital evidence from Pen-Link Ltd., Lincoln, NE, for an amount not to exceed $113,673 and authorizing the Purchasing Manager, or her designee, to issue a Purchase Order.

Consent

13. Consider approving the award of bid to Towne Ford, Redwood City, CA for the purchase of eleven Ford Police Interceptor AWD utility vehicles for the Modesto Police Department for a total cost not to exceed $370,415. (Funding Source: Fleet Funds)
    - Resolution approving the award of bid for the purchase of eleven Ford Police Interceptor and AWD Utility vehicles to Towne Ford, Redwood City, CA, for a total cost not to exceed $370,415, and authorizing the Purchasing Manager, or her designee, to issue the Purchasing Order.

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

**ACTION: Resolution 2018-195 (Kenoyer/Grewal; 6/0; Zoslocki absent)** approving the award of bid for the purchase of eleven Ford Police Interceptor and AWD Utility vehicles to Towne Ford, Redwood City, CA, for a total cost not to exceed $370,415, and authorizing the Purchasing Manager, or her designee, to issue the Purchasing Order.

Consent

14. Consider an Agreement with Pires, Lipomi and Navarro Architects, Modesto, CA, for architectural design services for the Phase I Fleet Maintenance Facility Heavy Maintenance Bay Project in the amount of $84,125, plus $8,413 for additional services, if needed, for an Agreement total not to exceed $92,538. (Funding Source: Fleet Fund)
    - Resolution approving an Agreement with Pires, Lipomi & Navarro Architects, Modesto, CA, for Architectural Design Services for the Fleet Maintenance Facility Improvements Project in the amount of $84,125, plus $8,413 for additional services if needed, for an Agreement total of $92,538 and authorizing the Interim City Manager, or his designee, to execute the Agreement.

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

**ACTION: Resolution 2018-196 (Kenoyer/Grewal; 6/0; Zoslocki absent)** approving an Agreement with Pires, Lipomi & Navarro Architects, Modesto, CA, for Architectural Design Services for the Fleet Maintenance Facility Improvements Project in the amount of $84,125, plus $8,413 for additional services if needed, for an Agreement total of $92,538 and authorizing the Interim City Manager, or his designee, to execute the Agreement.

Consent

15. Consider approving a Purchase and Sale Agreement with Angelina R. Arriaga to acquire real property at 1426 Garden Avenue, for the River Trunk Realignment Project in an amount not to exceed $159,044, including estimated closing costs, and a sixty-day leaseback option to the seller for $500 per month. (Funding Source: Wastewater CIP 100646)
    - Resolution approving a Purchase and Sale Agreement with Angelina R. Arriaga, for a parcel of approximately 6,625 square feet of real property, located at 1426 Garden Avenue in Modesto (APN: 037-035-046), in the amount not to exceed $159,044 for the River Trunk Rehabilitation Project, and authorizing the Interim City Manager, or his designee, to execute the Agreement, the Grant Deed and any related documents required to close escrow.
    - Resolution approving an option for a lease Agreement with Angelina R. Arriaga, for real property of approximately 6,625 square feet, located at 1426 Garden Avenue in Modesto (APN: 037-035-046), in the amount of $500 per month for a period of up to sixty (60) days following the close of sale, and authorizing the Interim City Manager, or his designee, to execute the lease Agreement.
    - Resolution authorizing the Interim City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed, for the acquisition of real property located at 1426 Garden Avenue, in Modesto (APN: 037-035-046), owned by Angelina R. Arriaga, to be purchased by the City of Modesto for the River Trunk Rehabilitation Project.

    *Utilities; Jon Yuriar, 577-5399, jyuriar@modestogov.com*

**ACTION: Resolution 2018-197 (Kenoyer/Grewal; 6/0; Zoslocki absent)** approving a Purchase and Sale Agreement with Angelina R. Arriaga, for a parcel of approximately 6,625 square feet of real property, located at 1426 Garden Avenue in Modesto (APN: 037-035-046), in the amount not to exceed $159,044 for the River Trunk Rehabilitation Project, and

authorizing the Interim City Manager, or his designee, to execute the Agreement, the Grant Deed and any related documents required to close escrow.

**ACTION: Resolution 2018-198 (Kenoyer/Grewal; 6/0; Zoslocki absent)** approving an option for a lease Agreement with Angelina R. Arriaga, for real property of approximately 6,625 square feet, located at 1426 Garden Avenue in Modesto (APN: 037-035-046), in the amount of $500 per month for a period of up to sixty (60) days following the close of sale, and authorizing the Interim City Manager, or his designee, to execute the lease Agreement.

**ACTION: Resolution 2018-199 (Kenoyer/Grewal; 6/0; Zoslocki absent)** authorizing the Interim City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed, for the acquisition of real property located at 1426 Garden Avenue, in Modesto (APN: 037-035-046), owned by Angelina R. Arriaga, to be purchased by the City of Modesto for the River Trunk Rehabilitation Project.

Consent

16. Consider rejecting all bids received to Request for Bid No. 1718-38 for Transport of Wastewater Debris to Disposal Site. (Funding Source: Wastewater Fund)
    - Resolution rejecting all bids received to Request for Bid No. 1718-38 for Transport of Wastewater Debris to Disposal Site and authorizing the Interim City Manager, or his designee, to reissue the RFB at a future date, with an amended Scope of Work.

    *Utilities; Laura Anhalt, 342-4502, lanhalt@modestogov.com*

**ACTION: Resolution 2018-200 (Kenoyer/Grewal; 6/0; Zoslocki absent)** rejecting all bids received to Request for Bid No. 1718-38 for Transport of Wastewater Debris to Disposal Site and authorizing the Interim City Manager, or his designee, to reissue the RFB at a future date, with an amended Scope of Work.

Consent

17. Consider approving the award of bid and the Purchase Agreement for the furnishing of State required regulatory analytical laboratory testing services for the Utilities Department, Water Services Division, to Alpha Analytical Laboratories, Livermore, CA, for a two-year Agreement with three one-year extension options, for an estimated annual cost not to exceed $233,310, and an amount not to exceed $1,166,550 over five years; and a Purchase Agreement for the furnishing of Environmental Protection Agency (EPA) Unregulated Contaminant Monitoring Rule (UCMR 4) laboratory testing for the Utilities Department, Water Services Division, to BSK Associates, Fresno, CA, for a three-year Agreement for a total cost not to exceed $79,112 over three years. (Funding Source: Water Fund)
    - Resolution approving the award of bid and the Purchase Agreement for the furnishing of State required regulatory analytical laboratory testing services for the Utilities Department, Water Services Division, to Alpha Analytical Laboratories, Livermore, CA, for a two-year Agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost not to exceed $233,310, and an amount not to exceed $1,166,550 over five years, and authorizing the Purchasing Manager, or her designee, to issue the Purchasing Agreement.
    - Resolution approving the Purchase Agreement for the furnishing of Environmental

Protection Agency Unregulated Contaminant Monitoring Rule (UCMR 4) laboratory testing for the Utilities Department, Water Services Division, to BSK Associates, Fresno, CA, for a three-year Agreement for a total cost not to exceed $79,112 over three years, and authorizing the Purchasing Manager, or her designee, to issue the Purchasing Agreement.

*Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Resolution 2018-201 (Kenoyer/Grewal; 6/0; Zoslocki absent)** approving the award of bid and the Purchase Agreement for the furnishing of State required regulatory analytical laboratory testing services for the Utilities Department, Water Services Division, to Alpha Analytical Laboratories, Livermore, CA, for a two-year Agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost not to exceed $233,310, and an amount not to exceed $1,166,550 over five years, and authorizing the Purchasing Manager, or her designee, to issue the Purchasing Agreement.

**ACTION: Resolution 2018-202 (Kenoyer/Grewal; 6/0; Zoslocki absent)** approving the Purchase Agreement for the furnishing of Environmental Protection Agency Unregulated Contaminant Monitoring Rule (UCMR 4) laboratory testing for the Utilities Department, Water Services Division, to BSK Associates, Fresno, CA, for a three-year Agreement for a total cost not to exceed $79,112 over three years, and authorizing the Purchasing Manager, or her designee, to issue the Purchasing Agreement.

Consent

18. Consider rejecting all bids received for RFB No, 1718-43 for Variable Frequency Drives. (Funding Source: Water Fund)
    - Resolution rejecting all bids received for RFB No. 1718-43 for Variable Frequency Drives and authorizing the Interim City Manager, or his designee, to reissue a RFB at a future date, with an amended Scope of Services to include Sole Brand of ABB, ACS550 Model.

    *Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Resolution 2018-203 (Kenoyer/Grewal; 6/0; Zoslocki absent)** rejecting all bids received for RFB No. 1718-43 for Variable Frequency Drives and authorizing the Interim City Manager, or his designee, to reissue a RFB at a future date, with an amended Scope of Services to include Sole Brand of ABB, ACS550 Model.

Consent

19. Consider approving the award of bid for the furnishing of analytical laboratory testing services for the Utilities Department, Wastewater Division, to Alpha Analytical Laboratories, Dublin, CA, for a two-year Agreement with three one-year extension options, for an annual cost not to exceed $170,000 and not to exceed $850,000 over five years; and to McCampbell Analytical, Inc., Pittsburg, CA, for toxicity testing only, for a two-year Agreement with three one-year extension options, for an annual cost not to exceed $70,000, and not to exceed $350,000 over five years. (Funding Source: Wastewater and Stormwater Funds)
    - Resolution approving the award of bid for the furnishing of analytical laboratory testing services for the Utilities Department, Wastewater Division, to Alpha

Analytical Laboratories, Dublin, CA, for a two-year Agreement with three one-year extension options, for an annual cost not to exceed $170,000 and not to exceed $850,000 over five years and authorizing the Purchasing Manager, or her designee, to issue the Purchasing Agreement.

- Resolution approving the award of bid for the furnishing of analytical laboratory testing services for the Utilities Department, Wastewater Division, to McCampbell Analytical, Inc., Pittsburg, CA, for toxicity testing only, for a two-year Agreement with three one-year extension options, for an annual cost not to exceed $70,000, and not to exceed $350,000 over five years and authorizing the Purchasing Manager, or her designee, to issue the Purchasing Agreement.

*Utilities; Thomas Sinclair, 577-6240, tsinclair@modestogov.com*

**ACTION: Resolution 2018-204 (Kenoyer/Grewal; 6/0; Zoslocki absent)** approving the award of bid for the furnishing of analytical laboratory testing services for the Utilities Department, Wastewater Division, to Alpha Analytical Laboratories, Dublin, CA, for a two-year Agreement with three one-year extension options, for an annual cost not to exceed $170,000 and not to exceed $850,000 over five years and authorizing the Purchasing Manager, or her designee, to issue the Purchasing Agreement.

**ACTION: Resolution 2018-205 (Kenoyer/Grewal; 6/0; Zoslocki absent)** approving the award of bid for the furnishing of analytical laboratory testing services for the Utilities Department, Wastewater Division, to McCampbell Analytical, Inc., Pittsburg, CA, for toxicity testing only, for a two-year Agreement with three one-year extension options, for an annual cost not to exceed $70,000, and not to exceed $350,000 over five years and authorizing the Purchasing Manager, or her designee, to issue the Purchasing Agreement.

Consent

20. Consider approving an Agreement with Pires, Lipomi and Navarro Architects, Modesto, CA, for architectural & engineering design services for the Downtown Modesto Transportation Center Improvement Project in the amount of $136,820, plus $13,682 for additional services, if needed, for an Agreement total not to exceed $150,502. (Funding Source: Transit Fund)

    - Resolution approving an Agreement with Pires, Lipomi & Navarro Architects, Modesto, CA, for architectural and engineering design services for the Transportation Center Improvements Project in the amount of $136,820, plus $13,682 for additional services if needed, for an Agreement total of $150,502 and authorizing the Interim City Manager, or his designee, to execute the Agreement.

    *Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Resolution 2018-206 (Kenoyer/Grewal; 6/0; Zoslocki absent)** approving an Agreement with Pires, Lipomi & Navarro Architects, Modesto, CA, for architectural and engineering design services for the Transportation Center Improvements Project in the amount of $136,820, plus $13,682 for additional services if needed, for an Agreement total of $150,502 and authorizing the Interim City Manager, or his designee, to execute the Agreement.

## COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer attended the following events: Memorial Day services in Modesto and Stanislaus County; the Phuoc Son Buddhist Center 2562nd Buddha's Birthday Celebration on Sunday, and the Parent Resource Center event last night.

Councilmember Madrigal attended the following events: Memorial Day services in Modesto and Stanislaus County, the Manufacturers Council luncheon last Thursday, the celebration of a local student in West Modesto, and dual Sweet 16 and Quinceanera celebrations in Modesto.

## CITY MANAGER COMMENTS & REPORTS

None.

## WRITTEN COMMUNICATIONS

21. Accept a written communication from Henry L. Petrino regarding CIP 100051, Claratina - McHenry to Coffee, 4 lanes. (Funding Source: Not Applicable)
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** No reportable action.

## UNFINISHED BUSINESS

22. Consider directing the City Clerk to place a measure on the November 2018 ballot for voter approval that would propose Charter Amendments sufficient to change the date of the City's regular municipal elections to the date of statewide general elections held in November of even-numbered years, and provide a one-time extension of existing four-year council and mayoral terms to five years. (Funding Source: General Fund)
    - Resolution directing the City Clerk to place a measure on the November 2018 ballot for voter approval that would propose Charter Amendments sufficient to change the date of the City's regular municipal elections to the date of statewide general elections held in November of even-numbered years, and provide a one-time extension of existing four-year council and mayoral terms to five years.

    *City Attorney; Adam Lindgren, 577-5248, alindgren@modestogov.com*

ACTION: Motion (Ridenour/no second) to continue item to June 12, 2018 Council meeting. **(MOTION FAILED)**

**ACTION: Resolution 2018-207 (Grewal/Ah You; 5/1; Ridenour no, Zoslocki absent)** directing the City Clerk to place a measure on the November 2018 ballot for voter approval that would propose Charter Amendments sufficient to change the date of the City's regular municipal elections to the date of statewide general elections held in November of even-numbered years, and provide a one-time extension of existing four-year council and mayoral terms to five years.

## NEW BUSINESS

23. Consider accepting an informational report regarding the mid-year financial status of the General Fund, amending the Fiscal Year 2017-18 Annual Operating Budget and approving the designation of $2,597,817 in Fiscal Year 2016-17 General Fund Carryover to the General Fund Emergency Reserves. (Funding Source: General Fund)
    - Resolution accepting the Mid-Year Budget Update Report for Fiscal Year 2017-18 for the City of Modesto General Fund.
    - Resolution amending the Fiscal Year 2017-18 Annual Operating Budget to increase General Fund revenues by $825,284 per the details outlined in Exhibit B and to designate $2,597,817 in Fiscal Year 2016-17 General Fund Carryover as General Fund Emergency Reserves.

    *Finance and City Manager; Steve Christensen, 577-5390, schristensen@modestogov.com*

**ACTION: Resolution 2018-208 (Ridenour/Grewal; 5/0; Madrigal; Zoslocki absent)** accepting the Mid-Year Budget Update Report for Fiscal Year 2017-18 for the City of Modesto General Fund.

**ACTION: Resolution 2018-209 (Ridenour/Grewal; 5/0; Madrigal, Zoslocki absent)** amending the Fiscal Year 2017-18 Annual Operating Budget to increase General Fund revenues by $825,284 per the details outlined in Exhibit B and to designate $2,597,817 in Fiscal Year 2016-17 General Fund Carryover as General Fund Emergency Reserves.

24. Consider approving the payment of software maintenance support Agreements for Fiscal Year 2017-18 for an estimated annual cost not to exceed $3,306,508. (Funding Source: General Fund, Grants – Police Fund, Liability Insurance Fund, and Information Technology Fund)
    - Resolution approving the payment of software maintenance support Agreements for the remainder of Fiscal Year 2017-18 for an estimated annual cost not to exceed $3,306,508.

    *Information Technology; Charlie Haase, 577-5229, chaase@modestogov.com*

**ACTION: Resolution 2018-210 (Kenoyer/Ah You; 6/0; Zoslocki absent)** approving the payment of software maintenance support Agreements for the remainder of Fiscal Year 2017-18 for an estimated annual cost not to exceed $3,306,508.

25. Consider accepting the California Urban Greening Grant Program funding in an amount of $3,193,401 to fund construction of Virginia Corridor Phase 7 Trail and amending the Fiscal Year 2017-18 Capital Improvement Program Budget. (Funding Source: Urban Greening Grant Program, CMAQ and Local Non-Motorized Transportation Funding)
    - Resolution accepting the California Urban Greening Grant Program funds in an amount of $3,193,401 to fund construction of Virginia Corridor Phase 7 Trail project.
    - Resolution amending the Fiscal Year 2017-2018 Capital Improvement Project

Budget in an amount not to exceed $3,331,649 in revenue and to budget expenditures as outlined in Attachment A to fund construction of the Virginia Corridor Phase 7 Trail project and authorizing the Interim City Manager, or his designee, to implement the budget adjustment.

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

**ACTION: Resolution 2018-211 (Ridenour/Grewal; 6/0; Zoslocki absent)** accepting the California Urban Greening Grant Program funds in an amount of $3,193,401 to fund construction of Virginia Corridor Phase 7 Trail project.

**ACTION: Resolution 2018-212 (Ridenour/Grewal; 6/0; Zoslocki absent)** amending the Fiscal Year 2017-2018 Capital Improvement Project Budget in an amount not to exceed $3,331,649 in revenue and to budget expenditures as outlined in Attachment A to fund construction of the Virginia Corridor Phase 7 Trail project and authorizing the Interim City Manager, or his designee, to implement the budget adjustment.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 7:00 p.m.

## CLOSED SESSION

*All Closed Session Matters heard prior to meeting*

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
**Two Cases (Pursuant to Section 54956.9(d)(2) of the Government Code)**

**PUBLIC EMPLOYEE DISCIPLINE**
**(Pursuant to Section 54957(b)(1) Government Code)**

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**
**(Pursuant to Section 54956.8 of the Government Code)**
Property: 2846 Finch Rd. APN: 039-010-220
Property Owners: City of Modesto/Stanislaus County
Negotiating Parties:
For City: Joseph P. Lopez, Interim City Manager
Adam U. Lindgren, City Attorney for City of Modesto
Under Negotiation: Price and Terms

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
**One Case (Pursuant to Section 54956.9(d)(1) of the Government Code)**
Name of case: Patrick Green v. COM
Case No. 2020908

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**
Agency Negotiators: Adam U. Lindgren, City Attorney
Norma Santoyo, Director of Human Resources
Employee: City Manager

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**
Agency Negotiators: Adam U. Lindgren, City Attorney
Norma Santoyo, Director of Human Resources
Employee: City Clerk

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCEA**
Negotiator: Norma Santoyo
Employee Organization: Modesto City Employees Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCMA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Confidential & Management Association

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

Employee Organization: Modesto Police Officers' Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MPNSA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Non-Sworn Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) –MPMA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCFFA**
Negotiator: Norma Santoyo
Employee Organization: Modesto City Firefighters Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**
Negotiator: Norma Santoyo
Employee Organization: Unrepresented Management and Confidential Employees

Attest:_____
Stephanie Lopez, City Clerk

# MINUTES

**City of Modesto**

# SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP

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

**Monday, June 11, 2018, at 5:00 p.m.**

Roll Call – Present: Councilmembers Ah You, Ridenour, Kenoyer
Absent: None

## PUBLIC COMMENTS

None.

## CONSENT

None.

## NEW BUSINESS

1. Consider approving the award of proposal and Agreement to Strommel Inc., DBA Lehr Auto Electric for the update and expansion, including the purchase of additional readers, of the Modesto Police Department's Automated License Plate Reader program for an amount not to exceed $196,968, and forwarding to Council for approval. (Funding Source: 2016-2017 BJAG Grant and 2017-2018 State Law Enforcement Supplemental Funds)

   *Police; T.J. Moffett, 572-9606, moffettt@modestopd.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** approving the award of proposal and Agreement to Strommel Inc., DBA Lehr Auto Electric for the update and expansion, including the purchase of additional readers, of the Modesto Police Department's Automated License Plate Reader program for an amount not to exceed $196,968, and forwarding to Council for approval.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 5:05 p.m.

Attest:_____
Joseph Lopez, Interim City Manager

# MINUTES

City of Modesto

## CITY COUNCIL MEETING

**Chambers, Basement Level**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**
**Tuesday June 12, 2018, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
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 Lindgren reported on Closed Session matters

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation proclaiming June 21, 2018 as Dump the Pump Day in the City of Modesto. (Funding Source: Not Applicable)
   *City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Brandvold presented a Proclamation proclaiming June 21, 2018 as Dump the Pump Day in the City of Modesto.

### PUBLIC COMMENT PERIOD

- Pastor Darius Crosby, on behalf of the Modesto Police Clergy Council, presented a Letter of Commendation to Chief Galen Carroll.

- Cecil Russell, Modesto Chamber of Commerce, spoke regarding the rebuilding of playground equipment at Graceada Park by 2018 Leadership Modesto.

- Dave Pratt spoke regarding Veterans Employment Committee Drive-Thru Dinner on July 24, 2018 at Texas Roadhouse.

- Fiona, Education First, spoke regarding students studying abroad.

- PJ spoke regarding homelessness in Modesto and requested assistance.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**
**ACTION CONSENT ITEMS 2-17: (Kenoyer/Zoslocki; 7/0)**

**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 5, 2018 Council Meeting. (Funding Source: Not Applicable)
   - Motion approving the minutes from the June 5, 2018 Council Meeting.

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

**ACTION: Motion (Kenoyer/Zoslocki; 7/0)** approving the minutes from the June 5, 2018 Council Meeting.

Consent
3. Consider a Second Amendment to the Professional Services Agreement with Municipal Resource Group, in the amount of $40,000, for continued assistance with Community & Economic Development Department projects, for a total Agreement amount of $153,000. (Funding Source: Various)
   - Resolution approving a Second Amendment to the Professional Services Agreement with Municipal Resource Group, in the amount of $40,000, to provide continued assistance with Community & Economic Development Department projects, for a total Agreement amount of $153,000 and authorizing the Interim City Manager, or his designee to execute the Amendment.

   *City Manager; Joseph Lopez, 571-5809, joelopez@modestogov.com*

**ACTION: Resolution 2018-213 (Kenoyer/Zoslocki; 7/0)** approving a Second Amendment to the Professional Services Agreement with Municipal Resource Group, in the amount of $40,000, to provide continued assistance with Community & Economic Development Department projects, for a total Agreement amount of $153,000 and authorizing the Interim City Manager, or his designee to execute the Amendment.

Consent
4. Consider accepting the Homeless Management Information System Grant in the amount of $173,533. (Funding Source: Continuum of Care Funds)
   - Resolution accepting the Homeless Management Information System Grant (HMIS) in the amount of $173,533 and authorizing the Interim City Manager or his designee, to execute all necessary funding and grant documents.

   *Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2018-214 (Kenoyer/Zoslocki; 7/0)** accepting the Homeless Management Information System Grant (HMIS) in the amount of $173,533 and authorizing the Interim City Manager or his designee, to execute all necessary funding and grant documents.

Consent

5. Consider amending Section 3 (Community Development Block Grant Programs), and Section 6 (Housing Rehabilitation Program), of the Housing and Urban Development Policies & Procedures Manual. (Funding Source: Community Development Block Grant Funds)
    - Resolution amending Section 3 (Community Development Block Grant Programs) and Section 6 (Housing Rehabilitation Program), of the Housing and Urban Development Policies & Procedures Manual.

    *Community & Economic Development; Jessica Narayan , 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2018-215 (Kenoyer/Zoslocki; 7/0)** amending Section 3 (Community Development Block Grant Programs) and Section 6 (Housing Rehabilitation Program), of the Housing and Urban Development Policies & Procedures Manual.

Consent

6. Consider approving a Will Serve Letter and Outside Service Agreement for water service for the property located at 7427 River Nine Drive in Modesto (APN: 004-092-008). (Funding Source: Water Fund, General Fund)
    - Resolution approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and Rio De Suenos, a California Limited Liability Company to connect to the City of Modesto's existing water system for the property located at 7427 River Nine Drive in Modesto (APN: 004-092-008), and authorizing the Interim City Manager, or his designee, to approve the Will Serve Letter and execute the Outside Service Agreement.

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

**ACTION: Resolution 2018-216 (Kenoyer/Zoslocki; 7/0)** approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and Rio De Suenos, a California Limited Liability Company to connect to the City of Modesto's existing water system for the property located at 7427 River Nine Drive in Modesto (APN: 004-092-008), and authorizing the Interim City Manager, or his designee, to approve the Will Serve Letter and execute the Outside Service Agreement.

Consent

7. Consider approving the recommended budget adjustments to the Fiscal Year 2017-18 Annual Operating and Capital Improvement Project Budgets. (Funding Source: Water Capital Improvement Project Fund, Capital Grants Fund, 10th Street Joint Powers Agreement Fund and Tuolumne River Regional Park Fund)
    - Resolution amending Fiscal Year 2017-18 Annual Operating and Capital

Improvement Project Fund Budgets.
*Finance and City Manager; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

**ACTION: Resolution 2018-217 (Kenoyer/Zoslocki; 7/0)** amending Fiscal Year 2017-18 Annual Operating and Capital Improvement Project Fund Budgets.

Consent

8. Consider approving payment of various equipment maintenance Agreements for Fiscal Year 2018-2019 with multiple equipment manufacturers for all City Departments, for an annual cost not to exceed $492,490; and authorizing the Interim City Manager, or his designee to execute equipment maintenance Agreements associated with the items in Exhibit B – Fiscal Year 2018-2019 Equipment Maintenance Agreements (more than $50,000). (Funding Source: Various Funds)
   - Resolution approving payment of various equipment maintenance Agreements for Fiscal Year 2018-19 with multiple equipment manufacturers for all City Departments, for an annual cost not to exceed $492,490; and authorizing the Interim City Manager, or his designee, to execute equipment maintenance Agreements associated with the items in Exhibit B – Fiscal Year 2018-2019 Equipment Maintenance Agreements (more than $50,000).

   *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Resolution 2018-218 (Kenoyer/Zoslocki; 7/0)** approving payment of various equipment maintenance Agreements for Fiscal Year 2018-19 with multiple equipment manufacturers for all City Departments, for an annual cost not to exceed $492,490; and authorizing the Interim City Manager, or his designee, to execute equipment maintenance Agreements associated with the items in Exhibit B – Fiscal Year 2018-2019 Equipment Maintenance Agreements (more than $50,000).

Consent

9. Consider approving the Annual Investment Policy. (Funding Source: Not Applicable)
   - Resolution approving the Annual Investment Policy.

   *Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Resolution 2018-219 (Kenoyer/Zoslocki; 7/0)** approving the Annual Investment Policy.

Consent

10. Consider approving the revised City Debt Management Policy. (Funding Source: Not Applicable)
    - Resolution approving the revised Debt Management Policy.

    *Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Resolution 2018-220 (Kenoyer/Zoslocki; 7/0)** approving the revised Debt Management Policy.

Consent

11. Consider approving an amended Memorandum of Understanding (MOU) with Stanislaus County, Stanislaus Consolidated Fire Protection District and Ceres Fire Department to continue providing County-wide fire investigation services. (Funding Source: General Fund)
    - Resolution approving an amended Memorandum of Understanding (MOU) with Stanislaus County, Stanislaus Consolidated Fire Protection District and Ceres Fire Department to continue providing County-wide fire investigation services, and authorizing the Interim City Manager, or his designee, to execute the amended MOU.

    *Fire; Tim Tietjen, 572-9869, ttietjen@modestofire.com*

**ACTION: Resolution 2018-221 (Kenoyer/Zoslocki; 7/0)** approving an amended Memorandum of Understanding (MOU) with Stanislaus County, Stanislaus Consolidated Fire Protection District and Ceres Fire Department to continue providing County-wide fire investigation services, and authorizing the Interim City Manager, or his designee, to execute the amended MOU.

Consent

12. Consider approving the award of bid and contract with Telcion Inc., of Turlock, CA for the procurement of Cisco communications equipment and deployment services with a three-year maintenance Agreement for an estimated cost of $1,540,000 with a 5% contingency in the amount of $77,000, for a total amount not to exceed $1,617,000; and amending the Fiscal Year 2017-18 Operating and Capital Improvement Budgets in the amount of $1,617,000. (Funding Source: Information Technology Fund)
    - Resolution awarding the bid and contract with Telcion Inc., of Turlock, CA for the procurement of Cisco communications equipment and deployment services with a three-year maintenance Agreement for an estimated cost of $1,540,000 with a 5% contingency in the amount of $77,000, for a total amount not to exceed $1,617,000, and authorizing the Interim City Manager or his designee, to execute the Agreement.
    - Resolution authorizing the Project Budget Adjustment 101105 IT in the amount of $1,617,000 and authorizing the Interim City Manager, or his designee, to make the appropriate adjustments.

    *Information Technology; Kevin Harless, 571-5593, kharless@modestogov.com*

**ACTION: Resolution 2018-222 (Kenoyer/Zoslocki; 7/0)** awarding the bid and contract with Telcion Inc., of Turlock, CA for the procurement of Cisco communications equipment and deployment services with a three-year maintenance Agreement for an estimated cost of $1,540,000 with a 5% contingency in the amount of $77,000, for a total amount not to exceed $1,617,000, and authorizing the Interim City Manager or his designee, to execute the Agreement.

**ACTION: Resolution 2018-223 (Kenoyer/Zoslocki; 7/0)** authorizing the Project Budget Adjustment 101105 IT in the amount of $1,617,000 and authorizing the Interim City Manager, or his designee, to make the appropriate adjustments.

Consent

13. Consider approving a Funding Agreement with the Tuolumne River Preservation Trust for removal of the Remnant Dennett Dam, amending the Fiscal Year 2017-2018 Multi-Year Operating Budget in an amount of $1,247,103, approving the plans and specifications for the Tuolumne River Sheet Pile and Dam Debris Removal Project, and accepting the bid and awarding the construction contract to Innovative Construction Solutions of Dublin, CA in an amount not to exceed $968,260; and authorizing an increase in the Director's Authority to issue change orders. (Funding Source: Various Grant Funding Sources)
    - Resolution approving a Funding Agreement with the Tuolumne River Preservation Trust for removal of the Remnant Dennett Dam and authorizing the Interim City Manager, or his designee, to execute the Agreement.
    - Resolution amending the Fiscal Year 2017-18 Multi-Year Operating Budget to adjust the Non-Capital Project #100993 for the removal of the Remnant Dennett Dam in an amount not to exceed $1,247,103 in revenue and to budget expenditures as outlined in Attachment A to fund the project and authorizing the Interim City Manager, or his designee, to amend the budget.
    - Resolution approving the plans and specifications for the Tuolumne River Sheet Pile and Dam Debris Removal Project, accepting the bid and awarding the construction contract to Innovative Construction Solutions of Dublin, CA in an amount not to exceed $968,260 and authorizing the Interim City Manager, or his designee, to execute the contract.
    - Resolution authorizing an increase in the Director's authority to issue change orders for the Tuolumne River Sheet Pile and Dam Debris Removal Project from 10 percent ($96,826) to 20 percent ($193,652) of the construction contract amount.

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

**ACTION: Resolution 2018-224 (Kenoyer/Zoslocki; 7/0)** approving a Funding Agreement with the Tuolumne River Preservation Trust for removal of the Remnant Dennett Dam and authorizing the Interim City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2018-225 (Kenoyer/Zoslocki; 7/0)** amending the Fiscal Year 2017-18 Multi-Year Operating Budget to adjust the Non-Capital Project #100993 for the removal of the Remnant Dennett Dam in an amount not to exceed $1,247,103 in revenue and to budget expenditures as outlined in Attachment A to fund the project and authorizing the Interim City Manager, or his designee, to amend the budget.

**ACTION: Resolution 2018-226 (Kenoyer/Zoslocki; 7/0)** approving the plans and specifications for the Tuolumne River Sheet Pile and Dam Debris Removal Project, accepting the bid and awarding the construction contract to Innovative Construction Solutions of Dublin, CA in an amount not to exceed $968,260 and authorizing the Interim City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2018-227 (Kenoyer/Zoslocki; 7/0)** authorizing an increase in the Director's authority to issue change orders for the Tuolumne River Sheet Pile and Dam Debris Removal Project from 10 percent ($96,826) to 20 percent ($193,652) of the construction

contract amount.

Consent

14. Consider approving the revision to the scope of work/project summary for the Public Transportation Modernization, Improvement and Service Enhancement Account grant program under Proposition 1B to Caltrans. (Funding Source: Transit Funds)
    - Resolution approving the revision to the scope of work and project summary for the Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA) grant program under Proposition 1B, and authorizing the Interim City Manager, or his designee, to execute the grant documents.

    *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2018-228 (Kenoyer/Zoslocki; 7/0)** approving the revision to the scope of work and project summary for the Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA) grant program under Proposition 1B, and authorizing the Interim City Manager, or his designee, to execute the grant documents.

Consent

15. Consider approving the award from the California Governor's Office of Emergency Services under Proposition 1B for the California Transit Security Grant Program – California Transit Assistance Fund for a combined total of $546,091 for transit security projects including security cameras. (Funding Source: Transit Funds)
    - Resolution approving the award from the California Governor's Office of Emergency Services under Proposition 1B for the California Transit Security Grant Program – California Transit Assistance Fund for a combined total of $546,091 for transit security projects, and authorizing the Interim City Manager, or his designee, to execute the grant documents.

    *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2018-229 (Kenoyer/Zoslocki; 7/0)** approving the award from the California Governor's Office of Emergency Services under Proposition 1B for the California Transit Security Grant Program – California Transit Assistance Fund for a combined total of $546,091 for transit security projects, and authorizing the Interim City Manager, or his designee, to execute the grant documents.

Consent

16. Consider approving the submission of a grant application for the Federal Transit Administration Section 5339(c) Low or No Emission Vehicle Program in the amount of $2,500,000 for electric buses. (Funding Source: Federal Transit Administration Section 5339 Funds and Toll Credits)
    - Resolution approving the submission of a grant application for the Federal Transit Administration Section 5339(c) Low or No Emission Vehicle Program in the amount of $2,500,000 for electric buses, and authorizing the Interim City Manager, or his designee, to execute the grant documents.

    *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2018-230 (Kenoyer/Zoslocki; 7/0)** approving the submission of a grant application for the Federal Transit Administration Section 5339(c) Low or No Emission Vehicle Program in the amount of $2,500,000 for electric buses, and authorizing the Interim City Manager, or his designee, to execute the grant documents.

Consent

17. Consider accepting a preliminary award and approving a funding Agreement with the State Water Resources Control Board for Proposition 1 Groundwater Planning Grant Program funding for up to $1,998,694 for the Modesto Wellfield Nitrate/Arsenic/Uranium Remedial Investigation/Feasibility Study (Grant Agreement No. D1712514); approving an Agreement with Jacobsen James & Associates, Inc. of Roseville, CA, for technical and administrative support to implement the project work in an amount not to exceed $2,136,398; and amending the Fiscal Year 2017-18 Capital Improvement Program Budget in the amount of $2,221,480. (Funding Source: Water Fund and Water Grants Fund)
    - Resolution accepting the preliminary award, authorizing a funding Agreement with the State Water Resources Control Board and Authorizing and Designating a Representative for the Destruction of Wells Project, and authorizing the Interim City Manager, or his designee, to execute the Agreement and any Amendments or changes thereto.
    - Resolution approving an Agreement with Jacobson James & Associates, Roseville, CA, for Modesto Wellfield Nitrate/Arsenic/Uranium Remedial Investigation/Feasibility Study technical and administrative support services, in an amount not to exceed $2,136,398 for the identified scope of services, and authorizing the Interim City Manager, or his designee, to execute the Agreement.
    - Resolution amending the Fiscal Year 2017-18 Capital Improvement Program to establish a new project (#101112 –Prop 1 Nitrate/Arsenic/Uranium) and establish budget in the amount of $2,221,480 (11% to be funded by the water fund and 89% to be funded by the grant) to fully fund the Modesto Wellfield Nitrate/Arsenic/Uranium Remedial Investigation/Feasibility Study and authorizing the Interim City Manager, or his designee, to implement the provisions of this resolution.

    *Utilities; Tamorah Bryant, 577-5202, tbryant@modestogov.com*

**ACTION: Resolution 2018-231 (Kenoyer/Zoslocki; 7/0)** accepting the preliminary award, authorizing a funding Agreement with the State Water Resources Control Board and Authorizing and Designating a Representative for the Destruction of Wells Project, and authorizing the Interim City Manager, or his designee, to execute the Agreement and any Amendments or changes thereto.

**ACTION: Resolution 2018-232 (Kenoyer/Zoslocki; 7/0)** approving an Agreement with Jacobson James & Associates, Roseville, CA, for Modesto Wellfield Nitrate/Arsenic/Uranium Remedial Investigation/Feasibility Study technical and administrative support services, in an amount not to exceed $2,136,398 for the identified scope of services, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2018-233 (Kenoyer/Zoslocki; 7/0)** amending the Fiscal Year 2017-18

Capital Improvement Program to establish a new project (#101112 –Prop 1 Nitrate/Arsenic/Uranium) and establish budget in the amount of $2,221,480 (11% to be funded by the water fund and 89% to be funded by the grant) to fully fund the Modesto Wellfield Nitrate/Arsenic/Uranium Remedial Investigation/Feasibility Study and authorizing the Interim City Manager, or his designee, to implement the provisions of this resolution.

## COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer attended the Graffiti Parade on Friday evening and the rebuilding of playground equipment at Graceada Park last night.

Councilmember Zoslocki also attended Graffiti events over the weekend; he also spoke regarding his conferences he attended as Chairman of StanCOG and Measure L projects.

Councilmember Madrigal attended the Community Services Policy Committee at the League of California Cities; he also announced the League of California Cities Quarterly Division Meeting and the Latino Community Roundtable luncheon on June 14, 2018; he also announced the Awesome Spot Playground event on Saturday at the Remax parking lot.

Councilmember Ah You commended 2018 Leadership Modesto; she also thanked the Barber Family for renovating the pool and splash pad at Graceada Park at 3:30 p.m. on Friday.

Councilmember Grewal spoke regarding the many duties of Councilmember Zoslocki as Chairman of StanCOG.

## CITY MANAGER COMMENTS & REPORTS

None.

## UNFINISHED BUSINESS

18. Consider accepting Federal Demonstration Project (DEMO) Grant funds in the amount of $3,395,081, accepting Stanislaus County Public Facilities Fee (PFF) funds in the amount of $5,000,000, amending the Fiscal Year 2017-2018 Capital Improvement Project (CIP) budget in the amount of $8,395,081, and increasing staff authority to make offers, engage in real property purchase negotiations, and purchase property necessary for right of way to support the construction of the State Route 132 West Freeway/Expressway Phase 1 Project in a total amount not to exceed $11,935,081. (Funding Source: Federal DEMO Funds, Stanislaus County Public Facilities Fees (PFF))
    - Resolution accepting Federal Demonstration Project Grant funds in the amount of $3,395,081 from Caltrans and authorizing the Interim City Manager to execute necessary federal grant fund documents.
    - Resolution accepting Stanislaus County Public Facilities Fees (PFF) funds in the amount of $5,000,000 and authorizing the Interim City Manager to execute necessary documents with Stanislaus County.
    - Resolution amending the Fiscal Year 2017-2018 Capital Improvement Project

(CIP) budget, Project #100614 in the amount of $8,395,081 for the State Route 132 West Freeway/Expressway Project and authorizing the Interim City Manager, or his designee to implement the provisions to this resolution.

- Resolution increasing staff authority to make offers, engage in real property purchase negotiations, and purchase property necessary for right of way to support the construction of the State Route 132 West Freeway/Expressway Phase 1 Project in a total amount not to exceed $11,935,081.

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

**ACTION: Resolution 2018-234 (Zoslocki/Ridenour; 7/0)** accepting Federal Demonstration Project Grant funds in the amount of $3,395,081 from Caltrans and authorizing the Interim City Manager to execute necessary federal grant fund documents.

**ACTION: Resolution 2018-235 (Zoslocki/Ridenour; 7/0)** accepting Stanislaus County Public Facilities Fees (PFF) funds in the amount of $5,000,000 and authorizing the Interim City Manager to execute necessary documents with Stanislaus County.

**ACTION: Resolution 2018-236 (Zoslocki/Ridenour; 7/0)** amending the Fiscal Year 2017-2018 Capital Improvement Project (CIP) budget, Project #100614 in the amount of $8,395,081 for the State Route 132 West Freeway/Expressway Project and authorizing the Interim City Manager, or his designee to implement the provisions to this resolution.

**ACTION: Resolution 2018-237 (Zoslocki/Ridenour; 7/0)** increasing staff authority to make offers, engage in real property purchase negotiations, and purchase property necessary for right of way to support the construction of the State Route 132 West Freeway/Expressway Phase 1 Project in a total amount not to exceed $11,935,081.

## HEARINGS

*Published in the Modesto Bee and Vida en el Valle on March 7, 2018; Continued from April 10, May 1, and May 22, 2018 Council Meetings.*

19. Hearing to consider approving the City of Modesto Program Year 2018-2019 Annual Action Plan. (Funding Source: Community Development Block Grant, HOME Investment Partnerships and Emergency Solutions Grant Funds)
    - Resolution approving the closure of the 30 day public comment period and conduct a public hearing and approving the City of Modesto Program Year 2018-2019 Annual Action Plan for use of Community Development Block Grant Programs, Emergency Solutions Grant, and HOME Investment Partnership Program funding received from the U.S. Department of Housing and Urban Development and authorizing the Interim City Manager, or his designee, to negotiate and execute any related program Agreements, contracts or other documentation required for implementation of the Program Year 2018-2019 Annual Action Plan, authorization to submit applicable documentation and provide technical alterations, as required by HUD, incorporate comments received prior to the close of the public comment period, and to make the necessary steps to implement the provision of this resolution.

- Resolution amending the Fiscal Year 2018-19 City of Modesto's Annual Operating, Multi-Year and Capital Improvement Project Budgets to reflect the allocation of funds outlined in the Program Year 2018-19 Annual Action Plan budget proposal submitted to the U.S. Department of Housing and Urban Development and authorizing the Interim City Manager, or his designee, to take the necessary steps to implement the provisions of this Resolution.

*Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2018-238 (Madrigal/Kenoyer; 7/0)** approving the closure of the 30 day public comment period and conduct a public hearing and approving the City of Modesto Program Year 2018-2019 Annual Action Plan for use of Community Development Block Grant Programs, Emergency Solutions Grant, and HOME Investment Partnership Program funding received from the U.S. Department of Housing and Urban Development and authorizing the Interim City Manager, or his designee, to negotiate and execute any related program Agreements, contracts or other documentation required for implementation of the Program Year 2018-2019 Annual Action Plan, authorization to submit applicable documentation and provide technical alterations, as required by HUD, incorporate comments received prior to the close of the public comment period, and to make the necessary steps to implement the provision of this resolution.

**ACTION: Resolution 2018-239 (Madrigal/Kenoyer; 7/0)** amending the Fiscal Year 2018-19 City of Modesto's Annual Operating, Multi-Year and Capital Improvement Project Budgets to reflect the allocation of funds outlined in the Program Year 2018-19 Annual Action Plan budget proposal submitted to the U.S. Department of Housing and Urban Development and authorizing the Interim City Manager, or his designee, to take the necessary steps to implement the provisions of this Resolution.

*Published in the Modesto Bee on June 2, 2018*

20. Hearing to consider approving the Solid Waste Rate and Fee Study from SCS Engineers, Inc., Modesto, CA, and the proposed Fiscal Year 18-19 recommendations and fees; and a Hearing to consider approving annual rate and fuel adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services to become effective July 1, 2018, and rescinding Resolution No. 2017-279. (Funding Source: Solid Waste Fund, Compost Fund, Green Waste Diversion Fund)
    - Resolution approving the Solid Waste Rate and Fee Study from SCS Engineers, Inc., Modesto, CA and the proposed Fiscal Year 18-19 recommendations and fees.
    - Resolution approving the quarterly fuel adjustments from April 2017 through March 2018 to the Maximum Rate Schedule for the City Solid Waste Collection Services of $0.43 per month for residential services and $0.10 per cubic yard per month for commercial services, to become effective July 1, 2018, and rescinding Resolution No. 2017-279.
    - Resolution approving the annual rate adjustments to the maximum rate schedule for City residential, commercial, and industrial Solid Waste Collection services to become effective July 1, 2018, and rescinding Resolution No. 2017-279.

    *Public Works; Karin Neep, 577-5453, kneep@modestogov.com*

**ACTION: Resolution 2018-240 (Zoslocki/Ah You; 7/0)** approving the Solid Waste Rate and Fee Study from SCS Engineers, Inc., Modesto, CA and the proposed Fiscal Year 18-19 recommendations and fees.

**ACTION: Resolution 2018-241 (Zoslocki/Ah You; 7/0)** approving the quarterly fuel adjustments from April 2017 through March 2018 to the Maximum Rate Schedule for the City Solid Waste Collection Services of $0.43 per month for residential services and $0.10 per cubic yard per month for commercial services, to become effective July 1, 2018, and rescinding Resolution No. 2017-279.

**ACTION: Resolution 2018-242 (Zoslocki/Ah You; 7/0)** approving the annual rate adjustments to the maximum rate schedule for City residential, commercial, and industrial Solid Waste Collection services to become effective July 1, 2018, and rescinding Resolution No. 2017-279.

*Published in the Modesto Bee on June 2, 2018*

21. Hearing to consider the Final Proposed Fiscal Year 2018-19 Operating and Multi-Year Budget and Capital Improvement Program for the City inclusive of the Mayor's Final Budget Modifications and related Resolutions. (Funding Source: All City Funds)
    - Motion introducing and waiving the first reading of an Ordinance adopting the Fiscal Year 2018-2019 Annual and Multi-Year Operating Budgets and the 2018-2019 Capital Improvement Program for the City of Modesto and the related Inter-Fund Transfers.
    - Resolution approving the Mayor's Final Budget Modifications, Budget Principles, and Financial Policies as outlined in the Mayor's Modification Message for Fiscal Year 2018-2019.
    - Resolution amending the Position Allocation for Fiscal Year 2018-19 as adopted in the Operating Budget.
    - Resolution amending the Classification Plan for the City of Modesto to create the Classifications of the Assistant Chief of Police, Auditor I/II, Assistant City Engineer, Facilities Manager and Solid Waste Enforcement Supervisor.

    *City Manager; Steve Christensen, 577-5390, schristensen@modestogov.com*

**ACTION: Motion (Ah You/Madrigal; 7/0)** introducing and waiving the first reading of **Ordinance No. 3687-C.S.** adopting the Fiscal Year 2018-2019 Annual and Multi-Year Operating Budgets and the 2018-2019 Capital Improvement Program for the City of Modesto and the related Inter-Fund Transfers.

**ACTION: Resolution 2018-243 (Ah You/Madrigal; 7/0))** approving the Mayor's Final Budget Modifications, Budget Principles, and Financial Policies as outlined in the Mayor's Modification Message for Fiscal Year 2018-2019.

**ACTION: Resolution 2018-244 (Ah You/Madrigal; 7/0)** amending the Position Allocation for Fiscal Year 2018-19 as adopted in the Operating Budget.

**ACTION: Resolution 2018-245 (Ah You/Madrigal; 7/0)** amending the Classification Plan

for the City of Modesto to create the Classifications of the Assistant Chief of Police, Auditor I/II, Assistant City Engineer, Facilities Manager and Solid Waste Enforcement Supervisor.

**ACTION: Motion (Ah You/Madrigal; 2/5; Zoslocki, Kenoyer, Ridenour, Grewal, Mayor Brandvold no) directing staff to move $250,000 out of reserves to the Awesome Spot Playground. (MOTION FAILED)**

## NEW BUSINESS

22. Consider approving the payment of hardware and software maintenance support agreements for Fiscal Year 2018-19 for an estimated annual cost not to exceed $4,852,275; and authorizing the Interim City Manager, or his designee to execute routine renewal Agreements associated with the items in Exhibit B - Hardware/ Software Maintenance Support Agreements for Fiscal Year 2018-19 (Over $50,000). (Funding Source: Information Technology Fund and Various Funds)
    - Resolution approving the payment of hardware and software maintenance support Agreements for Fiscal Year 2018-19 for an estimated annual cost not to exceed $4,852,275; and authorizing the Interim City Manager, or his designee, to execute routine renewal Agreements associated with Exhibit B.

    *Information Technology; Charlie Haase, 577-5229, chaase@modestogov.com*

**ACTION: Resolution 2018-246 (Ridenour/Kenoyer; 7/0)** approving the payment of hardware and software maintenance support Agreements for Fiscal Year 2018-19 for an estimated annual cost not to exceed $4,852,275; and authorizing the Interim City Manager, or his designee, to execute routine renewal Agreements associated with Exhibit B.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 8:56 p.m. and returned to Closed Session.

## CLOSED SESSION

*All Closed Session Matters heard prior to meeting*

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
**Two Cases (Pursuant to Section 54956.9(d)(2) of the Government Code)**

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
**One Case (Pursuant to Section 54956.9(d)(4) of the Government Code)**

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
**Two Cases (Pursuant to Section 54956.9(d)(1) of the Government Code)**
Name of case: County of Stanislaus v. City of Modesto (Geer Rd. Landfill)
Case No. 667396

City of Modesto, et al. v. The Dow Chemical Company, et al. (PCE)
Court of Appeals of the State of California
Appeal Case No: A134419

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**
**(Pursuant to Section 54956.8 of the Government Code)**
Property: 2846 Finch Rd. APN: 039-010-220
Property Owners: City of Modesto/Stanislaus County
Negotiating Parties:
For City: Joseph P. Lopez, Interim City Manager
Adam U. Lindgren, City Attorney for City of Modesto
Under Negotiation: Price and Terms

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**
Agency Negotiators: Adam U. Lindgren, City Attorney
Norma Santoyo, Director of Human Resources
Employee: City Manager

Attest:_____
Stephanie Lopez, City Clerk

# MINUTES

**City of Modesto**

# ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP

**Second Floor, Room 2008**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**

**Wednesday, June 13, 2018, at 2:00 p.m.**

Roll Call: Present: Councilmember Zoslocki, Mayor Brandvold, and Councilmember Madrigal
Absent: None

## PUBLIC COMMENTS

None.

## CONSENT

Consent

1. Consider approving the Destination Modesto Report for the Third Quarter – Fiscal Year 2017-18 and forwarding to Council for approval. (Funding Source: Transient Occupancy Tax)

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

**ACTION: Motion (Kenoyer/Madrigal; 3/0)** approving the Destination Modesto Report for the Third Quarter – Fiscal Year 2017-18 and forwarding to Council for approval.

Consent

2. Consider approving a Purchasing Agreement with All Season Lawn Landscaping, Escalon, CA, for lawn maintenance services for water wells and tanks, for two years with three one-year extension options, for a cost not to exceed $38,327 in Year One, $63,828 in Year Two with three additional sites and services added, and a total amount not to exceed $310,871 over five years and forwarding to Council for approval.

(Funding Source: Water Fund)

*Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 3/0)** approving a Purchasing Agreement with All Season Lawn Landscaping, Escalon, CA, for lawn maintenance services for water wells and tanks, for two years with three one-year extension options, for a cost not to exceed $38,327 in Year One, $63,828 in Year Two with three additional sites and services added, and a total amount not to exceed $310,871 over five years and forwarding to Council for approval.

Consent

3. Consider approving an Agreement with HDR Inc., Folsom, CA, for Dam Breach Analysis and Flood Inundation Maps for the Jennings Plant Storage Ponds, in an amount not to exceed $91,990 for the identified scope of services, plus $9,199 for additional services (if needed), for an estimated total cost not to exceed $101,189, and amending the Fiscal Year 2017-2018 Multi-Year Budget in the amount of $114,988 and forwarding to Council for approval. (Funding Source: Wastewater Fund)

   *Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 3/0)** approving an Agreement with HDR Inc., Folsom, CA, for Dam Breach Analysis and Flood Inundation Maps for the Jennings Plant Storage Ponds, in an amount not to exceed $91,990 for the identified scope of services, plus $9,199 for additional services (if needed), for an estimated total cost not to exceed $101,189, and amending the Fiscal Year 2017-2018 Multi-Year Budget in the amount of $114,988 and forwarding to Council for approval.

Consent

4. Consider approving the Airport Neighborhood Sewer Improvements Phase 2 Project as complete, the annexation of said improvements into Modesto Municipal Sewer District No. 1; and a blanket Will Serve Letter for 390 parcels in the airport neighborhood adjacent to the recently completed Phase 2 Sewer Improvements, allowing connection to the City of Modesto's existing sanitary sewer system; and forwarding to Council for approval. (Funding Source: Not Applicable)

   *Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 3/0)** approving the Airport Neighborhood Sewer Improvements Phase 2 Project as complete, the annexation of said improvements into Modesto Municipal Sewer District No. 1; and a blanket Will Serve Letter for 390 parcels in the airport neighborhood adjacent to the recently completed Phase 2 Sewer Improvements, allowing

connection to the City of Modesto's existing sanitary sewer system; and forwarding to Council for approval.

**NEW BUSINESS**

5. Consider approving an update and Amendment to the Fire Prevention User Fees for plan checks on new construction of large facilities categorized as S-1 and S-2 occupancies, annual inspections, permits, miscellaneous inspections/activities, and forwarding to Council for approval. (Funding Source: General Fund)

   *Fire; Michael Payton, 571-5876, mpayton@modestofire.com*

**ACTION: Motion (Madrigal/Kenoyer; 3/0)** approving an update and Amendment to the Fire Prevention User Fees for plan checks on new construction of large facilities categorized as S-1 and S-2 occupancies, annual inspections, permits, miscellaneous inspections/activities, and forwarding to Council for approval.

6. Consider approving the Grant Agreement for the California Air Resources Board in the amount of $4,016,188 for five Proterra battery-electric fast-charge zero-emission public transit buses and the installation and deployment of eight Proterra depot chargers, and forwarding to Council for approval. (Funding Source: California Air Resources Board )

   *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 3/0)** approving the Grant Agreement for the California Air Resources Board in the amount of $4,016,188 for five Proterra battery-electric fast-charge zero-emission public transit buses and the installation and deployment of eight Proterra depot chargers, and forwarding to Council for approval.

7. Consider approving an Agreement with Token Transit, San Francisco, CA, for mobile ticketing services app used by Modesto Area Express for a five year Agreement, with a total cost not to exceed $178,000, and forwarding to Council for approval. (Funding Source: Federal Transit Funds)

   *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 3/0)** approving an Agreement with Token Transit, San Francisco, CA, for mobile ticketing services app used by Modesto Area Express for a five year Agreement, with a total cost not to exceed $178,000, and forwarding to Council for approval.

8. Consider approving the Modesto Area Express Short Range Transit Plan and

forwarding to Council for approval. (Funding Source: Transit Funds)

*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Madrigal/Kenoyer; 3/0)** approving the Modesto Area Express Short Range Transit Plan and forwarding to Council for approval.

9. Consider approving industrial and waste hauler user's fees for the cost of services for permitting and oversight during the permit term and forwarding to Council for approval. (Funding Source: Wastewater Fund)

*Utilities; Thomas Sinclair, 577-6240, tsinclair@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 3/0)** approving industrial and waste hauler user's fees for the cost of services for permitting and oversight during the permit term and forwarding to Council for approval.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 3:20 p.m.

Attest:_____
Joseph Lopez, Interim City Manager

# MINUTES

**City of Modesto**

# SPECIAL FINANCE COMMITTEE / COUNCIL WORKSHOP

**Second Floor, Room 2008**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**

**Monday, June 25, 2018, at 3:00 p.m.**

Roll Call: Present: Councilmembers Grewal, Zoslocki, Ridenour (alternate)
Absent: Councilmember Ah You

## PUBLIC COMMENTS

None.

## CONSENT

Consent

1. Consider accepting the Continuum of Care Planning Grant in the amount of $96,288 and forwarding to Council for approval. (Funding Source: Continuum of Care Funds)

   *Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Motion (Ridenour/Zoslocki; 3/0)** accepting the Continuum of Care Planning Grant in the amount of $96,288 and forwarding to Council for approval.

Consent

2. Consider accepting an informational report on the March and April 2018 grant applications and awards and forwarding to Council for approval. (Funding Source: Not Applicable)

   *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Ridenour/Zoslocki; 3/0)** accepting an informational report on the March and April 2018 grant applications and awards and forwarding to Council for approval.

Consent

3. Consider approving the recommended budget adjustments to Fiscal Year 2017-18 Annual Operating and Capital Improvement Project Budget and forward to Council for

approval. (Funding Source: Capital Grants Fund and Streets Capital Facility Fee Fund)

*Finance; Kaceey Culbertson, 577-5479, kculbertson@modestogov.com*

**ACTION: Motion (Ridenour/Zoslocki; 3/0)** approving the recommended budget adjustments to Fiscal Year 2017-18 Annual Operating and Capital Improvement Project Budget and forward to Council for approval.

Consent

4. Consider approving a third amendment to the Agreement with Du-All Safety, Inc. to continue providing regulatory safety training to the City through January 1, 2019 and to increase the amount by $100,000 to an amount not to exceed $328,902 and forwarding to Council for approval. (Funding Source: Various Funds)

   *Human Resources; Cathy Talongwa, 577-5403, ctalongwa@modestogov.com*

**ACTION: Motion (Ridenour/Zoslocki; 3/0)** approving a third amendment to the Agreement with Du-All Safety, Inc. to continue providing regulatory safety training to the City through January 1, 2019 and to increase the amount by $100,000 to an amount not to exceed $328,902 and forwarding to Council for approval.

Consent

5. Consider approving an Agreement between GovernmentJobs.com, Inc., El Segundo, CA, doing business as NEOGOV, for an electronic recruitment, on-boarding and off-boarding processes with an initial term of July 14, 2018 through February 14, 2021 with the option to add two one-year extensions for a total amount not to exceed $135,313 and forwarding to Council for approval. (Funding Source: Employee Benefits Fund and General Fund)

   *Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION: Motion (Ridenour/Zoslocki; 3/0)** approving an Agreement between GovernmentJobs.com, Inc., El Segundo, CA, doing business as NEOGOV, for an electronic recruitment, on-boarding and off-boarding processes with an initial term of July 14, 2018 through February 14, 2021 with the option to add two one-year extensions for a total amount not to exceed $135,313 and forwarding to Council for approval.

Consent

6. Consider awarding the bid for purchase of janitorial supplies to Central Sanitary Supply, Modesto, CA, for an estimated annual cost not to exceed $180,000 and a total not to exceed amount of $900,000 over a five year period, and forwarding to Council

for approval. (Funding Source: General Fund, Building Services ISF Fund, Enterprise Funds)

*Public Works; Kelly Gallagher, 342-2270, kgallagher@modestogov.com*

**ACTION: Motion (Ridenour/Zoslocki; 3/0)** awarding the bid for purchase of janitorial supplies to Central Sanitary Supply, Modesto, CA, for an estimated annual cost not to exceed $180,000 and a total not to exceed amount of $900,000 over a five year period, and forwarding to Council for approval.

Consent

7. Consider approving the purchase of two articulating loaders with claw buckets from Volvo Construction Equipment & Services, Turlock, CA, for a total cost not to exceed $184,532 and forwarding to Council for approval. (Funding Source: Fleet Replacement Fund)

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

**ACTION: Motion (Ridenour/Zoslocki; 3/0)** approving the purchase of two articulating loaders with claw buckets from Volvo Construction Equipment & Services, Turlock, CA, for a total cost not to exceed $184,532 and forwarding to Council for approval.

Consent

8. Consider approving the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency Cost Sharing Agreement for the development of a Groundwater Sustainability Plan; and consider approving an Engineering Services Agreement with Todd Groundwater for the Development of a Groundwater Sustainability Plan for the Modesto Sub-basin, in an amount not to exceed $1,616,226, and forwarding to Council for approval. (Funding Source: Water Fund)

   *Utilities; Miguel Alvarez, 577-5348, malvarez@modestogov.com*

**ACTION: Motion (Ridenour/Zoslocki; 3/0)** approving the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency Cost Sharing Agreement for the development of a Groundwater Sustainability Plan; and consider approving an Engineering Services Agreement with Todd Groundwater for the Development of a Groundwater Sustainability Plan for the Modesto Sub-basin, in an amount not to exceed $1,616,226, and forwarding to Council for approval.

Consent

9. Consider approving a sole source agreement with Labworks LLC, Lehi, Utah, for annual maintenance support for the Water Quality Control Laboratory, for two years with three one-year extension options, for an annual amount of $15,507 in the first two years and slightly increasing over the five years, not to exceed $81,657 over five years, and forwarding to Council for approval. (Funding Source: Wastewater Fund)

   *Utilities; Thomas Sinclair, 577-6240, tsinclair@modestogov.com*

**ACTION: Motion (Ridenour/Zoslocki; 3/0)** approving a sole source agreement with Labworks LLC, Lehi, Utah, for annual maintenance support for the Water Quality Control Laboratory, for two years with three one-year extension options, for an annual amount of $15,507 in the first two years and slightly increasing over the five years, not to exceed $81,657 over five years, and forwarding to Council for approval.

## NEW BUSINESS

10. Consider providing direction regarding green fees and pass programs at each of the three City-owned golf courses, and retaining a consultant to conduct a performance and use assessment of all three City-owned golf courses; and forwarding to the Council for approval. (Funding Source: Golf Fund and General Fund Operating Subsidy)

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

**ACTION: Motion (Ridenour/Zoslocki; 3/0)** directing staff to increase green fees to $2 per round, review every year, engage Consultant to run golf courses, and forward to Council for approval.

11. Consider approving an Amendment increasing the Agreement amount with Bank of America Merrill Lynch, for the banking services by $51,034 from $460,000 to $511,034, and extending the term of the Agreement from July 31, 2018 to June 30, 2019 and forwarding to Council for approval. (Funding Source: Various Funds)

    *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Ridenour/Zoslocki; 3/0)** approving an Amendment increasing the Agreement amount with Bank of America Merrill Lynch, for the banking services by $51,034 from $460,000 to $511,034, and extending the term of the Agreement from July 31, 2018 to June 30, 2019 and forwarding to Council for approval.

12. Consider approving amending the Classification Plan and Class Range Table for Represented Management and Confidential Non-Sworn Classes to add the job

specification for Safety Officer; the position allocation in the Human Resources Department to delete two 0.5 Administrative Office Assistant allocations and to add 1.0 Safety Officer to Cost Center 17310 within the Risk Management Division effective August 1, 2018, and forwarding to Council for approval. (Funding Source: Various Funds)

*Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION: Motion (Zoslocki/Ridenour; 3/0)** approving amending the Classification Plan and Class Range Table for Represented Management and Confidential Non-Sworn Classes to add the job specification for Safety Officer; the position allocation in the Human Resources Department to delete two 0.5 Administrative Office Assistant allocations and to add 1.0 Safety Officer to Cost Center 17310 within the Risk Management Division effective August 1, 2018, and forwarding to Council for approval.

13. Consider approving an Agreement with the West Modesto Community Collaborative to operate and manage the King-Kennedy Memorial Center and forwarding to Council for approval. (Funding Source: General Fund)

*Parks, Recreation & Neighborhoods; Marco Sepulveda, 577-5275, msepulveda@modestogov.com*

**ACTION: Motion (Ridenour/Zoslocki; 3/0)** approving an Agreement with the West Modesto Community Collaborative to operate and manage the King-Kennedy Memorial Center and forwarding to Council for approval.

14. Consider approving a four year loan in the amount of $1,000,000 from the Water Fund Reserves to the Carpenter Road Landfill Fund for the Carpenter Road Landfill Clean Closure Mitigation Project, to be paid back with interest from future revenue collected on the garbage rates, and forwarding to Council for approval. (Funding Source: Water Fund Reserves)

*Public Works; Karin Neep, 577-5453, kneep@modestogov.com*

**ACTION: Motion (Ridenour/Zoslocki; 3/0)** approving a four year loan in the amount of $1,000,000 from the Water Fund Reserves to the Carpenter Road Landfill Fund for the Carpenter Road Landfill Clean Closure Mitigation Project, to be paid back with interest from future revenue collected on the garbage rates, and forwarding to Council for approval.

15. Consider approving the plans and specifications for the Area 2 Storm Drain Cross Connection Removal – Phase 2 Roosevelt Park Project, and awarding a contract with D.A. Wood Construction, Inc., in the amount of $6,123,697 and amending the Fiscal

Year 2017-18 Capital Improvement Project Program Budget and forwarding to Council for approval. (Funding Source: Wastewater Fund)

*Utilities; Jesse Franco, 577-5205, tbryant@modestogov.com*

**ACTION: Motion (Zoslocki/Ridenour; 3/0)** approving the plans and specifications for the Area 2 Storm Drain Cross Connection Removal – Phase 2 Roosevelt Park Project, and awarding a contract with D.A. Wood Construction, Inc., in the amount of $6,123,697 and amending the Fiscal Year 2017-18 Capital Improvement Project Program Budget and forwarding to Council for approval.

16. Consider approving an informational report on upcoming Capital Improvement construction projects. (Funding Source: Various)

*Utilities; Tamorah Bryant, 577-5205, tbryant@modestogov.com*

**ACTION: Motion (Ridenour/Zoslocki; 3/0)** approving an informational report on upcoming Capital Improvement construction projects.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 3:57 p.m.

Attest:_____
Joseph Lopez, City Manager

# MINUTES

City of Modesto

## CITY COUNCIL MEETING

**Chambers, Basement Level**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**
**Tuesday, June 26, 2018, at 5:30 p.m.**

Roll Call – Present: Councilmembers Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
Absent: Councilmember Ah You

Pledge of Allegiance to the Flag

Invocation: Mike Gunnarson, City Ministry Network

City Clerk's Announcements: None

Declaration of Conflicts of Interest: Grewal – Items 23 and 24

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

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation regarding the Community Assessment, Response, and Engagement (CARE) Multidisciplinary Team Strategy and Pilot Program to Address Vagrancy and Individuals in Distress Due to Severe Mental Illness, Substance Use Disorders and High-risk Health Issues in the City of Modesto. (Funding Source: Not Applicable)
*City Manager; Joseph Lopez, 577-5224, joelopez@modestogov.com*

**ACTION**: Interim City Manager Joe Lopez, Assistant Police Chief Rick Armendariz, and Stanislaus County representatives CEO Jody Hayes and Damian Martinez gave a presentation regarding the Community Assessment, Response, and Engagement (CARE) Multidisciplinary Team Strategy and Pilot Program to Address Vagrancy and Individuals in Distress Due to Severe Mental Illness, Substance Use Disorders and High-risk Health Issues in the City of Modesto.

2. Presentation regarding the 4th of July Parade and Festival. (Funding Source: Not Applicable)
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Jeremiah Williams and Jennifer Mullen gave a presentation regarding the 4th of

July Parade and Festival.

3. Presentation acknowledging Graceada Improvements to pool, splash pad, and tot playground by the College Area Neighborhood Alliance (CANA), the Barbers, and Leadership Modesto 2018. (Funding Source: Not Applicable)
*Parks, Recreation and Neighborhoods; Ashley Weaver, 577-5428, aweaver@modestogov.com*

**ACTION**: Ashley Weaver, Parks, Recreation and Neighborhoods Department Director, gave a presentation acknowledging Graceada improvements to pool, splash pad, and tot playground by the College Area Neighborhood Alliance (CANA), the Barbers, and Leadership Modesto 2018.

## MISCELLANEOUS

Legislation
Appointments
Other

4. Consider accepting the resignation of Patricia Brazelton and Allan James from the City of Modesto Citizens' Transportation Sales Tax Commission. (Funding Source: Not Applicable)
   - Resolution accepting the resignation of Patricia Brazelton and Allan James from the City of Modesto's Citizens' Transportation Sales Tax Commission.

   *Community & Economic Development; Vickey Dion, 571-5442, vdion@modestogov.com*

**ACTION: Resolution 2018-247 (Kenoyer/Grewal; 6/0; Ah You absent)** accepting the resignation of Patricia Brazelton and Allan James from the City of Modesto's Citizens' Transportation Sales Tax Commission.

## PUBLIC COMMENT PERIOD

- Rachel Grider spoke regarding the Modesto Chapter of the National Federation of the Blind.

- John Carvalho spoke regarding trash, criminal activity and the homeless population in the 9th Street area.

- Carmen Sabatino spoke regarding the homeless situation and using the motels on 9th Street to provide beds for homeless veterans.

- Sebastian Jones spoke regarding homelessness, loss of jobs, high rent and evictions in the City of Modesto.

- Dave Pratt spoke regarding the homeless population and lack of low income housing.

- Loretta Carhart spoke regarding the CARE program and health services.

- A citizen spoke about the CARE program, and thanked Councilman Madrigal for his assistance.

- A citizen spoke regarding the homeless and drug dealing in a residential neighborhood near College & Bowen.

**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 June 12, 2018 Council Meeting. (Funding Source: Not Applicable)
   - Motion approving the minutes from the June 12, 2018 Council Meeting.

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

**ACTION: Motion (Kenoyer/Grewal; 6/0; Ah You absent)** approving the minutes from the June 12, 2018 Council Meeting.

Consent

6. Consider accepting the Destination Modesto Report for the Third Quarter – Fiscal Year 2017-18. (Funding Source: Transient Occupancy Tax)
   - Resolution accepting the Destination Modesto Report for the Third Quarter – Fiscal Year 2017-18.

   *Community & Economic Development; Laurie Smith, 571-5347, lsmith@modestogov.com*

**ACTION: Resolution 2018-248 (Kenoyer/Grewal; 6/0; Ah You absent)** accepting the Destination Modesto Report for the Third Quarter – Fiscal Year 2017-18.

Consent

7. Consider approving the 2018-2019 Fiscal Year Appropriation Limit, including the price and population factors to be used in the calculation. (Funding Source: Not Applicable )
   - Resolution establishing the Fiscal Year 2018-2019 appropriation limit, including the price and population factors to be used in the calculation.

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

**ACTION: Resolution 2018-249 (Kenoyer/Grewal; 6/0; Ah You absent)** establishing the

Fiscal Year 2018-2019 appropriation limit, including the price and population factors to be used in the calculation.

Consent

8. Consider approving a Fourth Amendment to the Employment Agreement with Stephanie Lopez, City Clerk, dated April 8, 2008 to increase the auto allowance from $400 to $500 per month to be consistent with other Charter Officers. (Funding Source: General Fund)
   - Resolution approving a Fourth Amendment to the employment Agreement with Stephanie Lopez, City Clerk, dated April 8, 2008 to increase the auto allowance from $400 to $500 per month to be consistent with other Charter Officers, and authorizing the Mayor to execute the Amendment.

   *Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION: Resolution 2018-250 (Kenoyer/Grewal; 6/0; Ah You absent)** approving a Fourth Amendment to the employment Agreement with Stephanie Lopez, City Clerk, dated April 8, 2008 to increase the auto allowance from $400 to $500 per month to be consistent with other Charter Officers, and authorizing the Mayor to execute the Amendment.

Consent

9. Consider approving the Fourth Amendment to the Agreement with the County of Stanislaus for government and educational programming on AccessModesto community television in the amount of $35,590 from July 2, 2018 to October 1, 2018, with a term starting October 1, 2018 that will automatically extend on a recurring, month-to-month basis to October 1, 2019 in an amount not to exceed $180,000, for a total Amendment amount of $215,590 and a total not to exceed $2,429,890. (Funding Source: Education & Government Cable Funds)
   - Resolution approving the Fourth Amendment to the Agreement with County of Stanislaus for the Operation of Government and Educational Programming on AccessModesto Community Television in the amount of $35,590 from July 2, 2018 to October 1, 2018, with a term that will automatically extend on a recurring, month-to-month basis to October 1, 2019 in an amount not to exceed $180,000, for a total Amendment amount of $215,590 and a total not to exceed $2,429,890, and authorizing the Interim City Manager, or his designee to execute the Agreement.

   *Information Technology; Charlie Haase, 577-5229, chaase@modestogov.com*

**ACTION: Resolution 2018-251 (Kenoyer/Grewal; 6/0; Ah You absent)** approving the Fourth Amendment to the Agreement with County of Stanislaus for the Operation of Government and Educational Programming on AccessModesto Community Television in the amount of $35,590 from July 2, 2018 to October 1, 2018, with a term that will automatically extend on a recurring, month-to-month basis to October 1, 2019 in an amount not to exceed $180,000, for a total Amendment amount of $215,590 and a total not to exceed $2,429,890, and authorizing the Interim City Manager, or his designee to execute the Agreement.

Consent

10. Consider approving the award of proposal and Agreement to Strommel Inc., DBA Lehr

Auto Electric for the update and expansion of the Modesto Police Department's Automated License Plate Reader program, including the purchase of additional readers, for an amount not to exceed $196,968 and authorizing the creation of a new capital project and establishing the project expenses and transfer budgets in the amount of $196,968. (Funding Source: Funding Source: 3120 – Special Fund for Capital Outlay)

- Resolution approving the award of proposal and Agreement to Strommel Inc., DBA Lehr Auto Electric for the update and expansion of the Modesto Police Department's Automated License Plate Reader program including the purchase of additional readers, for an amount not to exceed $196,968, and authorizing the Interim City Manager, or his designee, to execute the Agreement.
- Resolution amending the Capital Improvement Budget for FY 2017-18 to establish a project account, project expenses and transfer budgets in the amount of $196,968, to fund the acquisition and implementation of ALPR Systems, equipment and analytical software and authorizing the Interim City Manager, or his designee, to implement the provisions of this Resolution.

*Police; Thomas Moffett, 572-9606, moffettt@modestopd.com*

**ACTION: Resolution 2018-252 (Kenoyer/Grewal; 6/0; Ah You absent)** approving the award of proposal and Agreement to Strommel Inc., DBA Lehr Auto Electric for the update and expansion of the Modesto Police Department's Automated License Plate Reader program including the purchase of additional readers, for an amount not to exceed $196,968, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2018-253 (Kenoyer/Grewal; 6/0; Ah You absent)** amending the Capital Improvement Budget for FY 2017-18 to establish a project account, project expenses and transfer budgets in the amount of $196,968, to fund the acquisition and implementation of ALPR Systems, equipment and analytical software and authorizing the Interim City Manager, or his designee, to implement the provisions of this Resolution.

Consent

11. Consider approving the payment to Pacific Gas and Electric for contract work performed on the State Route 99 / Pelandale Avenue Interchange Reconstruction Project, Utility Agreement #3863.41, for an amount not to exceed $105,116. (Funding Source: Streets Capital Facilities Fees)

- Resolution approving the payment to Pacific Gas and Electric (PG&E) for contract work performed on the State Route 99 / Pelandale Avenue Interchange Reconstruction Project, Utility Agreement #3863.41, for an amount not to exceed $105,116.

*Public Works; Bill Sandhu, 341-2906, bsandhu@modestogov.com*

**ACTION: Resolution 2018-254 (Kenoyer/Grewal;6/0; Ah You absent)** approving the payment to Pacific Gas and Electric (PG&E) for contract work performed on the State Route 99 / Pelandale Avenue Interchange Reconstruction Project, Utility Agreement #3863.41, for an

amount not to exceed $105,116.

Consent

12. Consider approving the Modesto Area Express Short Range Transit Plan, and authorizing staff to begin implementation of the plan. (Funding Source: Transit Funds)
    - Resolution approving the Modesto Area Express (MAX) Short Range Transit Plan and authorize staff to begin implementation.

    *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2018-255 (Kenoyer/Grewal; 6/0; Ah You absent)** approving the Modesto Area Express (MAX) Short Range Transit Plan and authorize staff to begin implementation.

Consent

13. Consider approving an Agreement with Token Transit, San Francisco, CA, for mobile ticketing services used by Modesto Area Express for a five year Agreement, with a total cost not to exceed $178,000. (Funding Source: Transit Funds)
    - Resolution approving a Purchase Agreement with Token Transit, San Francisco, CA, for mobile ticketing services used by Modesto Area Express (MAX) for a five year Agreement, with a total cost not to exceed $178,000, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

    *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2018-256 (Kenoyer/Grewal; 6/0; Ah You absent)** approving a Purchase Agreement with Token Transit, San Francisco, CA, for mobile ticketing services used by Modesto Area Express (MAX) for a five year Agreement, with a total cost not to exceed $178,000, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

Consent

14. Consider approving a Third Amendment to the lease Agreement with Louis Boer, Jr. to lease agricultural property at Frazine Rd. and La Coste Ln. (APN 014-037-056), in an amount not to exceed $5,400 for one year. (Funding Source: Water Division 4100-45050-53040)
    - Resolution approving a Third Amendment to the Lease Agreement with Louis Boer, Jr. to lease agricultural property at Frazine Rd. and La Coste Ln. (APN 014-037-056), in an amount not to exceed $5,400, for one year (from $1,500, an increase of $3,900), and authorizing the Interim City Manager, or his designee, to execute the Lease Agreement.

    *Utilities; Jon Yuriar, 577-5399, jyuriar@modestogov.com*

**ACTION: Resolution 2018-257 (Kenoyer/Grewal; 6/0; Ah You absent)** approving a Third Amendment to the Lease Agreement with Louis Boer, Jr. to lease agricultural property at Frazine Rd. and La Coste Ln. (APN 014-037-056), in an amount not to exceed $5,400, for one year (from $1,500, an increase of $3,900), and authorizing the Interim City Manager, or his designee, to execute the Lease Agreement.

Consent

15. Consider approving an Amendment to the Purchase Agreement with Grover Landscape Services, Inc., Modesto, CA, for additional basin cleanup and ongoing maintenance services through December 2, 2018, in the amount of $110,309, and a total Agreement amount not to exceed $381,380. (Funding Source: Wastewater Fund)
    - Resolution approving an Amendment to Purchase Agreement No. 52881 with Grover Landscape Services, Inc., Modesto, CA, for additional basin cleanup and ongoing maintenance services in the amount of $110,309, and a total Agreement amount not to exceed $381,380, and authorizing the Purchasing Manager, or her designee, to increase the Purchase Agreement.

    *Utilities; Robert Englent, 577-6222, renglent@modestogov.com*

**ACTION: Resolution 2018-258 (Kenoyer/Grewal; 6/0; Ah You absent)** approving an Amendment to Purchase Agreement No. 52881 with Grover Landscape Services, Inc., Modesto, CA, for additional basin cleanup and ongoing maintenance services in the amount of $110,309, and a total Agreement amount not to exceed $381,380, and authorizing the Purchasing Manager, or her designee, to increase the Purchase Agreement.

Consent

16. Consider approving the sole source procurement for the standby rental of three DV-400c pumps from Rain for Rent, Stockton, CA in an amount not to exceed $70,307 to ensure the City has the necessary equipment to mitigate any service disruptions during peak cannery discharge season. (Funding Source: Wastewater Fund)
    - Resolution approving the sole source procurement for the standby rental of three DV-400c pumps for the Utilities Department, Wastewater Services Division from Rain for Rent, Stockton, CA, and authorizing the Purchasing Manager, or her designee, to issue a purchase order for a total cost not to exceed $70,307.

    *Utilities; Robert Englent, 577-6222, renglent@modestogov.com*

**ACTION: Resolution 2018-259 (Kenoyer/Grewal; 6/0; Ah You absent)** approving the sole source procurement for the standby rental of three DV-400c pumps for the Utilities Department, Wastewater Services Division from Rain for Rent, Stockton, CA, and authorizing the Purchasing Manager, or her designee, to issue a purchase order for a total cost not to exceed $70,307.

Consent

17. Consider approving an Agreement with Consolidated CM, Inc., of Oakland, CA, for construction management and inspection services for the Tuolumne River Sheet Pile and Dam Debris Removal Project, in an amount not to exceed $165,794. (Funding Source: Various Grant Funding Sources)
    - Resolution approving an Agreement with Consolidated CM Inc., of Oakland, CA, for Construction Management and Inspection Services for the Tuolumne River Sheet Pile and Dam Debris Removal Project in an amount not to exceed $165,794, and authorizing the Interim City Manager, or his designee, to execute the

Agreement and any Amendments up to a cumulative amount of 10 percent.
*Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com*

**ACTION: Resolution 2018-260 (Kenoyer/Grewal; 6/0; Ah You absent)** approving an Agreement with Consolidated CM Inc., of Oakland, CA, for Construction Management and Inspection Services for the Tuolumne River Sheet Pile and Dam Debris Removal Project in an amount not to exceed $165,794, and authorizing the Interim City Manager, or his designee, to execute the Agreement and any Amendments up to a cumulative amount of 10 percent.

Consent

18. Consider approving the plans and specifications for the Modesto Police Department's Heating, Venting and Air Conditioning Renovation Project for the Department's Operations Building; awarding a construction contract with American Chiller Service, Inc., of Rancho Cordova, CA, in the amount of $770,288; and amending the Fiscal Year 2017-2018 Capital Improvement Project Program Budget in the amount of $959,346 to increase the expense appropriation in Project 101087 (MPD OPS HVAC Replacement); and approving a reduction of General Fund Police Department FY 2018-19 Operating Expenditure appropriations up to the amount of $959,346 to be used to fund the MPD HVAC Renovation for the Operations Building via a transfer into Project 101087. (Funding Source: MPD Building Services General Fund)
    - Resolution approving plans and specifications for the Rebid MPD HVAC Renovation Project (Operations Building), accepting the bid, and approving a construction contract with American Chiller Service, Inc., Modesto, CA, in the amount of $770,288 and authorizing the Interim City Manager, or his designee, to execute the contract.
    - Resolution approving a reduction of General Fund Police Department FY 2018-19 Operating Expenditure appropriations up to the amount of $959,346 to be used to fund the construction, contingency, construction administration, and design support during construction for the MPD HVAC Renovation Project (Operations Building) in Project 101087; and amending the Fiscal Year 2017-18 Capital Improvement Program Budget in the amount of $959,346 to be transferred into the project from MPD's General Fund Operating Budget to increase the expenditure appropriation in Project 101087 and fully fund the construction, contingency, construction administration, and design support during construction for the MPD HVAC Renovation Project (Operations Building).

    *Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Resolution 2018-261 (Kenoyer/Grewal; 6/0; Ah You absent)** approving plans and specifications for the Rebid MPD HVAC Renovation Project (Operations Building), accepting the bid, and approving a construction contract with American Chiller Service, Inc., Modesto, CA, in the amount of $770,288 and authorizing the Interim City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2018-262 (Kenoyer/Grewal; 6/0; Ah You absent)** approving a reduction of General Fund Police Department FY 2018-19 Operating Expenditure appropriations up to the amount of $959,346 to be used to fund the construction, contingency, construction administration, and design support during construction for the MPD HVAC

Renovation Project (Operations Building) in Project 101087; and amending the Fiscal Year 2017-18 Capital Improvement Program Budget in the amount of $959,346 to be transferred into the project from MPD's General Fund Operating Budget to increase the expenditure appropriation in Project 101087 and fully fund the construction, contingency, construction administration, and design support during construction for the MPD HVAC Renovation Project (Operations Building).

Consent

19. Consider approving a Purchasing Agreement with All Season Lawn Landscaping, Escalon, CA, for lawn maintenance services for water wells and tanks, for two years with three one-year extension options, for a cost not to exceed $38,327 in Year One, $63,828 in Year Two with three additional sites and services added, and a total amount not to exceed $310,871 over five years. (Funding Source: Water Fund)
    - Resolution approving a Purchasing Agreement with All Season Lawn Landscaping, Escalon, CA, for lawn maintenance services for water wells and tanks, for a two-year Agreement with three one-year extension options, for a cost not to exceed $38,327 in Year One, $63,828 in Year Two with three additional sites and services added, and a total amount not to exceed $310,871 over five years, and authorizing the Purchasing Manager, or her designee, to issue a Purchasing Agreement.

    *Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Resolution 2018-263 (Kenoyer/Grewal; 6/0; Ah You absent)** approving a Purchasing Agreement with All Season Lawn Landscaping, Escalon, CA, for lawn maintenance services for water wells and tanks, for a two-year Agreement with three one-year extension options, for a cost not to exceed $38,327 in Year One, $63,828 in Year Two with three additional sites and services added, and a total amount not to exceed $310,871 over five years, and authorizing the Purchasing Manager, or her designee, to issue a Purchasing Agreement.

Consent

20. Consider approving an Amendment to the sole source Purchase Agreement with Hach, Loveland, CO, for field service of on-line instruments for an amount of $36,965 in Year 1, decreasing each year after, for a not to exceed amount of $86,028 over three years, and purchases of meters for $51,753 in Year 1, $53,251 in Year 2 and $45,222 in Year 3, not to exceed $150,226 over three years. (Funding Source: Wastewater Fund)
    - Resolution approving an Amendment to the Sole Source Purchase Agreement with Hach, Loveland, CO, for field service of on-line instruments for an amount of $36,965 in Year 1, $24,169 in Year 2 and $24,894 in Year 3, not to exceed $86,028 over three years, and purchases of meters for $51,753 in Year 1, $53,251 in Year 2 and $45,222 in Year 3, not to exceed $150,226 over three years and authorizing the Purchasing Manager, or her designee, to issue the Purchasing Agreement.

    *Utilities; Laura Anhalt, 342-4502, lanhalt@modestogov.com*

**ACTION: Resolution 2018-264 (Kenoyer/Grewal; 6/0; Ah You absent)** approving an Amendment to the Sole Source Purchase Agreement with Hach, Loveland, CO, for field service of on-line instruments for an amount of $36,965 in Year 1, $24,169 in Year 2 and

$24,894 in Year 3, not to exceed $86,028 over three years, and purchases of meters for $51,753 in Year 1, $53,251 in Year 2 and $45,222 in Year 3, not to exceed $150,226 over three years and authorizing the Purchasing Manager, or her designee, to issue the Purchasing Agreement.

## COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer attended the following events: a conference about sex trafficking, the Crows Landing Corridor workshop, a Cambodian youth graduation ceremony, and the Woodland West Community Neighborhood meeting.

Councilmember Madrigal attended the following events: a Community and Economic Development meeting regarding potential sites for a pharmacy in West Modesto, Latino Community Council Flag Day, Crows Landing Corridor Workshop, and a Cambodian youth graduation ceremony. He also presented a Certificate of Recognition to the Consulate of Mexico, discussed the death of Ray Prescott, a founding member of the King-Kennedy Board of Directors, and thanked Council for attending the League of Cities quarterly meeting.

## CITY MANAGER COMMENTS & REPORTS

None.

## UNFINISHED BUSINESS

***Continued to August 8, 2018***

21. Consider approving the plans and specifications for the Lakewood Neighborhood Street Improvements Project, accepting the bid, and awarding a construction contract to American Pavement Systems, Inc. of Modesto, California, in the amount of $2,202,576; amending the Fiscal Year 2017-2018 Capital Improvement Program Budget and establishing the Measure L Maintenance of Effort transfer. (Funding Source: Measure L Local Control and Maintenance of Effort Funds)
    - Resolution approving the plans and specifications for the Lakewood Neighborhood Street Improvements Project, accepting the bid, and awarding a construction contract to American Pavement Systems, Inc. of Modesto, California, in the amount of $2,202,576 and authorizing the Interim City Manager, or his designee to execute the Agreement.
    - Resolution amending the Fiscal Year 2017-2018 Capital Improvement Project (CIP) budget, and establishing the Measure L Maintenance of Effort transfer for

      project #101037 in the amount of $375,000 for the Lakewood Neighborhood Street Improvements Project.

    *Community & Economic Development; Vickey Dion, 571-5442, vdion@modestogov.com*

**ACTION: Motion (Kenoyer/NO SECOND)** approving the plans and specifications for the Lakewood Neighborhood Street Improvements Project, accepting the bid, and awarding a construction contract to American Pavement Systems, Inc. of Modesto, California, in the amount of $2,202,576 and authorizing the Interim City Manager, or his designee to execute the

Agreement. **(MOTION FAILED)**

**ACTION: Motion (Kenoyer/NO SECOND)** amending the Fiscal Year 2017-2018 Capital Improvement Project (CIP) budget, and establishing the Measure L Maintenance of Effort transfer for project #101037 in the amount of $375,000 for the Lakewood Neighborhood Street Improvements Project. **(MOTION FAILED)**

**ACTION:** Item continued to the August 8, 2018 City Council Meeting

22. Consider approving the plans and specifications, accepting the bid, and awarding a contract to DSS Company dba Knife River Construction of Stockton, California, in the amount of $2,591,417 for the Standiford Avenue Pavement Rehabilitation Project; amending the Fiscal Year 2017-2018 Capital Improvement Program Budget and establishing the Measure L Maintenance of Effort transfer; and authorizing the Utilities Department Director to approve change orders up to the cumulative amount of $259,142. (Funding Source: Measure L)
    - Resolution approving the plans and specifications, accepting the bid, and awarding a contract to DSS Company dba Knife River Construction of Stockton, California, in the amount of $2,591,417 for the Standiford Avenue Pavement Rehabilitation project and authorizing the Interim City Manager, or his designee to execute the Agreement.
    - Resolution amending the Fiscal Year 2017-2018 Capital Improvement Program (CIP) Budget and establishing the Measure L Maintenance of Effort transfer for project #101088 in the amount of $130,000 for the Standiford Avenue Pavement Rehabilitation project.
    - Resolution authorizing the Utility Department Director to approve change orders up to the cumulative amount of $259,142 (10% of the original contract price) for the Standiford Avenue Pavement Rehabilitation project.

    *Community & Economic Development; Vickey Dion, 571-5442, vdion@modestogov.com*

**ACTION: Resolution 2018-265 (Zoslocki/Ridenour; 6/0; Ah You absent)** approving the plans and specifications, accepting the bid, and awarding a contract to DSS Company dba Knife River Construction of Stockton, California, in the amount of $2,591,417 for the Standiford Avenue Pavement Rehabilitation project and authorizing the Interim City Manager, or his designee to execute the Agreement.

**ACTION: Resolution 2018-266 (Zoslocki/Ridenour; 6/0; Ah You absent)** amending the Fiscal Year 2017-2018 Capital Improvement Program (CIP) Budget and establishing the Measure L Maintenance of Effort transfer for project #101088 in the amount of $130,000 for the Standiford Avenue Pavement Rehabilitation project.

**ACTION: Resolution 2018-267 (Zoslocki/Ridenour; 6/0; Ah You absent)** authorizing the Utility Department Director to approve change orders up to the cumulative amount of $259,142 (10% of the original contract price) for the Standiford Avenue Pavement Rehabilitation project.

## HEARINGS

*Published in the Modesto Bee on June 16, 2018; Councilman Grewal absent due to conflict of interest*

23. Hearing to consider the Fiscal Year 2018-19 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 2018-19 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.

    *Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2018-268 (Madrigal/Zoslocki; 5/0; Ah You absent, Grewal absent due to conflict of interest)** confirming the Fiscal Year 2018-19 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 June 16, 2018; Councilman Grewal absent due to conflict of interest*

24. Hearing to consider the Fiscal Year 2018-19 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 2018-19 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.

    *Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2018-269 (Zoslocki/Ridenour; 5/0; Ah You absent, Grewal absent due to conflict of interest)** confirming the Fiscal Year 2018-19 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 June 16, 2018*

25. Hearing to consider the Fiscal Year 2018-19 annual assessment for the Shackelford Landscape and Lighting District. (Funding Source: Shackelford Landscape and Lighting District)
    - Resolution confirming the Fiscal Year 2018-19 diagram and assessment, and

ordering the levy and collection of charges within the Shackelford Landscape and Lighting District.

*Community & Economic Development; Jessica Narayan , 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2018-270 (Madrigal/Zoslocki; 5/0; Ah You and Grewal absent)** confirming the Fiscal Year 2018-19 diagram and assessment, and ordering the levy and collection of charges within the Shackelford Landscape and Lighting District.

*Published in the Modesto Bee on June 16, 2018*

26. Hearing to consider waiving the second reading and adopting Ordinance No. 3687-C.S. to adopt the Proposed Fiscal Year 2018-19 Operating and Multi-Year Budget and Capital Improvement Program for the City inclusive of the Mayor's Final Budget Modifications. (Funding Source: All City Funds)
    - Motion waiving the second reading and adopting Ordinance No. 3687-C.S. adopting the FY 2018-2019 Annual and Multi-Year Operating Budgets and the 2018-2019 Capital Improvement Program for the City of Modesto and the related Inter-Fund Transfers.

    *Finance; Stephan Christensen, 577-5390, schristensen@modestogov.com*

**ACTION: Motion (Ridenour/Grewal; 6/0; Ah You absent)** waiving the second reading and adopting **Ordinance No. 3687-C.S.** adopting the FY 2018-2019 Annual and Multi-Year Operating Budgets and the 2018-2019 Capital Improvement Program for the City of Modesto and the related Inter-Fund Transfers.

## NEW BUSINESS

27. Consider, at the request of the Board of Education, directing the City Clerk to submit a ballot measure to the voters at the November 2018 election that proposes the necessary City Charter amendments to transition to even-numbered year elections for all School Board elections as required by Senate Bill 415, the California Voter Participation Rights Act ("CVPRA") and provide for a one-time extension of existing four-year terms for board members. (Funding Source: General Fund)
    - Resolution at the request of the Modesto Board of Education for the purpose of submitting to the electors of the Modesto City Schools Board of Education a proposal to amend Section 1500 of the City Charter to change the election dates for the Board of Education to the date of the statewide general elections held in November of even-numbered years and provide for a one-time extension of existing four-year terms for board members.

    *City Attorney; Adam Lindgren, 577-5248, alindgren@modestogov.com*

**ACTION: Resolution 2018-271 (Madrigal/Zoslocki; 6/0; Ah You absent)** at the request of the Modesto Board of Education for the purpose of submitting to the electors of the Modesto City Schools Board of Education a proposal to amend Section 1500 of the City Charter to change the election dates for the Board of Education to the date of the statewide general elections held in November of even-numbered years and provide for a one-time extension of

existing four-year terms for board members.

28. Consider approving a Third Amendment to the Agreement with Aramark Uniform Services, Modesto, CA, for the furnishing of uniform and laundry services, to increase the contract amount by $30,000 from $1,000,000 to $1,030,000, and extending the term of the Agreement from June 30, 2018, to July 31, 2018. (Funding Source: General Fund, Water Fund, Wastewater Fund, Storm Drain Fund, Airport Fund, Building Services Fund, Fleet Fund, Green Waste Fund, Parking Fund, Solid Waste, and Surface Transportation Fund)
    - Resolution approving a Third Amendment to the Agreement with Aramark Uniform Services, Modesto, CA, for the furnishing of uniform and laundry services, to increase the contract amount by $30,000 from $1,000,000 to $1,030,000, and extending the term of the Agreement from June 30, 2018, to July 31, 2018; and authorizing the Interim City Manager, or his designee, to execute the Third Amendment.

    *Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Resolution 2018-272 (Ridenour/Zoslocki; 6/0; Ah You absent)** approving a Third Amendment to the Agreement with Aramark Uniform Services, Modesto, CA, for the furnishing of uniform and laundry services, to increase the contract amount by $30,000 from $1,000,000 to $1,030,000, and extending the term of the Agreement from June 30, 2018, to July 31, 2018; and authorizing the Interim City Manager, or his designee, to execute the Third Amendment.

29. Consider approving the Grant Agreement with the San Joaquin Valley Air Pollution Control District in the amount of $4,016,188 for five Proterra battery-electric fast-charge zero-emission public transit buses and the installation and deployment of eight Proterra depot chargers. (Funding Source: California Air Resources Board)
    - Resolution approving a Grant Agreement with the San Joaquin Valley Air Pollution Control District in the amount of $4,016,188 for five Proterra battery-electric fast-charge zero-emission public transit buses and the installation and deployment of eight Proterra depot chargers, and authorizing the Interim City Manager, or his designee, to execute the Grant Agreement.

    *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2018-273 (Madrigal/Zoslocki; 6/0; Ah You absent)** approving a Grant Agreement with the San Joaquin Valley Air Pollution Control District in the amount of $4,016,188 for five Proterra battery-electric fast-charge zero-emission public transit buses and the installation and deployment of eight Proterra depot chargers, and authorizing the Interim City Manager, or his designee, to execute the Grant Agreement.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 10:43 p.m.

## CLOSED SESSION

*All Closed Session Matters heard prior to meeting*

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
**Two Cases** (Pursuant to Section 54956.9(d)(2) of the Government Code)

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
**One Case** (Pursuant to Section 54956.9(d)(4) of the Government Code)

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
**Two Cases** (Pursuant to Section 54956.9(d)(1) of the Government Code)

Name of case: County of Stanislaus v. City of Modesto (Geer Rd. Landfill)
Case No. 667396

Patrick Green v. COM
Case No. 2020908

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

Property & Property Owners:

| APN | Address | Owner Name |
|---|---|---|
| 007-039-043 | 1812 Kansas Avenue | Bender Trust |
| 007-039-042 | 1820 Kansas Avenue | John and Suki Gonzalez |
| 007-037-013 | 537 N Rosemore Avenue | Zaiger Family Trust |
| 007-037-012 | Kansas Avenue | Zaiger Family Trust |
| 007-039-001 | 700 N Rosemore Avenue | Dimas M. Borba |
| 101-004-064 | 212 Linden Street | Nilo & Rachel Casiano |
| 029-015-008 | 611 N Franklin Street | Melton & Olmstead |

Negotiating Parties:
For City: James Staudinger, CPSI
Adam U. Lindgren, City Attorney for City of Modesto

For Property Owner: Property Owners

Under Negotiation: Price and Terms

**CONFERENCE WITH LABOR NEGOTIATOR:**
(Pursuant to Section 54957.6 of the Government Code) – **MCEA**
Negotiator: Norma Santoyo
Employee Organization: Modesto City Employees Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
(Pursuant to Section 54957.6 of the Government Code) – **MCMA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Confidential & Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
(Pursuant to Section 54957.6 of the Government Code) – **MPOA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Officers' Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
(Pursuant to Section 54957.6 of the Government Code) – **MPNSA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Non-Sworn Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
(Pursuant to Section 54957.6 of the Government Code) –**MPMA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
(Pursuant to Section 54957.6 of the Government Code) – **MCFFA**
Negotiator: Norma Santoyo
Employee Organization: Modesto City Firefighters Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
(Pursuant to Section 54957.6 of the Government Code) – **Unrepresented**
Negotiator: Norma Santoyo
Employee Organization: Unrepresented Management and Confidential Employees

Attest:_____
Cathi Erbe, Assistant City Clerk

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# MINUTES

**City of Modesto**

## SPECIAL APPOINTMENTS COMMITTEE / COUNCIL WORKSHOP

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

**Thursday, June 28, 2018, at 4:00 p.m.**

Roll Call: Present: Councilmember Grewal, Mayor Brandvold, and Councilmember Kenoyer
Absent: None

### PUBLIC COMMENTS

None.

### CONSENT ITEMS

None.

### NEW BUSINESS

1. Consider recommending appointments for 9 vacancies to the Equal Opportunity/Disability and Human Relations Commission and forwarding to Council for approval. (Funding Source: Not Applicable)
   *Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION: Motion (Kenoyer/Grewal; 3/0)** appointing Basil Hernandez, Miguel Jimenez and Lisa Battista and reappointing Rosie Arce, Sandra Graham and Philip Anselmo to the Equal Opportunity/Disability and Human Relations Commission and forwarding to Council for approval.

2. Consider interviewing 2 prospective candidates for appointments to fill 2 vacancies on the City of Modesto Landmark Preservation Commission and forwarding to Council for approval. (Funding Source: Not Applicable)
*Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Kenoyer; 3/0)** appointing Naramsen Goriel and David Leamon to the City of Modesto Landmark Preservation Commission and forwarding to Council for approval.

3. Consider recommending the appointments to fill 4 current vacancies on the City of Modesto Golf Courses Advisory Committee and forwarding to Council for approval. (Funding Source: Not Applicable)
*Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Kenoyer; 3/0)** appointing Byron Gregerson, Vinnie Hansen, Basil Hernandez, Linda Kenyon and Pam Giusto to fill **5** vacancies on the City of Modesto Golf Courses Advisory Committee and forwarding to Council for approval.

4. Consider reviewing applications and recommending appointments to fill 3 vacancies on the City of Modesto Culture Commission and forwarding to Council for approval. (Funding Source: Not Applicable)
*Community & Economic Development; Robert Kimball, 571-5540, rkimball@modestogov.com*

**ACTION: Motion (Kenoyer/Mayor Brandvold; 3/0)** appointing Karina Jauregui and John Wilson as City Representatives and Miguel Jimenez as a County Representative to the City of Modesto Culture Commission and forwarding to Council for approval.
*Chairman Grewal left the meeting at 4:25 pm*

5. Consider recommending appointments to fill 4 vacancies on the Housing Rehabilitation Loan Committee and forwarding to Council for approval. (Funding Source: Not Applicable)
*Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Kenoyer; 2/0)** appointing Rhoda Yare, Sandra Wilson, Gabriella Fierro and Christina Kenney to the Housing Rehabilitation Loan Committee and forwarding to Council for approval.

6. Consider recommending the reappointment of Mary Ramirez to the Housing

Rehabilitation Loan Committee and forwarding to Council for approval. (Funding Source: Not Applicable)
*Community & Economic Development; Jessica Narayan, 577-5244, jnarayan@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Kenoyer; 2/0)** reappointing Mary Ramirez to the Housing Rehabilitation Loan Committee and forwarding to Council for approval.

7. Consider recommending appointments to fill 2 vacancies on the Citizen's Housing and Community Development Committee and forwarding to Council for approval. (Funding Source: Not Applicable)
*Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Kenoyer; 2/0)** appointing Lisa Battista and David Wright to the Citizen's Housing and Community Development Committee and forwarding to Council for approval.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 4:40 p.m.

Attest:_____
Cathi Erbe, Assistant City Clerk

# MINUTES

City of Modesto

# CITY COUNCIL MEETING

**Chambers, Basement Level**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**
**Tuesday July 10, 2018, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
Absent: None

Pledge of Allegiance to the Flag

Invocation: Kevin Carroll, City Ministry Network

City Clerk's Announcements: Item 24 - continued to future Council meeting

Declaration of Conflicts of Interest: None

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

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation declaring August 7, 2018, as "National Night Out" in the City of Modesto. (Funding Source: Not Applicable)
   *City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Brandvold and Council presented a Proclamation declaring August 7, 2018, as "National Night Out" in the City of Modesto.

## PUBLIC COMMENT PERIOD

- PJ spoke regarding being homeless in Modesto and she is requesting assistance.
- Sebastian Jones spoke regarding the high cost of rental properties in Modesto.
- Kevin McCarty spoke regarding the need for airline service in Modesto.
- Beverly Tucker spoke regarding 2 rude bus drivers in Modesto.
- Loretta Carhart spoke regarding a former Goodwill store on McHenry Avenue.

- Leticia Gonzales spoke regarding her son's murder and the need for security near Mellis Park and West Modesto.

- Jesse R. Flores spoke regarding the homeless and lack of assistance in Modesto; he was attacked on the 4th of July in front of his home.

- Howard Carmen spoke regarding the City budget and appreciates the City's assistance.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**
**ACTION CONSENT ITEMS 2-21: (Kenoyer/Grewal; 7/0)**

**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, 2018 Council Meeting. (Funding Source: Not Applicable)
   - Motion approving the minutes from the June 26, 2018 Council Meeting.

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

**ACTION: Motion (Kenoyer/Grewal; 7/0)** approving the minutes from the June 26, 2018 Council Meeting.

Consent
3. Consider approving an Agreement with Fehr and Peers, Walnut Creek, CA, for consultant services for the Systemic Safety Analysis Report project for $183,240 for the identified scope of services plus $18,324 for additional services (if needed), for a total amount not to exceed $201,564. (Funding Source: State Systemic Safety Analysis Report Program Grant and Local Measure L funds)
   - Resolution approving an Agreement with Fehr and Peers, Walnut Creek, CA, for consultant services for the Systemic Safety Analysis Report project for $183,240 for the identified scope of services, plus $18,324 for additional services (if needed), for a total amount not to exceed $201,564, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

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

**ACTION: Resolution 2018-274 (Kenoyer/Grewal; 7/0)** approving an Agreement with Fehr and Peers, Walnut Creek, CA, for consultant services for the Systemic Safety Analysis Report project for $183,240 for the identified scope of services, plus $18,324 for additional services (if needed), for a total amount not to exceed $201,564, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

Consent

4. Consider amending Section 3 (Community Development Block Grant Programs), Section 6 (Housing Rehabilitation Program), and Section 14 (Environmental Review) of the Housing and Urban Development Policies & Procedure Manual. (Funding Source: Community Development Block Grant Funds)
   - Resolution amending Section 3 (Community Development Block Grant Programs), Section 6 (Housing Rehabilitation Program), and Section 14 (Environmental Review) of the Housing and Urban Development Policies & Procedures Manual.

   *Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2018-275 (Kenoyer/Grewal; 7/0)** amending Section 3 (Community Development Block Grant Programs), Section 6 (Housing Rehabilitation Program), and Section 14 (Environmental Review) of the Housing and Urban Development Policies & Procedures Manual.

Consent

5. Consider approving an Amendment increasing the Agreement amount with Bank of America Merrill Lynch, for the banking services by $51,034 from $460,000 to $511,034, and extending the term of the Agreement from July 31, 2018 to June 30, 2019. (Funding Source: Various Funds)
   - Resolution approving an Amendment increasing the Agreement amount with Bank of America Merrill Lynch, for the banking services by $51,034 from $460,000 to $511,034, and extending the term of the Agreement from July 31, 2018 to June 30, 2019 and authorizing the Interim City Manager, or his designee to execute the Amendment to the Agreement.

   *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Resolution 2018-276 (Kenoyer/Grewal; 7/0)** approving an Amendment increasing the Agreement amount with Bank of America Merrill Lynch, for the banking services by $51,034 from $460,000 to $511,034, and extending the term of the Agreement from July 31, 2018 to June 30, 2019 and authorizing the Interim City Manager, or his designee to execute the Amendment to the Agreement.

Consent

6. Consider accepting an informational report for the May 2018 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
   - Motion accepting an informational report for the May 2018 Accounts Payable Payment Register and Void report.

   *Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Kenoyer/Grewal; 7/0)** accepting an informational report for the May 2018 Accounts Payable Payment Register and Void report.

Consent

7. Consider accepting the Monthly Investment Report for April 2018. (Funding Source: Various Funds)

- Motion accepting the Monthly Investment Report for April, 2018.

*Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Kenoyer/Grewal; 7/0)** accepting the Monthly Investment Report for April, 2018.

Consent

8. Consider approving the recommended monthly budget adjustments to Fiscal Year 2017-18 Annual Operating and Capital Improvement Project Budget. (Funding Source: Capital Grants Fund, Streets Capital Facility Fee Fund, CFD No. 2018-1 (Woodglen) Fund, Village One #2 CFD, and Fleet Management Fund)
   - Resolution amending Fiscal Year 2017-18 Annual Operating and Capital Improvement Project Fund Budgets.

   *Finance; Kaceey Culbertson, 577-5479, kculbertson@modestogov.com*

**ACTION: Resolution 2018-277 (Kenoyer/Grewal; 7/0)** amending Fiscal Year 2017-18 Annual Operating and Capital Improvement Project Fund Budgets.

Consent

9. Consider approving a Second Amendment to the Agreement with Yosemite Community College District and the County of Stanislaus for the continued operations of the Regional Fire Science Training Center in Fiscal Year 2018-19. (Funding Source: General Fund)
   - Resolution approving a Second Amendment to the Agreement with Yosemite Community College District and the County of Stanislaus for the continued operations of the Regional Fire Science Training Center in Fiscal Year 2018-19.

   *Fire; Tim Tietjen, 572-9869, ttietjen@modestofire.com*

**ACTION: Resolution 2018-278 (Kenoyer/Grewal; 7/0)** approving a Second Amendment to the Agreement with Yosemite Community College District and the County of Stanislaus for the continued operations of the Regional Fire Science Training Center in Fiscal Year 2018-19.

Consent

10. Consider approving a Third Amendment to the Agreement with Du-All Safety, Inc. to continue providing regulatory safety training to the City through January 1, 2019 and to increase the amount by $100,000 to an amount not to exceed $328,902. (Funding Source: Various Funds)
    - Resolution approving a Third Amendment to the Agreement with Du-All Safety, Inc. to continue providing regulatory safety training to the City through January 1, 2019 and to increase the amount by $100,000 to an amount not to exceed $328,902, and authorizing the Interim City Manager, or his designee to execute the Agreement.

    *Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION: Resolution 2018-279 (Kenoyer/Grewal; 7/0)** approving a Third Amendment to the Agreement with Du-All Safety, Inc. to continue providing regulatory safety training to the

City through January 1, 2019 and to increase the amount by $100,000 to an amount not to exceed $328,902, and authorizing the Interim City Manager, or his designee to execute the Agreement.

Consent

11. Consider approving an Agreement between GovernmentJobs.com, Inc., El Segundo, CA, doing business as NEOGOV, for an electronic recruitment, on-boarding and off-boarding processes with an initial term of July 14, 2018 through February 14, 2021 with the option to add two one-year extensions for a total amount not to exceed $135,313. (Funding Source: Employee Benefits Fund and General Fund)
    - Resolution approving an Agreement between GovernmentJobs.com, Inc., El Segundo, CA, doing business as NEOGOV, for an electronic recruitment, on-boarding and off-boarding processes with an initial term of July 14, 2018 through February 14, 2021 with the option to add two one-year extensions for a total amount not to exceed $135,313, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

    *Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION: Resolution 2018-280 (Kenoyer/Grewal; 7/0)** approving an Agreement between GovernmentJobs.com, Inc., El Segundo, CA, doing business as NEOGOV, for an electronic recruitment, on-boarding and off-boarding processes with an initial term of July 14, 2018 through February 14, 2021 with the option to add two one-year extensions for a total amount not to exceed $135,313, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

Consent

12. Consider approving an amendment to the Classification Plan and Class Range Table for Represented Management and Confidential Non-Sworn Classes to add the job specification for Safety Officer; the position allocation in the Human Resources Department to delete two 0.5 Administrative Office Assistant allocations and to add 1.0 Safety Officer to Cost Center 17310 within the Risk Management Division effective August 1, 2018. (Funding Source: Various Funds)
    - Resolution amending the Classification Plan to create the classification of Safety Officer.
    - Resolution amending the Class Range Table for Represented Management and Confidential Non-Sworn Classes.
    - Resolution amending the Position Allocation for Fiscal Year 2018-19 as adopted in the Operating Budget to reallocate two (0.5) Administrative Office Assistants in the Human Resources Department to one (1) Safety Officer in the Human Resources Department.

    *Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION: Resolution 2018-281 (Kenoyer/Grewal; 7/0)** amending the Classification Plan to create the classification of Safety Officer.

**ACTION: Resolution 2018-282 (Kenoyer/Grewal; 7/0)** amending the Class Range Table for

Represented Management and Confidential Non-Sworn Classes.

**ACTION: Resolution 2018-283 (Kenoyer/Grewal; 7/0)** amending the Position Allocation for Fiscal Year 2018-19 as adopted in the Operating Budget to reallocate two (0.5) Administrative Office Assistants in the Human Resources Department to one (1) Safety Officer in the Human Resources Department.

Consent

13. Consider approving the purchase of two articulating loaders with claw buckets from Volvo Construction Equipment & Services, Turlock, CA, for a total cost of $184,532. (Funding Source: Fleet Replacement Fund)
    - Resolution approving the award of bid for the purchase of two articulating loaders with claw buckets to Volvo Construction Equipment and Services, Turlock, CA for a total cost not to exceed $184,532 and authorizing the Purchasing Manager, or her designee, to issue a Purchase Order.

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

**ACTION: Resolution 2018-284 (Kenoyer/Grewal; 7/0)** approving the award of bid for the purchase of two articulating loaders with claw buckets to Volvo Construction Equipment and Services, Turlock, CA for a total cost not to exceed $184,532 and authorizing the Purchasing Manager, or her designee, to issue a Purchase Order.

Consent

14. Consider authorizing an increase in the Director's authority to issue change orders for the Litt Road Improvement Project from 8 percent to 30 percent. (Funding Source: Water Fund)
    - Resolution authorizing an increase of the Director of Utilities Authority to issue change orders on the Litt Road Improvement Project from 8 percent ($122,687) to 30 percent ($460,075) of the original construction contract price of $1,533,583 with McFadden Construction Inc., of Stockton, CA, and increase staff budget from $138,022 to $194,559.

    *Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com*

**ACTION: Resolution 2018-285 (Kenoyer/Grewal; 7/0)** authorizing an increase of the Director of Utilities Authority to issue change orders on the Litt Road Improvement Project from 8 percent ($122,687) to 30 percent ($460,075) of the original construction contract price of $1,533,583 with McFadden Construction Inc., of Stockton, CA, and increase staff budget from $138,022 to $194,559.

Consent

15. Consider approving an Agreement with Vali Cooper and Associates of Emeryville, CA, for construction management and inspection services for the Standiford Avenue Pavement Rehabilitation Project, in an amount not to exceed $158,741. (Funding Source: Measure L)
    - Resolution approving an Agreement with Vali Cooper and Associates of Emeryville, CA, for Construction Management and Inspection Services for the Standiford Avenue Pavement Rehabilitation Project in an amount not to exceed

$158,741, and authorizing the Interim City Manager, or his designee, to execute the Agreement and any Amendments up to a cumulative amount of 10 percent.

*Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com*

**ACTION: Resolution 2018-286 (Kenoyer/Grewal; 7/0)** approving an Agreement with Vali Cooper and Associates of Emeryville, CA, for Construction Management and Inspection Services for the Standiford Avenue Pavement Rehabilitation Project in an amount not to exceed $158,741, and authorizing the Interim City Manager, or his designee, to execute the Agreement and any Amendments up to a cumulative amount of 10 percent.

Consent

16. Consider accepting Mark Randy And Torrid Diablo Lift Station Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $1,562,938 to Mountain Cascade Inc., of Livermore, CA. (Funding Source: Wastewater Fund)
    - Resolution accepting the Mark Randy And Torrid Diablo Lift Station Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $1,562,938 to Mountain Cascade Inc., of Livermore, Ca.

    *Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com*

**ACTION: Resolution 2018-287 (Kenoyer/Grewal; 7/0)** accepting the Mark Randy And Torrid Diablo Lift Station Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $1,562,938 to Mountain Cascade Inc., of Livermore, Ca.

Consent

17. Consider approving a Sole Source Agreement with Labworks LLC, Lehi, Utah, for annual maintenance support for the Water Quality Control Laboratory, for two years with three one-year extension options, for an annual amount of $15,507 in the first two years and slightly increasing over the five years, not to exceed $81,657 over five years. (Funding Source: Wastewater Fund)
    - Resolution approving a Sole Source Agreement with Labworks LLC, Lehi, Utah, for annual maintenance support for the Water Quality Control Laboratory, for two years with three one-year extension options, for an annual amount of $15,507 in the first two years and slightly increasing over the five years, not to exceed $81,657 over five years, and authorizing the Purchasing Manager, or her designee, to issue the Purchasing Agreement.

    *Utilities; Thomas Sinclair, 577-6240, tsinclair@modestogov.com*

**ACTION: Resolution 2018-288 (Kenoyer/Grewal; 7/0)** approving a Sole Source Agreement with Labworks LLC, Lehi, Utah, for annual maintenance support for the Water Quality Control Laboratory, for two years with three one-year extension options, for an annual amount of $15,507 in the first two years and slightly increasing over the five years, not to exceed $81,657 over five years, and authorizing the Purchasing Manager, or her designee, to issue the Purchasing Agreement.

Consent

18. Consider approving the Airport Neighborhood Sewer Improvements Phase 2 Project as complete, the annexation of said improvements into Modesto Municipal Sewer District No. 1 and a blanket Will Serve Letter for 390 parcels in the airport neighborhood adjacent to the recently completed Phase 2 Sewer Improvements, allowing connection to the City of Modesto's existing sanitary sewer system. (Funding Source: Not Applicable)
    - Resolution accepting the Airport Neighborhood Sewer Improvements Phase 2 project as complete, and annexing said improvements into Modesto Municipal Sewer District No.1.
    - Resolution approving a blanket will serve letter for 390 parcels in the Airport Neighborhood adjacent to the recently completed Phase 2 Sewer Improvements, allowing connection to the City of Modesto's existing sanitary sewer system, and authorizing the Interim City Manager, or his designee, to approve the will serve letter.

    *Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Resolution 2018-289 (Kenoyer/Grewal; 7/0)** accepting the Airport Neighborhood Sewer Improvements Phase 2 project as complete, and annexing said improvements into Modesto Municipal Sewer District No.1.

**ACTION: Resolution 2018-290 (Kenoyer/Grewal; 7/0)** approving a blanket will serve letter for 390 parcels in the Airport Neighborhood adjacent to the recently completed Phase 2 Sewer Improvements, allowing connection to the City of Modesto's existing sanitary sewer system, and authorizing the Interim City Manager, or his designee, to approve the will serve letter.

Consent

19. Consider approving an Agreement with HDR Inc., Folsom, CA, for Dam Breach Analysis and Flood Inundation Maps for the Jennings Plant Storage Ponds, in an amount not to exceed $91,990 for the identified scope of services, plus $9,199 for additional services (if needed), for an estimated total cost not to exceed $101,189, and amending the Fiscal Year 2018-2019 Multi-Year Budget in the amount of $114,988. (Funding Source: Wastewater Fund)
    - Resolution approving an Agreement with HDR Inc., for Dam Breach Analysis and Flood Inundation Maps for the Jennings Plant Storage Ponds in an amount not to exceed $91,990 for the identified scope of services, plus $9,199 for additional services (if needed), for an estimated total cost not to exceed $101,189, and authorizing the Interim City Manager, or his designee, to execute the Agreement.
    - Resolution amending the Fiscal Year 2018-19 Multi-Year Budget to establish a non-capital project (101052) in the amount of $114,988 to be transferred to the project from Wastewater Fund Reserves to fully fund the Consultant Agreement and staff time for the Dam Breach Analysis and Flood Inundation Maps for the Jennings Plant Storage Ponds and authorizing the Interim City Manager, or his designee, to implement the provisions of this resolution.

    *Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Resolution 2018-291 (Kenoyer/Grewal; 7/0)** approving an Agreement with HDR Inc., for Dam Breach Analysis and Flood Inundation Maps for the Jennings Plant Storage Ponds in an amount not to exceed $91,990 for the identified scope of services, plus $9,199 for additional services (if needed), for an estimated total cost not to exceed $101,189, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2018-292 (Kenoyer/Grewal; 7/0)** amending the Fiscal Year 2018-19 Multi-Year Budget to establish a non-capital project (101052) in the amount of $114,988 to be transferred to the project from Wastewater Fund Reserves to fully fund the Consultant Agreement and staff time for the Dam Breach Analysis and Flood Inundation Maps for the Jennings Plant Storage Ponds and authorizing the Interim City Manager, or his designee, to implement the provisions of this resolution.

Consent

20. Consider approving a Sanitary Sewer Easement with Southwest Hide Company and Modesto Holding Company and vacate and dispose of an existing utility easement at 925 Zeff Road for the Ceres Trunk Rehabilitation Project. (Funding Source: Wastewater Fund)
    - Resolution vacating and disposing of the certain utility easement located on the real property known as Stanislaus County Assessor's Parcel Numbers 038-022-011 & 038-022-013,and authorizing the City Clerk to record a certified copy of this resolution in the office of the Stanislaus County Clerk Recorder.
    - Resolution approving an easement from Southwest Hide Co. and Modesto Holding Co. for a 15-foot wide sanitary Sewer easement located at 925 Zeff Road (APN: 038-022-009), containing approximately 12,606 square feet, and authorizing the Interim City Manager, or his designee, to sign the Certificate of Acceptance for the sanitary sewer easement.

    *Utilities; Jon Yuriar, 577-5399, jyuriar@modestogov.com*

**ACTION: Resolution 2018-293 (Kenoyer/Grewal; 7/0)** vacating and disposing of the certain utility easement located on the real property known as Stanislaus County Assessor's Parcel Numbers 038-022-011 & 038-022-013, and authorizing the City Clerk to record a certified copy of this resolution in the office of the Stanislaus County Clerk Recorder.

**ACTION: Resolution 2018-294 (Kenoyer/Grewal; 7/0)** approving an easement from Southwest Hide Co. and Modesto Holding Co. for a 15-foot wide sanitary Sewer easement located at 925 Zeff Road (APN: 038-022-009), containing approximately 12,606 square feet, and authorizing the Interim City Manager, or his designee, to sign the Certificate of Acceptance for the sanitary sewer easement.

Consent

21. Consider approving a two-year Purchasing Agreement for material hauling services to Destination Anywhere, Tracy, CA and California Materials Inc., Stockton, CA, for an annual cost not to exceed $291,600 and $72,900 respectively for a total annual cost of $364,500, with three one-year extension options and a total combined cost not to exceed $1,900,846 over five years. (Funding Source: Wastewater, Water, Storm Drain and Surface Transportation Funds)

- Resolution approving a two-year Purchasing Agreement for material hauling services to Destination Anywhere, Tracy, CA, and California Materials Inc., Stockton, CA, for an annual cost not to exceed $291,600 and $72,900, respectively, for a total annual cost of $364,500, with three one-year extension options and a total combined cost not to exceed $1,900,846 over five years and authorizing the Director of Finance to adjust Agreement totals between vendors based on contractor's availability and department's needs, ensuring the overall total cost does not change and authorizing the Purchasing Manager, or her designee, to issue Purchase Agreements.

*Utilities; Robert Englent, 577-6222, renglent@modestogov.com*

**ACTION: Resolution 2018-295 (Kenoyer/Grewal; 7/0)** approving a two-year Purchasing Agreement for material hauling services to Destination Anywhere, Tracy, CA, and California Materials Inc., Stockton, CA, for an annual cost not to exceed $291,600 and $72,900, respectively, for a total annual cost of $364,500, with three one-year extension options and a total combined cost not to exceed $1,900,846 over five years and authorizing the Director of Finance to adjust Agreement totals between vendors based on contractor's availability and department's needs, ensuring the overall total cost does not change and authorizing the Purchasing Manager, or her designee, to issue Purchase Agreements.

## COUNCIL COMMENTS & REPORTS

Councilmember Grewal spoke regarding the Bay Delta Water Quality Control Plan Update from the State Water Resources Control Board and the impacts in our area; he requested financial assistance on behalf of our region; Councilmember Zoslocki requested this item return to Council.

Councilmember Kenoyer attended the 4th of July Parade and Apostolic Jubilee Center event.

Councilmember Madrigal thanked sponsors and volunteers for the 144th Annual Downtown Modesto 4th of July Parade and the 4th Annual Downtown All American Festival; he announced the Latino Community Roundtable luncheon on Thursday.

Councilmember Ah You spoke regarding the documentary "Homeless in Modesto" at the State Theater on July 19, 2018.

## CITY MANAGER COMMENTS & REPORTS

None.

## HEARINGS

*Published in the Modesto Bee on June 25th and June 30th, 2018*

22. Consider approving an update and Amendment to the Fire Prevention User Fees for plan checks on new construction of large facilities categorized as S-1 and S-2 occupancies, annual inspections, permits, and miscellaneous inspections/activities and

rescinding Resolution Nos. 89-1166, 90-521A, 93-236, 2010-461, 2010-462, 2010-463, 2010-464, 2010-465, 2011-104 (Exhibit A, Attachment A - Fire Prevention Fees Pgs. A-29 through A-33 only), and 2014-286. (Funding Source: General Fund)

- Resolution approving an update and Amendment to the Fire Prevention User Fees and rescinding Resolution Nos. 89-1166, 90-521A, 93-236, 2010-461, 2010-462, 2010-463, 2010-464, 2010-465, 2011-104 (Exhibit A, Attachment A - Fire Prevention Fees Pgs. A-29 through A-33 only), and 2014-286 for plan checks on new construction of large facilities categorized as S-1 and S-2 occupancies, annual inspections, permits, and miscellaneous inspections/activities.

*Fire; Michael Payton, 571-5876, mpayton@modestofire.com*

**ACTION: Resolution 2018-296 (Ridenour/Zoslocki; 7/0)** approving an update and Amendment to the Fire Prevention User Fees and rescinding Resolution Nos. 89-1166, 90-521A, 93-236, 2010-461, 2010-462, 2010-463, 2010-464, 2010-465, 2011-104 (Exhibit A, Attachment A - Fire Prevention Fees Pgs. A-29 through A-33 only), and 2014-286 for plan checks on new construction of large facilities categorized as S-1 and S-2 occupancies, annual inspections, permits, and miscellaneous inspections/activities.

## NEW BUSINESS

23. Consider appointing Joseph P. ("Joe") Lopez as City Manager, approving a City Manager Employment Agreement with Joseph P. ("Joe") Lopez for service as City Manager and setting terms of employment, salary and benefits. (Funding Source: General Fund)

    - Resolution appointing Joseph P. ("Joe") Lopez as City Manager, approving a City Manager Employment Agreement with Joseph P. ("Joe") Lopez for service as City Manager, setting terms of employment, salary and benefits, and authorizing the Mayor to execute the Agreement.

    *Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION: Resolution 2018-297 (Grewal/Ridenour; 7/0)** appointing Joseph P. ("Joe") Lopez as City Manager, approving a City Manager Employment Agreement with Joseph P. ("Joe") Lopez for service as City Manager, setting terms of employment, salary and benefits, and authorizing the Mayor to execute the Agreement.

24. Consider approving one of three J Street Corridor Surface Improvement options. (Funding Source: Federal Regional Surface Transportation Program)

    - Resolution authorizing Option 1 – J Street Angled Parking Concept, Option 2 – J Street Parallel Parking Concept or Option 3 – Do Not Improve J Street for the J Street Corridor Surface Improvements Project.

    *Community & Economic Development; Michael Sacuskie, 571-5552, msacuskie@modestogov.com*

**ACTION:** Continued to future Council meeting.

25. Consider approving the submittal of a Federal grant application to the Economic Development Administration's (EDA) Public Works and Economic Adjustment

Assistance Program in an amount of up to $3 million to expand and improve the City's fiber optic network infrastructure, providing fiber optic data services for City government uses, and making additional capacity available to be utilized for economic development to encourage job growth and business expansion. (Funding Source: Public Educational Governmental PEG Fund and Employee Benefits Fund)

- Resolution approving the submittal of a federal grant application to the Economic Development Administration's Public Works and Economic Adjustment Assistance Program requesting up to $3 million for fiber optic network infrastructure expansion and improvement, and authorizing the Interim City Manager, or his designee, to execute all documents relating to submitting the application.

*Information Technology; Charlie Haase, 577-5229, chaase@modestogov.com*

**ACTION: Resolution 2018-298 (Madrigal/Kenoyer; 7/0)** approving the submittal of a federal grant application to the Economic Development Administration's Public Works and Economic Adjustment Assistance Program requesting up to $3 million for fiber optic network infrastructure expansion and improvement, and authorizing the Interim City Manager, or his designee, to execute all documents relating to submitting the application.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 7:48 p.m. and returned to Closed Session.

## CLOSED SESSION

*All Closed Session Matters heard prior to meeting*

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
Three Cases (Pursuant to Section 54956.9(d)(2) of the Government Code)

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
One Case (Pursuant to Section 54956.9(d)(4) of the Government Code)

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Two Cases (Pursuant to Section 54956.9(d)(1) of the Government Code)

Name of case: County of Stanislaus v. City of Modesto (Geer Rd. Landfill)
Case No. 667396

Patrick Green v. COM
Case No. 2020908

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**
(Pursuant to Section 54956.8 of the Government Code)
Property & Property Owners:

| APN | Address | Owner Name |
|---|---|---|
| 007-039-043 | 1812 Kansas Avenue | Bender Trust |

Negotiating Parties:
For City: James Staudinger, CPSI
Adam U. Lindgren, City Attorney for City of Modesto

For Property Owner: Property Owners
Under Negotiation: Price and Terms

**CONFERENCE WITH LABOR NEGOTIATOR:**
(Pursuant to Section 54957.6 of the Government Code) – MCEA
Negotiator: Norma Santoyo
Employee Organization: Modesto City Employees Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
(Pursuant to Section 54957.6 of the Government Code) – MCMA
Negotiator: Norma Santoyo
Employee Organization: Modesto Confidential & Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
(Pursuant to Section 54957.6 of the Government Code) – MPOA
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Officers' Association

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

Employee Organization: Modesto Police Non-Sworn Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
(Pursuant to Section 54957.6 of the Government Code) –MPMA
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
(Pursuant to Section 54957.6 of the Government Code) – MCFFA
Negotiator: Norma Santoyo
Employee Organization: Modesto City Firefighters Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
(Pursuant to Section 54957.6 of the Government Code) – Unrepresented
Negotiator: Norma Santoyo
Employee Organization: Unrepresented Management and Confidential Employees

Attest:_____
Stephanie Lopez, City Clerk

# MINUTES

**City of Modesto**

# ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP

**Second Floor, Room 2008**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**

**Wednesday, August 8, 2018, at 1:00 p.m.**

Roll Call: Present: Mayor Brandvold, Councilmember Madrigal (arrived at 1:14 p.m.), Councilmembers Ridenour (alternate) and Grewal (alternate)
Absent: Zoslocki

## PUBLIC COMMENTS

Maggie Countryman spoke regarding City Attorney Lindgren.

## CONSENT

Consent

1. Consider approving awarding the bid and purchase of new Emergency Vehicle Pre-emption Equipment from Advanced Traffic Products Inc., Everett, Washington, in an amount not to exceed $555,843, and forwarding to Council for approval. (Funding Source: Highway Safety Improvement Program Grant and Measure L Funds)

   *Public Works; Mark Murphy, 577-5431, mmurphy@modestogov.com*

**ACTION: Motion (Ridenour/Grewal; 3/0)** approving awarding the bid and purchase of new Emergency Vehicle Pre-emption Equipment from Advanced Traffic Products Inc., Everett, Washington, in an amount not to exceed $555,843, and forwarding to Council for approval.

Consent

2. Consider approving a grant application for Federal Transit Administration Section 5307 transit funds for operational and capital expenses for the Modesto Area Express, Modesto Area Dial-A-Ride, and Stanislaus Regional Transit, in the amount of $5,257,527, and forward to Council for approval. (Funding Source: FTA Section 5307 Federal Fiscal Year 2018 formula apportionment)

*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Ridenour/Grewal; 3/0)** approving a grant application for Federal Transit Administration Section 5307 transit funds for operational and capital expenses for the Modesto Area Express, Modesto Area Dial-A-Ride, and Stanislaus Regional Transit, in the amount of $5,257,527, and forward to Council for approval.

Consent

3. Consider approving three On-Call Real Property Appraisal and Consulting Services Agreements with Associated Right of Way Services, Inc., of Pleasant Hill, CA, Bender Rosenthal Inc. of Sacramento, CA, and Chapman & Patton Real Estate Appraisers and Consultants of Danville, CA, for an annual amount not to exceed $45,000 each, with two one-year extension options each, for a total contract amount not to exceed $135,000 each and forwarding to Council for approval. (Funding Source: Various Capital Improvement Projects)

   *Utilities; Tamorah Bryant, 571-5869, tbryant@modestogov.com*

**ACTION: Motion (Ridenour/Grewal; 3/0)** approving three On-Call Real Property Appraisal and Consulting Services Agreements with Associated Right of Way Services, Inc., of Pleasant Hill, CA, Bender Rosenthal Inc. of Sacramento, CA, and Chapman & Patton Real Estate Appraisers and Consultants of Danville, CA, for an annual amount not to exceed $45,000 each, with two one-year extension options each, for a total contract amount not to exceed $135,000 each and forwarding to Council for approval.

## NEW BUSINESS

4. Consider approving a list of projects to be funded with Measure L tax proceeds in Fiscal Year 2018-2019, including certain projects in the Fiscal Year 2018-2019 Capital Improvement Program and approving the related budget adjustments and forwarding to Council for approval. (Funding Source: City Local Control Measure L funds)

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

**ACTION: Motion (Ridenour/Madrigal; 3/0)** recommending approval of the Measure L 2018-2019 Capital Improvement Program, including $210,000 for future Downtown Master Plan, as well as associated budget adjustments; and earmark $1.6 million future Measure L dollars for Downtown Project.

5. Consider accepting a verbal informational report on the status of restoring the Convention and Visitor's Bureau as an independent agency; and approving the First

Amendment to the Consultant Services Agreement with Aaronson Management Group, Inc. (DBA StoryPowered), for Phase II work in an amount not to exceed $47,500, and with a total contract amount not to exceed $95,000, and forwarding to Council for approval. (Funding Source: Transient Occupancy Tax)

*Parks, Recreation & Neighborhoods; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Motion (Madrigal/Ridenour; 3/0)** accepting a verbal informational report on the status of restoring the Convention and Visitor's Bureau as an independent agency; and approving the First Amendment to the Consultant Services Agreement with Aaronson Management Group, Inc. (DBA StoryPowered), for Phase II work in an amount not to exceed $47,500, and with a total contract amount not to exceed $95,000, and forwarding to Council for approval.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 2:38 p.m.

Attest:_____
Joseph Lopez, City Manager

# MINUTES

City of Modesto

# SPECIAL CITY COUNCIL MEETING

**Chambers, Basement Level**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**
**Wednesday August 08, 2018, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
Absent: None

Pledge of Allegiance to the Flag

Invocation: Chuck Adams, Optimal Hospice

City Clerk's Announcements: None

Declaration of Conflicts of Interest: Mayor Brandvold - Item 12; Councilmember Grewal - Item 13

Reports from Closed Session: City Attorney Lindgren reported on Closed Session matters; Council will return to Closed Session after regular Council meeting; **as to City Attorney Evaluation – After a 7–0 vote, we reviewed the City Attorney's performance to date and determined he has performed satisfactorily and appropriately; as to City Auditor Evaluation – The evaluation of the City Auditor is being continued to September 4th Council meeting to discuss performance measures. (AMENDED PER DIRECTION OF COUNCIL)**

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to Golden Valley Health Centers proclaiming August 12-18, 2018 as National Health Center Week. (Funding Source: Not Applicable)
   *City Council; Kathy Espinoza, 571-5597, kespinoza1@modetsogov.com*

**ACTION:** Mayor Brandvold presented a Proclamation to Golden Valley Health Centers proclaiming August 12-18, 2018 as National Health Center Week.

2. Introduction of Kurume Cultural Exchange Students by Modesto Sister Cities. (Funding Source: Not Applicable)
   *City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Modesto Sister Cities introduced the Kurume Cultural Exchange Students.

**MISCELLANEOUS**
Legislation
Appointments
Other

3. Consider accepting the resignation of David Leamon from the City's Culture Commission. (Funding Source: Not Applicable)
   - Resolution accepting the resignation of David Leamon from the City of Modesto Culture Commission.

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

**ACTION: Resolution 2018-299 (Kenoyer/Ah You; 7/0)** accepting the resignation of David Leamon from the City of Modesto Culture Commission.

4. Consider appointing Karina Jauregui and John Wilson as City Representatives and Miguel Jimenez as a County Representative to the City of Modesto Culture Commission with a term expiration of January 1, 2023. (Funding Source: Not Applicable)
   - Resolution appointing Karina Jauregui and John Wilson as Modesto Residents and Miguel Jimenez as a Stanislaus County Resident who does not live in the City of Modesto, to the City of Modesto Culture Commission, with a term expiration of January 1, 2023.

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

**ACTION: Resolution 2018-300 (Kenoyer/Grewal; 7/0)** appointing Karina Jauregui and John Wilson as Modesto Residents and Miguel Jimenez as a Stanislaus County Resident who does not live in the City of Modesto, to the City of Modesto Culture Commission, with a term expiration of January 1, 2023.

5. Consider appointing David Leamon and Naramsen Goriel to the City of Modesto Landmark Preservation Commission with a term expiration of January 1, 2023. (Funding Source: Not Applicable)
   - Resolution appointing David Leamon to the City of Modesto Landmark Preservation Commission with a term expiration of January 1, 2023.
   - Resolution appointing Naramsen Goriel to the City of Modesto Landmark Preservation Commission with a term expiration of January 1, 2023.

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

**ACTION: Resolution 2018-301 (Madrigal/Kenoyer; 7/0)** appointing David Leamon to the City of Modesto Landmark Preservation Commission with a term expiration of January 1, 2023.

**ACTION: Resolution 2018-302 (Madrigal/Kenoyer; 7/0)** Resolution appointing Naramsen

Goriel to the City of Modesto Landmark Preservation Commission with a term expiration of January 1, 2023.

## PUBLIC COMMENT PERIOD

- Lisa Braden spoke regarding Wood Colony and the City of Modesto General Plan.
- Maggie Countryman spoke regarding the November 23, 2013 Council meeting.
- Ronald DeLoach spoke in favor of the Paradise Road Project.
- Sebastian Jones spoke regarding the City of Modesto Code Enforcement staff.
- Cardell Reece spoke regarding mildew in his apartment and City of Modesto Code Enforcement staff.
- PJ spoke regarding being homeless in Modesto.
- Jacqueline Reece spoke regarding the homeless in Modesto and poor living conditions in her home.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**
**ACTION CONSENT ITEMS 6-11: (Kenoyer/Grewal; 7/0)**

## 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 July 10, 2018 Council Meeting. (Funding Source: Not Applicable)
   - Motion approving the minutes from the July 10, 2018 Council Meeting.

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

**ACTION: Motion (Kenoyer/Grewal; 7/0)** approving the minutes from the July 10, 2018 Council Meeting.

Consent
7. Consider approving an Agreement with the West Modesto Community Collaborative to operate and manage the King-Kennedy Memorial Center. (Funding Source: General Fund)
   - Resolution approving an Agreement with the West Modesto Community Collaborative to operate and manage the King-Kennedy Memorial Center and authorizing the City Manager or his designee to execute the Agreement.

*Parks, Recreation & Neighborhoods; Marco Sepulveda, 577-5275, msepulveda@modestogov.com*

**ACTION: Resolution 2018-303 (Kenoyer/Grewal; 7/0)** approving an Agreement with the West Modesto Community Collaborative to operate and manage the King-Kennedy Memorial Center and authorizing the City Manager or his designee to execute the Agreement.

Consent

8. Consider approving a transfer Agreement with the Modesto Police Canine Association for the donation and transfer of canine Joker to the City of Modesto for use as a police canine. (Funding Source: Not Applicable)
   - Resolution approving a transfer Agreement with the Modesto Police Canine Association for the donation and transfer of canine Joker, to the City of Modesto for use as a police canine; and authorizing the City Manager, or his designee, to execute the Agreement.

   *Police; Galen Carroll, 572-9501, carrollg@modestopd.com*

**ACTION: Resolution 2018-304 (Kenoyer/Grewal; 7/0)** approving a transfer Agreement with the Modesto Police Canine Association for the donation and transfer of canine Joker, to the City of Modesto for use as a police canine; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

9. Consider accepting donations of police canines valued up to $25,000 from the Modesto Police Canine Association for use as police canines in Fiscal Year 2018-19. (Funding Source: Not Applicable)
   - Resolution accepting donations for police canines valued up to $25,000 from the Modesto Police Canine Association for use as police canines in Fiscal Year 2018-19.

   *Police; Galen Carroll, 572-9501, carrollg@modestopd.com*

**ACTION: Resolution 2018-305 (Kenoyer/Grewal; 7/0)** accepting donations for police canines valued up to $25,000 from the Modesto Police Canine Association for use as police canines in Fiscal Year 2018-19.

Consent

10. Consider awarding the bid for purchase of janitorial supplies to Central Sanitary Supply, Modesto, CA, for an estimated annual cost not to exceed $180,000 and a total not to exceed amount of $900,000 over a five year period. (Funding Source: General Fund, Building Services ISF Fund, Enterprise Funds)
    - Resolution awarding the bid and Purchase Agreement for janitorial supplies to Central Sanitary Supply, Modesto, CA, for an annual cost not to exceed $180,000 and a total not to exceed amount of $900,000 over five years and authorizing the Purchasing Manager to issue the Purchase Agreement.

    *Public Works; Steve Angerman, 342-2274, sangerman@modestogov.com*

**ACTION: Resolution 2018-306 (Kenoyer/Grewal; 7/0)** awarding the bid and Purchase Agreement for janitorial supplies to Central Sanitary Supply, Modesto, CA, for an annual cost not to exceed $180,000 and a total not to exceed amount of $900,000 over five years and authorizing the Purchasing Manager to issue the Purchase Agreement.

Consent

11. Consider approving Industrial and Waste Hauler User Fees. (Funding Source: Wastewater Fund)
    - Resolution approving Industrial and Waste Hauler User Fees for the cost of services for permitting and oversight during the permit term.

    *Utilities; Thomas Sinclair, 577-6240, tsinclair@modestogov.com*

**ACTION: Resolution 2018-307 (Kenoyer/Grewal; 7/0)** approving Industrial and Waste Hauler User Fees for the cost of services for permitting and oversight during the permit term.

## COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer attended the following events: the re-opening of Pikes Park on July 13, 2018, Apostolic Jubilee's 12th Annual Family Fun Night on July 13, 2018, and the August 2, 2018 ribbon cutting at Modesto STEM Center.

Councilmember Ridenour helped with the Helen White Trail clean-up on August 1, 2018 and thanked everyone who came out to help; he attended National Night Out at Lakewood Park last night.

Councilmember Ah You attended National Night Out last night and thanked the citizens of Modesto.

Councilmember Grewal announced the Save our Water rally on August 20, 2018 at the State Capitol to fight the State water grab.

Councilmember Madrigal attended the following events: Apostolic Jubilee's 12th Annual Family Fun Night on July 13, 2018; West Modesto Community meeting at King-Kennedy Memorial Center; he volunteered at the Veterans of Foreign War booth at the Stanislaus County Fair; he attended Officer Steve May memorial event; he helped with the Helen White Trail weekly clean-up; he announced the opening of a new business "Familia Pharmacy" in West Modesto; he announced a new technology business bringing wi-fi to downtown Modesto; he will also be attending the Save our Water Rally at the State Capitol on August 20, 2018.

## CITY MANAGER COMMENTS & REPORTS

City Manager Lopez thanked the Police Department for National Night Out last night.

## UNFINISHED BUSINESS

*MayorBramdvold absent due to conflict of interest*

12. Consider approving the plans and specifications for the Lakewood Neighborhood Street Improvements Project, accepting the bid, and awarding a construction contract to American Pavement Systems, Inc. of Modesto, California, in the amount of $2,202,576; approving an Agreement with Vali Cooper and Associates of Emeryville, CA, for construction management and inspection services for $159,033; amending the Fiscal Year 2017-2018 Capital Improvement Program Budget and establishing the Measure L Maintenance of Effort transfer. (Funding Source: Measure L local control and maintenance of effort funds)
    - Resolution approving the plans and specifications for the Lakewood Neighborhood Street Improvements Project, accepting the bid, and awarding a construction contract to American Pavement Systems, Inc. of Modesto, California, in the amount of $2,202,576 and authorizing the City Manager, or his designee to execute the Agreement.
    - Resolution amending the Fiscal Year 2017-2018 Capital Improvement Project (CIP) budget, and establishing the Measure L Maintenance of Effort transfer for project #101037 in the amount of $375,000 for the Lakewood Neighborhood Street Improvements Project.
    - Resolution approving an Agreement with Vali Cooper and Associates of Emeryville, CA, for Construction Management and Inspection Services for the Lakewood Neighborhood Street Improvements Project for $159,033, and authorizing the City Manager, or his designee, to execute the Agreement and any Amendments up to a cumulative amount of 15 percent.

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

**ACTION: Resolution 2018-308 (Kenoyer/Grewal; 6/0; Mayor Brandvold absent due to conflict of interest)** approving the plans and specifications for the Lakewood Neighborhood Street Improvements Project, accepting the bid, and awarding a construction contract to American Pavement Systems, Inc. of Modesto, California, in the amount of $2,202,576 and authorizing the City Manager, or his designee to execute the Agreement.

**ACTION: Resolution 2018-309 (Kenoyer/Grewal; 6/0; Mayor Brandvold absent due to conflict of interest)** amending the Fiscal Year 2017-2018 Capital Improvement Project (CIP) budget, and establishing the Measure L Maintenance of Effort transfer for project #101037 in the amount of $375,000 for the Lakewood Neighborhood Street Improvements Project.

**ACTION: Resolution 2018-310 (Kenoyer/Grewal; 6/0; Mayor Brandvold absent due to conflict of interest)** approving an Agreement with Vali Cooper and Associates of Emeryville, CA, for Construction Management and Inspection Services for the Lakewood Neighborhood Street Improvements Project for $159,033, and authorizing the City Manager, or his designee, to execute the Agreement and any Amendments up to a cumulative amount of 15 percent.

*Recess at 7:45 p.m.*
*Reconvened at 7:55 p.m.*

## HEARINGS

*Published in the Modesto Bee on July 19. 2018 - Councilmember Grewal absent due to conflict of interest*

13. Hearing to consider an Application for a conditional use permit and Operating Agreement by Outfront Media to allow a digital freeway billboard located on the west side of State Highway 99 and south of Pelandale Avenue located at 4000 Salida Boulevard. (Funding Source: Application Fee)
    - Resolution approving a conditional use permit for a digital freeway billboard located at 4000 Salida Boulevard.
    - Resolution approving an Operating Agreement with Outfront Media LLC, for the installation of a digital freeway billboard on property located at 4000 Salida Boulevard and authorizing the City Manager, or his designee, to execute the Agreement.
    - 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): Digital freeway billboard located at 4000 Salida Boulevard.

    *Community & Economic Development; Paul Liu, 577-5267, pliu@modestogov.com*

**ACTION: Resolution 2018-311 (Madrigal/Kenoyer; 6/0; Grewal absent due to conflict of interest)** approving a conditional use permit for a digital freeway billboard located at 4000 Salida Boulevard.

**ACTION: Resolution 2018-312 (Madrigal/Kenoyer; 6/0; Grewal absent due to conflict of interest)** approving an Operating Agreement with Outfront Media LLC, for the installation of a digital freeway billboard on property located at 4000 Salida Boulevard and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2018-313 (Madrigal/Kenoyer; 6/0; Grewal 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): Digital freeway billboard located at 4000 Salida Boulevard.

*Published in the Modesto Bee on July 28, 2018*

14. Hearing to consider denying the appeal of UniFirst Corporation on behalf of Randy Hoover to a Request for Bid (RFP 1718-42) decision awarding a uniform and laundry services contract to Aramark Uniform Services. (Funding Source: Various Funds)
    - Resolution denying the appeal of UniFirst Corporation on behalf of Randy Hoover to a Request for Bid (RFP 1718-42) decision awarding a uniform and laundry services contract to Aramark Uniform Services.

    *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Resolution 2018-314 (Ridenour/Kenoyer; 4/3; Ah You, Madrigal, Mayor Brandvold no)** denying the appeal of UniFirst Corporation on behalf of Randy Hoover to a Request for Bid (RFP 1718-42) decision awarding a uniform and laundry services contract to Aramark Uniform Services.

## NEW BUSINESS

15. Consider approving a Cooperative Agreement with the California Department of Transportation (Caltrans) and a Baseline Agreement between the California Transportation Commission, Caltrans and StanCOG for the State Route 132 Project. (Funding Source: Streets Capital Facilities Fee (CFF), Regional Measure L funds, Federal Demonstration Project (DEMO) Grant funds, Stanislaus County Public Facilities Fee (PFF) funds)
    - Resolution approving a Cooperative Agreement between the City of Modesto and the California Department of Transportation (Caltrans) for the State Route 132 West Freeway/Expressway Phase 1 Project and authorizing the City Manager or his designee to execute the Agreement.
    - Resolution approving a Baseline Agreement between the City of Modesto, the California Transportation Commission (CTC), the California Department of Transportation (Caltrans) and the Stanislaus Council of Governments (StanCOG), for the State Route 132 West Freeway/Expressway Phase 1 Project and authorizing the City Manager or his designee to execute the Agreement.

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

**ACTION: Resolution 2018-315 (Zoslocki/Kenoyer; 7/0)** approving a Cooperative Agreement between the City of Modesto and the California Department of Transportation (Caltrans) for the State Route 132 West Freeway/Expressway Phase 1 Project and authorizing the City Manager or his designee to execute the Agreement.

**ACTION: Resolution 2018-316 (Zoslocki/Kenoyer; 7/0)** approving a Baseline Agreement between the City of Modesto, the California Transportation Commission (CTC), the California Department of Transportation (Caltrans) and the Stanislaus Council of Governments (StanCOG), for the State Route 132 West Freeway/Expressway Phase 1 Project and authorizing the City Manager or his designee to execute the Agreement.

16. Consider approving the extension of termination dates of various Purchasing Agreements. (Funding Source: Various Funds)
    - Resolution approving Purchase Agreements with various vendors as defined under Attachment A; approving termination dates for the services stated herein; and authorizing the Purchasing Manager, or her designee, to issue the identified Annual Purchase Agreements termination dates approved by Council.

    *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Resolution 2018-317 (Ridenour/Ah You; 7/0)** approving Purchase Agreements with various vendors as defined under Attachment A; approving termination dates for the services stated herein; and authorizing the Purchasing Manager, or her designee, to issue the identified Annual Purchase Agreements termination dates approved by Council.

17. Consider amending the Fiscal Year 2018-19 Operating Budget in the amount of $100,000 to fund the response to the State Water Resources Control Board 2016 Bay-

Delta Plan Amendment & Substitute Environmental Document (SED). (Funding Source: Water Fund)

- Resolution amending the Fiscal Year 2018-19 Operating Budget in the amount of $100,000 to be transferred from Water Fund Reserves to fund the response to the State Water Resources Control Board 2016 Bay-Delta Plan Amendment & Substitute Environmental Document.

*Utilities; Tamorah Bryant, 577-5205, tbryant@modestogov.com*

**ACTION: Resolution 2018-318 (Grewal/Zoslocki; 7/0)** amending the Fiscal Year 2018-19 Operating Budget in the amount of $100,000 to be transferred from Water Fund Reserves to fund the response to the State Water Resources Control Board 2016 Bay-Delta Plan Amendment & Substitute Environmental Document.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 9:20 p.m. and returned to Closed Session.

## CLOSED SESSION

*All Closed Session Matters heard prior to and following meeting*

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
**(Pursuant to Section 54957 of the Government Code)**
Title: City Manager

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
**(Pursuant to Section 54957 of the Government Code)**
Title: City Auditor

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
**(Pursuant to Section 54957 of the Government Code)**
Title: City Attorney

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
**One Case (Pursuant to Section 54956.9(d)(2) of the Government Code)**

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
**One Case (Pursuant to Section 54956.9(d)(4) of the Government Code)**

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
**One Case (Pursuant to Section 54956.9(d)(1) of the Government Code)**
Name of case: County of Stanislaus v. City of Modesto (Geer Rd. Landfill)
Case No. 667396

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**
**(Pursuant to Section 54956.8 of the Government Code)**
Property & Property Owners:

| APN | Address | Owner Name |
|---|---|---|
| 007-039-012 | 1601 Elm Ave., Modesto, CA | Ronald Johns & Kristin Stackhouse Johns |
| 101-003-019 | 310 Laurel Ave., Modesto, CA | Josephine Thompson Burrell |
| 101-004-063 | 216 Linden St., Modesto, CA | Crystal D. Matthews |
| 101-002-022 | 522 North Franklin St., Modesto, CA | Ronald & Jo Anne R. Gresham |
| 101-002-007 | 612 North Franklin St. & 309 Beech St., Modesto CA | William Brent & Stephanie Burnside |

Negotiating Parties:
For City: James Staudinger, CPSI
Adam U. Lindgren, City Attorney for City of Modesto

For Property Owner: Property Owners
Under Negotiation: Price and Terms

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCEA**
Negotiator: Norma Santoyo
Employee Organization: Modesto City Employees Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCMA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Confidential & Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MPOA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Officers' Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MPNSA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Non-Sworn Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) –MPMA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCFFA**
Negotiator: Norma Santoyo
Employee Organization: Modesto City Firefighters Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**
Negotiator: Norma Santoyo
Employee Organization: Unrepresented Management and Confidential Employees

Attest:_____
Stephanie Lopez, City Clerk

# MINUTES

**City of Modesto**

# SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP

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

**Monday, August 13, 2018, at 5:00 p.m.**

Roll Call – Present: Councilmembers Ah You, Ridenour, Kenoyer
Absent: None

## PUBLIC COMMENTS

None.

## CONSENT

None.

## NEW BUSINESS

1. Consider supporting the Downtown Streets Team (DST) program to assist the City of Modesto in addressing homelessness, and consider initial funding options. (Funding Source: To Be Determined)

   *City Manager; Edgar Garcia, 571-5101, edgarcia@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** endorsing Downtown Streets Team (DST) and forward to Council for approval after various funding sources are identified.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 5:26 p.m.

Attest:_____
Joseph Lopez, City Manager

# MINUTES

City of Modesto

## CITY COUNCIL MEETING

**Chambers, Basement Level**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**
**Tuesday August 14, 2018, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
Absent: None

Pledge of Allegiance to the Flag

Invocation: Michael Schiefelbein, College Avenue United Church of Christ

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Lindgren reported on Closed Session matters; Mayor Brandvold announced City Auditor Performance Evaluation will return to Closed Session after regular Council meeting; Mayor Brandvold reported the Council handled matters related to the evaluation of the City Auditor; an Ad Hoc Committee consisting of Councilmembers Kenoyer, Grewal and Zoslocki was established for development of City Auditor Performance Measures

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of the 3rd Year for the Popular Annual Financial Reporting Award received by the Government Finance Officers Association of the United States and Canada for Fiscal Year ending June 30, 2017. (Funding Source: Not Applicable)
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION:** City Manager Lopez announced the 3rd year for the Popular Annual Financial Reporting Award received by the Government Finance Officers Association of the United States and Canada for Fiscal Year ending June 30, 2017.

2. Presentation of Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association of the United States and Canada for the Comprehensive Annual Financial Report for Fiscal Year ending June 30, 2017. (Funding Source: Not Applicable)
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION:** City Manager Lopez announced the Certificate of Achievement for Excellence in

Financial Reporting by the Government Finance Officers Association of the United States and Canada for the Comprehensive Annual Financial Report for Fiscal Year ending June 30, 2017.

**MISCELLANEOUS**
Legislation
Appointments
Other

3. Consider reappointing Mary Ramirez, Housing Authority Representative, to the Housing Rehabilitation Loan Committee for a second term. (Funding Source: Not Applicable)
   - Resolution reappointing Mary Ramirez, for a second term, to the Housing Rehabilitation Loan Committee with a term expiration of December 31, 2021.

   *Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2018-319 (Kenoyer/Madrigal; 7/0)** reappointing Mary Ramirez, for a second term, to the Housing Rehabilitation Loan Committee with a term expiration of December 31, 2021.

4. Consider appointing Christina Kenney, Gabriella Fierro, Sandra Wilson, and Rhoda Yare to the City of Modesto Housing Rehabilitation Loan Committee with a term expiration of January 1, 2023. (Funding Source: Not Applicable)
   - Resolution appointing Christina Kenney to the Housing Rehabilitation Loan Committee with a term expiration of January 1, 2023.
   - Resolution appointing Gabriella Fierro to the Housing Rehabilitation Loan Committee with a term expiration of January 1, 2023.
   - Resolution appointing Sandra Wilson to the Housing Rehabilitation Loan Committee with a term expiration of January 1, 2023.
   - Resolution appointing Rhoda Yare to the Housing Rehabilitation Loan Committee with a term expiration of January 1, 2023.

   *Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2018-320 (Kenoyer/Madrigal; 7/0)** appointing Christina Kenney to the Housing Rehabilitation Loan Committee with a term expiration of January 1, 2023.

**ACTION: Resolution 2018-321 (Kenoyer/Madrigal; 7/0)** appointing Gabriella Fierro to the Housing Rehabilitation Loan Committee with a term expiration of January 1, 2023.

**ACTION: Resolution 2018-322 (Kenoyer/Madrigal; 7/0)** appointing Sandra Wilson to the Housing Rehabilitation Loan Committee with a term expiration of January 1, 2023.

**ACTION: Resolution 2018-323 (Kenoyer/Madrigal; 7/0)** appointing Rhoda Yare to the Housing Rehabilitation Loan Committee with a term expiration of January 1, 2023.

5. Consider appointing J. David Wright Jr. and Lisa Battista to the City of Modesto Citizens Housing and Community Development Committee with a term expiration of January 1, 2023. (Funding Source: Not Applicable)
   - Resolution appointing J. David Wright Jr. to the Citizen's Housing and Community Development Committee with a term expiration of January 1, 2023.
   - Resolution appointing Lisa Battista to the Citizen's Housing and Community Development Committee with a term expiration of January 1, 2023.

   *Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2018-324 (Ridenour/Ah You; 7/0)** appointing J. David Wright Jr. to the Citizen's Housing and Community Development Committee with a term expiration of January 1, 2023.

**ACTION: Resolution 2018-325 (Ridenour/Ah You; 7/0)** appointing Lisa Battista to the Citizen's Housing and Community Development Committee with a term expiration of January 1, 2023.

6. Consider appointing Basil Hernandez and Lisa Battista to the Equal Opportunity/Disability and Human Relations Commission and reappointing Rosie Arce, Sandra Graham and Philip Anselmo to the Equal Opportunity/Disability and Human Relations Commission. (Funding Source: Not Applicable)
   - Resolution appointing Basil Hernandez and Lisa Battista to the Equal Opportunity/ Disability and Human Relations Commission and reappointing Rosie Arce, Sandra Graham and Philip Anselmo to the Equal Opportunity/Disability and Human Relations Commission with a term to expire January 1, 2022.

   *Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION: Resolution 2018-326 (Madrigal/Ah You; 7/0)** appointing Basil Hernandez and Lisa Battista to the Equal Opportunity/ Disability and Human Relations Commission and reappointing Rosie Arce, Sandra Graham and Philip Anselmo to the Equal Opportunity/Disability and Human Relations Commission with a term to expire January 1, 2022.

7. Consider appointing Vinnie Hanson as the Creekside Golf Club representative, Linda Kenyon as the Muni-Niners Golf Club representative, and Byron Gregerson and Pam Giusto as Members-At-Large representatives to the City of Modesto Golf Courses Advisory Committee with a term expiration of December 31, 2021. (Funding Source: Not Applicable)
   - Resolution appointing Vinnie Hanson as the Creekside Golf Club representative, Linda Kenyon as the Muni-Niners representative, and Byron Gregerson and Pam Giusto as Members-At-Large representatives to the City of Modesto Golf Courses Advisory Committee with a term expiration of December 31, 2021.

   *Parks, Recreation & Neighborhoods; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Resolution 2018-327 (Kenoyer/Ridenour; 7/0)** appointing Vinnie Hanson as the Creekside Golf Club representative, Linda Kenyon as the Muni-Niners representative, and Byron Gregerson and Pam Giusto as Members-At-Large representatives to the City of Modesto Golf Courses Advisory Committee with a term expiration of December 31, 2021.

## PUBLIC COMMENT PERIOD

- Chief Ernst and members of the Santa Fe Springs Firefighters recognized Modesto fireman Scott Holmes for his lifesaving efforts of a Santa Fe Springs fireman at a sporting event in Irvine.

- Debra Harper spoke regarding the Folsom City Library and the behavior of City and County employees.

- Maggie Countryman spoke regarding City Attorney Lindgren and due process.

- Deanna Garcia spoke regarding the Harvest Luncheon on September 14, 2018.

- Loretta Carhart spoke regarding the thrift store at Floyd at McHenry.

- Howard Carmen spoke regarding construction on Carpenter Road and damage to his van.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**
**ACTION CONSENT ITEMS 9; 11-20 (Kenoyer/Ridenour; 7/0)**

## CONSENT ITEMS

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

*Removed from Consent*

8. Consider approving the amended minutes from the August 8, 2018 Council Meeting. (Funding Source: Not Applicable)
   - Motion approving the amended minutes from the August 8, 2018 Council Meeting. **(AMENDED TO INCLUDE APPROPRIATELY IN REPORT OUT FROM CLOSED SESSION RE CITY ATTORNEY PERFORMANCE EVALUATION, PER DIRECTION OF COUNCIL)**

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

**ACTION: Motion (Kenoyer/Ridenour; 7/0)** approving the minutes from the August 8, 2018 Council Meeting.

Consent

9. Consider approving a First Amendment to the Restated Legal Services Agreement with Arata, Swingle, Van Egmond, & Goodwin in the amount of $125,000, for a total

Agreement amount not to exceed $255,000, a Fourth Amendment to the Legal Services Agreement with Liebert, Cassidy Whitmore in the amount of $110,000, for a total Agreement amount not to exceed $387,500, for continued representation and a First Amendment to the Legal Services Agreement with Shaw Law Group, PC in the amount of $70,000, for a total Agreement amount not to exceed $115,000, for continued investigative services. (Funding Source: General Liability Insurance Fund and Various depending on investigation subject department)

- Resolution approving a First Amendment to the Restated Legal Services Agreement with Arata, Swingle, Van Egmond & Goodwin in the amount of $125,000, for a total not to exceed amount of $255,000 to continue representing the City of Modesto in tort cases, and authorizing the City Manager or his designee, to execute the Agreement.
- Resolution approving a Fourth Amendment to the Legal Services Agreement dated August 8, 2016 with Liebert Cassidy Whitmore in the amount of $110,000, for a total Agreement amount not to exceed $387,500 to continue representing the City of Modesto in labor and employment matters, and authorizing the City Manager or his designee, to execute the Agreement.
- Resolution approving a First Amendment to the Legal Services Agreement dated January 24, 2017 with Shaw Law Group, PC in the amount of $70,000, for a total Agreement amount not to exceed $115,000 to continue conducting personnel investigation services and authorizing the City Manager or his designee, to execute the Agreement.

*City Attorney; Adam Lindgren, 577-5288, alindgren@modestogov.com*

**ACTION: Resolution 2018-328 (Kenoyer/Ridenour; 7/0)** approving a First Amendment to the Restated Legal Services Agreement with Arata, Swingle, Van Egmond & Goodwin in the amount of $125,000, for a total not to exceed amount of $255,000 to continue representing the City of Modesto in tort cases, and authorizing the City Manager or his designee, to execute the Agreement.

**ACTION: Resolution 2018-329 (Kenoyer/Ridenour; 7/0)** approving a Fourth Amendment to the Legal Services Agreement dated August 8, 2016 with Liebert Cassidy Whitmore in the amount of $110,000, for a total Agreement amount not to exceed $387,500 to continue representing the City of Modesto in labor and employment matters, and authorizing the City Manager or his designee, to execute the Agreement.

**ACTION: Resolution 2018-330 (Kenoyer/Ridenour; 7/0)** approving a First Amendment to the Legal Services Agreement dated January 24, 2017 with Shaw Law Group, PC in the amount of $70,000, for a total Agreement amount not to exceed $115,000 to continue conducting personnel investigation services and authorizing the City Manager or his designee, to execute the Agreement.

*Removed from Consent*

10. Consider approving the Bylaws for the Citizens' Transportation Sales Tax Commission. (Funding Source: Not Applicable)
    - Resolution approving the bylaws for the Citizens' Transportation Sales Tax Commission.

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

**ACTION: Motion (Grewal/Ah You; 5/2; Mayor Brandvold, Madrigal no)** continuing item to future Council meeting with revised Bylaws and revised Ordinance to emulate those of StanCOG Bylaws.

Consent

11. Consider awarding a HOME Investment Partnerships Program (HOME) Community Housing Development Organization (CHDO) Set-Aside Funds loan in the amount of $98,200 and a CHDO Operating Funds grant in the amount of $50,000 to Stanislaus County Affordable Housing Corporation (STANCO) for the development of affordable housing. (Funding Source: HOME Investment Partnership Program Funds)
    - Resolution awarding a HOME Investment Partnerships Program (HOME) CHDO Set-Aside Funds loan in the amount of $98,200 and a CHDO Operating Funds grant in the amount of $50,000 to Stanislaus County Affordable Housing Corporation (STANCO) for the development of affordable housing, and authorizing the City Manager or his designee to execute the Agreements.
    - Resolution amending the Fiscal Year 2018-19 Multi-Year Project Budget to establish a Non-Capital Project to be funded in the amount of $98,200 with Community Housing Development Organization (CHDO) set-aside funds to Stanislaus County Affordable Housing and up to 10% for eligible activity delivery costs in the amount of $9,820 for new construction/homeownership of Vine Street Permanent Supportive Housing, and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this Resolution.
    - Resolution amending the Fiscal Year 2018-19 Multi-Year Project Budget to establish a Non-Capital Project to be funded in the amount of $50,000 with Community Housing Development Organization (CHDO) operating funds to Stanislaus County Affordable Housing and up to 10% for eligible activity delivery costs in the amount of $5,000 for the Vine Street Permanent Supportive Housing and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this Resolution.

    *Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2018-331 (Kenoyer/Ridenour; 7/0)** awarding a HOME Investment Partnerships Program (HOME) CHDO Set-Aside Funds loan in the amount of $98,200 and a CHDO Operating Funds grant in the amount of $50,000 to Stanislaus County Affordable Housing Corporation (STANCO) for the development of affordable housing, and authorizing the City Manager or his designee to execute the Agreements.

**ACTION: Resolution 2018-332 (Kenoyer/Ridenour; 7/0)** amending the Fiscal Year 2018-19 Multi-Year Project Budget to establish a Non-Capital Project to be funded in the amount of $98,200 with Community Housing Development Organization (CHDO) set-aside funds to Stanislaus County Affordable Housing and up to 10% for eligible activity delivery costs in the amount of $9,820 for new construction/homeownership of Vine Street Permanent Supportive Housing, and authorizing the City Manager, or his designee, to take the necessary steps to

implement the provisions of this Resolution.

**ACTION: Resolution 2018-333 (Kenoyer/Ridenour; 7/0)** amending the Fiscal Year 2018-19 Multi-Year Project Budget to establish a Non-Capital Project to be funded in the amount of $50,000 with Community Housing Development Organization (CHDO) operating funds to Stanislaus County Affordable Housing and up to 10% for eligible activity delivery costs in the amount of $5,000 for the Vine Street Permanent Supportive Housing and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this Resolution.

Consent

12. Consider awarding a HOME Investment Partnerships Program (HOME) CHDO Set-Aside Funds loan to Great Valley Housing Development Corporation in the amount of $488,657 for the development of affordable housing. (Funding Source: HOME Investment Partnership Program Funds)
    - Resolution awarding a HOME Investment Partnerships Program (HOME) CHDO Set-Aside funds loan to Great Valley Housing Development Corporation in the amount of $488,657 for the development of affordable housing, and authorizing the City Manager or his designee to execute the Agreements.
    - Resolution amending the Fiscal Year 2018-2019 Multi-Year Project Budget to establish a non-capital project to be funded in the amount of $488,657 with Community Housing Development Organization (CHDO) set-aside funds to Great Valley Housing Development Corporation and up to 10% for eligible activity delivery costs in the amount of $48,865 for new construction/homeownership of Edwards Estates and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this Resolution.

    *Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2018-334 (Kenoyer/Ridenour; 7/0)** awarding a HOME Investment Partnerships Program (HOME) CHDO Set-Aside funds loan to Great Valley Housing Development Corporation in the amount of $488,657 for the development of affordable housing, and authorizing the City Manager or his designee to execute the Agreements.

**ACTION: Resolution 2018-335 (Kenoyer/Ridenour; 7/0)** amending the Fiscal Year 2018-2019 Multi-Year Project Budget to establish a non-capital project to be funded in the amount of $488,657 with Community Housing Development Organization (CHDO) set-aside funds to Great Valley Housing Development Corporation and up to 10% for eligible activity delivery costs in the amount of $48,865 for new construction/homeownership of Edwards Estates and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this Resolution.

Consent

13. Consider accepting the Continuum of Care Planning Grant in the amount of $96,288 to assist with coordinating monitoring, evaluating the COC grantees as part of the duties of the Collaborative Applicant. (Funding Source: Continuum of Care Funds)
    - Resolution accepting the Continuum of Care, Planning Grant in the amount of

$96,288, and authorizing the City Manager or his designee, to execute all necessary funding and grant documents.

*Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2018-336 (Kenoyer/Ridenour; 7/0)** accepting the Continuum of Care, Planning Grant in the amount of $96,288, and authorizing the City Manager or his designee, to execute all necessary funding and grant documents.

Consent

14. Consider approving an informational report on the March and April 2018 grant application and awards. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the March and April 2018 grant application and awards.

    *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 7/0)** accepting an informational report for the March and April 2018 grant application and awards.

Consent

15. Consider accepting the Monthly Investment Report for May 2018. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for May, 2018.

    *Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 7/0)** accepting the Monthly Investment Report for May, 2018.

Consent

16. Consider approving a First Amendment to the Agreement with Ralph Andersen and Associates in the amount of $38,600, for a total not to exceed Agreement amount of $110,100 to include conducting the recruitment for two Deputy City Manager positions. (Funding Source: General Fund)
    - Resolution approving a First Amendment to the Agreement with Ralph Andersen and Associates in the amount of $38,600, for a total not to exceed Agreement amount of $110,100 to include conducting the recruitment for two Deputy City Manager positions and authorizing the City Manager, or his designee, to execute an Agreement.

    *Human Resources; Christina Alger, 577-5490, calger@modestogov.com*

**ACTION: Resolution 2018-337 (Kenoyer/Ridenour; 7/0)** approving a First Amendment to the Agreement with Ralph Andersen and Associates in the amount of $38,600, for a total not to exceed Agreement amount of $110,100 to include conducting the recruitment for two Deputy City Manager positions and authorizing the City Manager, or his designee, to execute an Agreement.

Consent

17. Consider accepting a 2017 Proposition 1 Sustainable Groundwater Planning Grant Award for $1,000,000, on behalf of the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency (STRGBA GSA); approving the STRGBA GSA Cost Sharing Agreement for the development of a Groundwater Sustainability Plan (GSP), in an amount not to exceed $469,296, plus $146,930 for additional services (if needed), for a total amount of $616,226; approving an agreement with Todd Groundwater for the development of a GSP for the Modesto Sub-basin, in an amount not to exceed $1,469,296 for the identified scope of services, plus $146,930 for additional services (if needed), for an estimated total cost $1,616,225; and amending the FY 2019 Multi-Year Budget for the amount of $1,776,225 through the creation of Non-Capital CIP project 101131. (Funding Source: Water Fund)
    - Resolution accepting a 2017 Proposition 1 Sustainable Groundwater Planning Grant Award for $1,000,000 and entering into a Grant Agreement with DWR, on behalf of the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency and authorizing the City Manager, or his designee, to execute all grant-related documents and any amendments or changes thereto.
    - Resolution approving the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency Cost Sharing Agreement for the development of a Groundwater Sustainability Plan, in an amount not to exceed $469,296 for the identified scope of services, plus $146,930 for additional services (if needed), for a total amount of $616,226 and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution approving an Agreement with Todd Groundwater for the Development of a Groundwater Sustainability Plan for the Modesto Sub-basin, in an amount not to exceed $1,469,296 for the identified scope of services, plus $146,929 for additional services (if needed), for a total amount of $1,616,225 and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution amending the Fiscal Year 2019 Multi-Year Budget in the amount of $1,776,225 through the creation of Non-Capital CIP project 101131 – GSP Modesto Sub-Basin.

    *Utilities; Miguel Alvarez, 577-5348, malvarez@modestogov.com*

**ACTION: Resolution 2018-338 (Kenoyer/Ridenour; 7/0)** accepting a 2017 Proposition 1 Sustainable Groundwater Planning Grant Award for $1,000,000 and entering into a Grant Agreement with DWR, on behalf of the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency and authorizing the City Manager, or his designee, to execute all grant-related documents and any amendments or changes thereto.

**ACTION: Resolution 2018-339 (Kenoyer/Ridenour; 7/0)** approving the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency Cost Sharing Agreement for the development of a Groundwater Sustainability Plan, in an amount not to exceed $469,296 for the identified scope of services, plus $146,930 for additional services (if needed), for a total amount of $616,226 and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2018-340 (Kenoyer/Ridenour; 7/0)** approving an Agreement with Todd Groundwater for the Development of a Groundwater Sustainability Plan for the Modesto Sub-basin, in an amount not to exceed $1,469,296 for the identified scope of services, plus $146,929 for additional services (if needed), for a total amount of $1,616,225 and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2018-341 (Kenoyer/Ridenour; 7/0)** amending the Fiscal Year 2019 Multi-Year Budget in the amount of $1,776,225 through the creation of Non-Capital CIP project 101131 – GSP Modesto Sub-Basin.

Consent

18. Consider accepting J.M. Pike Park and Garrison Park Improvements project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $683,444 to Barham, Inc. dba BZ Construction of Ceres, CA. (Funding Source: California Department of Housing and Community Development - Housing-Related Parks Program Grant and Parks Fund)
    - Resolution accepting the J.M. Pike Park and Garrison Park Improvements project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $683,444.33 to Barham, Inc. dba BZ Construction of Ceres, CA.

    *Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com*

**ACTION: Resolution 2018-342 (Kenoyer/Ridenour; 7/0)** accepting the J.M. Pike Park and Garrison Park Improvements project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $683,444.33 to Barham, Inc. dba BZ Construction of Ceres, CA.

Consent

19. Consider approving the plans and specifications for the Area 2 Storm Water to Sanitary Sewer Cross Connection Removal – Phase 2 Roosevelt Park, accepting the bid and awarding a construction contract with D.A. Wood Construction, Inc., Modesto, CA, in the amount of $6,124,356; and amending the Fiscal Year 2018-2019 Capital Improvement Project Program Budget in the amount of $1,683,893. (Funding Source: Wastewater Fund)
    - Resolution approving plans and specifications for the Area 2 Storm Water to Sanitary Sewer Cross Connection Removal – Phase 2 Roosevelt Park project, accepting the bid, and approving a construction contract with to D.A. Wood Construction, Inc., Modesto, CA, in the amount of $6,124,356 and authorizing the City Manager, or his designee, to execute the contract.
    - Resolution amending the Fiscal Year 2018-19 Capital Improvement Program Budget in the amount of $1,683,893 to be transferred into the project from Wastewater Reserves to fully fund the construction, contingency, construction administration, and design support during construction for the Area 2 Storm Water to Sanitary Sewer Cross Connection Removal – Phase 2 Roosevelt Park project, and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

    *Utilities; Jesse Franco, 577-5175, jfranco@modestogov.com*

**ACTION: Resolution 2018-343 (Kenoyer/Ridenour; 7/0)** approving plans and specifications for the Area 2 Storm Water to Sanitary Sewer Cross Connection Removal – Phase 2 Roosevelt Park project, accepting the bid, and approving a construction contract with to D.A. Wood Construction, Inc., Modesto, CA, in the amount of $6,124,356 and authorizing the City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2018-344 (Kenoyer/Ridenour; 7/0)** amending the Fiscal Year 2018-19 Capital Improvement Program Budget in the amount of $1,683,893 to be transferred into the project from Wastewater Reserves to fully fund the construction, contingency, construction administration, and design support during construction for the Area 2 Storm Water to Sanitary Sewer Cross Connection Removal – Phase 2 Roosevelt Park project, and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

Consent

20. Consider approving the plans and specifications for the Carpenter Road Landfill Mitigation Project and awarding a construction contract to Pacific States Environmental Contractors, Inc. of Dublin, CA, in the amount of $3,776,598; authorizing an increase in the Director's Authority from 8% to 10% to issue change orders; approving an Agreement with Consolidated CM, Inc., of Oakland, CA, for Construction Management and Inspection Services for $179,797; approving a Fifth Amendment to the Agreement with SCS Engineers, Inc., of Modesto, CA, for Environmental Quality Assurance, Monitoring, and Landfill Closure support work in an amount not to exceed $520,000; and approving a six-year interfund loan in the amount of $2,300,000 from the Water Fund Reserves to the Carpenter Road Landfill Clean Closure Mitigation Project, to be paid back with interest from future revenue collected on the garbage rates, and amending the Fiscal Year 2018-2019 Capital Improvement Budget in the amount of $5,032,466. (Funding Source: Carpenter Road Landfill Fund, Water Fund Reserves)
    - Resolution approving the plans and specifications for the Carpenter Road Landfill Mitigation Project, accepting the bid, and approving a construction contract with Pacific States Environmental Contractors, Inc. of Dublin, CA, in the amount of $3,776,598 and authorizing the City Manager, or his designee, to execute the contract.
    - Resolution authorizing an increase in the Director's authority to issue change orders for the Carpenter Road Landfill Mitigation Project from 8 percent ($302,128) to 10 percent ($377,660) of the construction contract amount.
    - Resolution approving an agreement with Consolidated CM, Inc., of Oakland, CA, for Construction Management and Inspection Services for the Carpenter Road Landfill Mitigation Project in the amount of $179,797, and authorizing the City Manager, or his designee, to execute the Agreement and any Amendments up to a cumulative amount of 35 percent.
    - Resolution approving a Fifth Amendment to the Agreement with SCS Engineers, Inc., Modesto, CA, for Environmental Quality Assurance, Monitoring, and Landfill Closure support work in an amount not to exceed $520,000, and authorizing the City Manager, or his designee, to execute the Agreement and any Amendments up

to a cumulative amount of 10 percent.

- Resolution approving a six year interfund loan in the amount of $2,300,000 from the Water Fund Reserves to the Carpenter Road Landfill Clean Closure Mitigation Project, to be paid back with interest from future revenue collected on the garbage rates.
- Resolution amending the Fiscal Year 2018-19 Capital Improvement Project budget by $5,032,466 for the Carpenter Road Landfill Clean Closure Mitigation Project (101046), including a $2,300,000 loan that will be transferred from the Water Fund (4100) to the Carpenter Road Landfill Fund (4893).

*Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com*

**ACTION: Resolution 2018-345 (Kenoyer/Ridenour; 7/0)** approving the plans and specifications for the Carpenter Road Landfill Mitigation Project, accepting the bid, and approving a construction contract with Pacific States Environmental Contractors, Inc. of Dublin, CA, in the amount of $3,776,598 and authorizing the City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2018-346 (Kenoyer/Ridenour; 7/0)** authorizing an increase in the Director's authority to issue change orders for the Carpenter Road Landfill Mitigation Project from 8 percent ($302,128) to 10 percent ($377,660) of the construction contract amount.

**ACTION: Resolution 2018-347 (Kenoyer/Ridenour; 7/0)** approving an agreement with Consolidated CM, Inc., of Oakland, CA, for Construction Management and Inspection Services for the Carpenter Road Landfill Mitigation Project in the amount of $179,797, and authorizing the City Manager, or his designee, to execute the Agreement and any Amendments up to a cumulative amount of 35 percent.

**ACTION: Resolution 2018-348 (Kenoyer/Ridenour; 7/0)** approving a Fifth Amendment to the Agreement with SCS Engineers, Inc., Modesto, CA, for Environmental Quality Assurance, Monitoring, and Landfill Closure support work in an amount not to exceed $520,000, and authorizing the City Manager, or his designee, to execute the Agreement and any Amendments up to a cumulative amount of 10 percent.

**ACTION: Resolution 2018-349 (Kenoyer/Ridenour; 7/0)** approving a six year interfund loan in the amount of $2,300,000 from the Water Fund Reserves to the Carpenter Road Landfill Clean Closure Mitigation Project, to be paid back with interest from future revenue collected on the garbage rates.

**ACTION: Resolution 2018-350 (Kenoyer/Ridenour; 7/0)** amending the Fiscal Year 2018-19 Capital Improvement Project budget by $5,032,466 for the Carpenter Road Landfill Clean Closure Mitigation Project (101046), including a $2,300,000 loan that will be transferred from the Water Fund (4100) to the Carpenter Road Landfill Fund (4893).

## COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer attended the following events: Global Summit last week. a

demonstration for a possible Futsal Court at Graceada Park, Project 9 to 99 Tuolumne River clean-up on Saturday, and the International Festival at King-Kennedy Center.

Councilmember Madrigal attended the following events: South Modesto Municipal Advisory Council meeting, a demonstration for a possible Futsal Court at Graceada Park, and Project 9 to 99 Tuolumne River clean-up on Saturday.

## CITY MANAGER COMMENTS & REPORTS

None.

## UNFINISHED BUSINESS

21. Consider approving the award of proposal and contract for the furnishing of Uniform and Laundry services to Aramark Uniform Services, Modesto, CA, for a 2 year Agreement with 3 one-year extension options, for an annual cost not to exceed $160,323 and a total amount not to exceed $801,615 over five years. (Funding Source: General Fund, Water Fund, Wastewater Fund, Storm Drain Fund, Airport Fund, Building Services Fund, Centre Plaza, Compost Fund, Fleet Fund, Green Waste Fund, Parking Fund, Solid Waste, and Surface Transportation Fund)
    - Resolution approving the award of proposal and contract for the furnishing of Uniform and Laundry services to Aramark Uniform Services, Modesto, CA, for a 2 year Agreement with 3 one-year extension options at the sole discretion of the City, for an annual cost not to exceed $160,323 and a total amount not to exceed $801,615 over five years, and authorizing the City Manager, or his designee to execute the Agreement.

    *Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Resolution 2018-351 (Ridenour/Grewal; 4/3; Ah You, Madrigal, Mayor Brandvold no)** approving the award of proposal and contract for the furnishing of Uniform and Laundry services to Aramark Uniform Services, Modesto, CA, for a 2 year Agreement with 3 one-year extension options at the sole discretion of the City, for an annual cost not to exceed $160,323 and a total amount not to exceed $801,615 over five years, and authorizing the City Manager, or his designee to execute the Agreement.

*Recess at 7:25 p.m.*
*Reconvened at 7:35 p.m.*

## HEARINGS

22. Conduct a Public Hearing and consider adopting Resolutions of Necessity and directing the commencement of Eminent Domain Proceedings and authorize the making of deposits of probable compensation for the following four parcels for the State Route 132 West Freeway/Expressway Phase 1 Project: 1601 Elm Ave., Modesto, CA, APN 007-039-012, 310 Laurel Ave., Modesto, CA, APN 101-003-019, 522 North Franklin St., Modesto, CA, APN 101-002-022; 612 North Franklin St. & 309 Beech

St., Modesto CA, APN 101-002-007 & 008.
Pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure, "Notices of Intent to Adopt a Resolution of Necessity" were served on each property owner on July 5, 2018 and July 12, 2018. (Funding Source: Streets Capital Facilities Fee (CFF), Regional Measure L Funds, Federal Demonstration Project (DEMO) Grant Funds, Stanislaus County Public Facilities Fee (PFF) Funds)

- Resolution of Necessity determining that the public interest and necessity require the acquisition of real property directing the commencement of eminent domain proceedings for the State Route 132 West Freeway/Expressway Phase 1 Project re: re: 1601 Elm Ave., Modesto, CA (APN 007-039-012), Owner: Ronald J. Johns And Kristin D. Stackhouse-Johns, Trustees Of The Ronald & Kristin Johns Family Trust.
- Resolution of Necessity determining that the public interest and necessity require the acquisition of real property directing the commencement of eminent domain proceedings for the State Route 132 West Freeway/Expressway Phase 1 Project re: 310 Laurel Ave., Modesto, CA 95355 (APN 101-003-019), Owner: Josephine Thompson Burrell, as Trustee and the Successor Trustees of the Josephine Thompson Burrell Trust (created by Declaration of the Trust dated March 18, 1999.
- Resolution of Necessity determining that the public interest and necessity require the acquisition of real property directing the commencement of eminent domain proceedings for the State Route 132 West Freeway/Expressway Phase 1 Project re 522 North Franklin St., Modesto, CA 95351 (APN 101-002-022), Owner: Ronald A. Gresham and Jo Anne R. Gresham, Trustees of the Ronald A. Gresham and Joanne R. Gresham 2006 Family Trust.
- Resolution of Necessity determining that the public interest and necessity require the acquisition of real property directing the commencement of eminent domain proceedings for the State Route 132 West Freeway/Expressway Phase 1 Project re 612 North Franklin Street & 309 Beech Street, Modesto, CA 95351 (APNs 101-002-007 and 101-002-008), Owner: William Brent Burnside and Stephanie A. Burnside, Husband and Wife, as Joint Tenants.

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

**ACTION: Resolution 2018-352 (Kenoyer/Grewal; 7/0)** of Necessity determining that the public interest and necessity require the acquisition of real property directing the commencement of eminent domain proceedings for the State Route 132 West Freeway/Expressway Phase 1 Project re: re: 1601 Elm Ave., Modesto, CA (APN 007-039-012), Owner: Ronald J. Johns And Kristin D. Stackhouse-Johns, Trustees Of The Ronald & Kristin Johns Family Trust.

**ACTION: Resolution 2018-353 (Kenoyer/Grewal; 7/0)** of Necessity determining that the public interest and necessity require the acquisition of real property directing the commencement of eminent domain proceedings for the State Route 132 West Freeway/Expressway Phase 1 Project re 522 North Franklin St., Modesto, CA 95351 (APN 101-002-022), Owner: Ronald A. Gresham and Jo Anne R. Gresham, Trustees of the Ronald A. Gresham and Joanne R. Gresham 2006 Family Trust.

**ACTION: Resolution 2018-354 (Kenoyer/Grewal; 7/0)** of Necessity determining that the public interest and necessity require the acquisition of real property directing the commencement of eminent domain proceedings for the State Route 132 West Freeway/Expressway Phase 1 Project re: 310 Laurel Ave., Modesto, CA 95355 (APN 101-003-019), Owner: Josephine Thompson Burrell, as Trustee and the Successor Trustees of the Josephine Thompson Burrell Trust (created by Declaration of the Trust dated March 18, 1999.

**ACTION: Resolution 2018-355 (Kenoyer/Grewal; 7/0)** of Necessity determining that the public interest and necessity require the acquisition of real property directing the commencement of eminent domain proceedings for the State Route 132 West Freeway/Expressway Phase 1 Project re 612 North Franklin Street & 309 Beech Street, Modesto, CA 95351 (APNs 101-002-007 and 101-002-008), Owner: William Brent Burnside and Stephanie A. Burnside, Husband and Wife, as Joint Tenants.

## NEW BUSINESS

23. Consider approving the establishment of a Capital Improvement Project for emergency digital upgrades to the Fire Department's Command 5 radio infrastructure, appropriating a $125,000 transfer from the Fire Department General Fund Operating Budget to establish the project's expenditure budget and authorizing a Purchase Order with Harris Corporation, of Lynchburg, Virginia for the Command 5 Gateway and Site Equipment and trunked analog gateway, a Purchase Order with Tessco Technologies of Hunt Valley, Maryland for Command 5 Simulcast duplexer equipment, and a Purchase Order with Howell Communications Inc., of Raymond, California for installation of antennas at designated communications locations, for a total project amount not to exceed $125,000 for the Fire Department's Command 5 radio infrastructure digital upgrade. (Funding Source: General Fund – Fire Department Operating Budget FY 2018-19)
    - Resolution approving the establishment of a Capital Improvement Project for emergency digital upgrades to the Fire Department's Command 5 radio infrastructure and appropriating a $125,000 transfer from the Fire Department General Fund Operating Budget to establish the project's expenditure budget.
    - Resolution approving a Purchase Order with Harris Corporation, of Lynchburg, Virginia for the Command 5 Gateway and Site Equipment and trunked analog gateway, a Purchase Order with Tessco Technologies of Hunt Valley, Maryland for Command 5 Simulcast duplexer equipment, and a Purchase Order with Howell Communications Inc., of Raymond, California for installation of antennas at designated communications locations, for a total project amount not to exceed $125,000 for the Fire Department's Command 5 radio infrastructure digital upgrade, and authorizing the Purchasing Manager, or her designee, to issue the Purchasing Orders.

    *Fire; Michael Lillie, 572-9891, mlillie@modestofire.com*

**ACTION: Resolution 2018-356 (Zoslocki/Ridenour; 7/0)** approving the establishment of a Capital Improvement Project for emergency digital upgrades to the Fire Department's Command 5 radio infrastructure and appropriating a $125,000 transfer from the Fire

Department General Fund Operating Budget to establish the project's expenditure budget.

**ACTION: Resolution 2018-357 (Zoslocki/Ridenour; 7/0)** approving a Purchase Order with Harris Corporation, of Lynchburg, Virginia for the Command 5 Gateway and Site Equipment and trunked analog gateway, a Purchase Order with Tessco Technologies of Hunt Valley, Maryland for Command 5 Simulcast duplexer equipment, and a Purchase Order with Howell Communications Inc., of Raymond, California for installation of antennas at designated communications locations, for a total project amount not to exceed $125,000 for the Fire Department's Command 5 radio infrastructure digital upgrade, and authorizing the Purchasing Manager, or her designee, to issue the Purchasing Orders.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 8:25 p.m.; and returned to Closed Session.

## CLOSED SESSION

*All Closed Session Matters heard prior to and after meeting*

## CONSENT ITEMS

1. Consider appointing Real Property Negotiators Joseph P. Lopez, City Manager and Adam U. Lindgren, City Attorney for Property: APN: 860-000-524 & 525

- Motion appointing Real Property Negotiators Joseph P. Lopez, City Manager and Adam U. Lindgren, City Attorney for Property: 860-000-524 & 525. City Attorney, Adam Lindgren, 577-5284, alindgren@modestogov.com

**ACTION: Motion (Kenoyer/Ridenour; 5/0; Ah You, Madrigal absent)** appointing Real Property Negotiators Joseph P. Lopez, City Manager and Adam U. Lindgren, City Attorney for Property: 860-000-524 & 525.

2. Consider appointing Real Property Negotiators Joseph P. Lopez, City Manager and Adam U. Lindgren, City Attorney for Properties: APN: 007-039-012, 101-003-019, 101-004-063, 101-002-022, 101-002-007 & 008

- Motion appointing Real Property Negotiators Joseph P. Lopez, City Manager and Adam U. Lindgren, City Attorney for Properties: 007-039-012, 101-003-019, 101-004-063, 101-002-022, 101-002-007 & 008. City Attorney, Adam Lindgren, 577-5284, alindgren@modestogov.com

**ACTION: Motion (Kenoyer/Ridenour; 5/0; Ah You, Madrigal absent)** appointing Real Property Negotiators Joseph P. Lopez, City Manager and Adam U. Lindgren, City Attorney for Properties: 007-039-012, 101-003-019, 101-004-063, 101-002-022, 101-002-007 & 008.

## CLOSED SESSION

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
**(Pursuant to Section 54957 of the Government Code)**
Title: City Manager

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
**(Pursuant to Section 54957 of the Government Code)**
Title: City Auditor

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
**One Case (Pursuant to Section 54956.9(d)(2) of the Government Code)**

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
**One Case (Pursuant to Section 54956.9(d)(4) of the Government Code)**

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
**Three Case (Pursuant to Section 54956.9(d)(1) of the Government Code)**

Name of case: Green v. COM
Case No. 2020908

Dorado v. COM
Case No. 2017930

Chipponeri v. COM
Case No. 2028660

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**
**(Pursuant to Section 54956.8 of the Government Code)**
Property & Property Owners:

| APN | Address | Owner Name |
|---|---|---|
| 007-039-012 | 1601 Elm Ave., Modesto, CA | Ronald Johns & Kristin Stackhouse Johns |
| 101-003-019 | 310 Laurel Ave., Modesto, CA | Josephine Thompson Burrell |
| 101-004-063 | 216 Linden St., Modesto, CA | Crystal D. Matthews |
| 101-002-022 | 522 North Franklin St., Modesto, CA | Ronald & Jo Anne R. Gresham |
| 101-002-007 &008 | 612 North Franklin St. & 309 Beech St., Modesto CA | William Brent & Stephanie Burnside |

Negotiating Parties:
For City: James Staudinger, CPSI
Adam U. Lindgren, City Attorney
For Property Owner: Property Owners
Under Negotiation: Price and Terms

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**
**(Pursuant to Section 54956.8 of the Government Code)**
Property: 2846 Finch Rd. APN: 039-010-220
Property Owners: City of Modesto/Stanislaus County
Negotiating Parties:
For City: Joseph P. Lopez, City Manager
Adam U. Lindgren, City Attorney
Under Negotiation: Price and Terms

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**
**(Pursuant to Section 54956.8 of the Government Code)**
Property: 1010 Tenth Street, APN: 860-000-524 & 525
Property Owners: Civic Partners
Negotiating Parties:
For City: Joseph P. Lopez, City Manager
Adam U. Lindgren, City Attorney
For Owners: Randy Brekke, Brekke Real Estate, Inc.
Under Negotiation: Price and Terms

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

Employee Organization: Modesto City Employees Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCMA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Confidential & Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MPOA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Officers' Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MPNSA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Non-Sworn Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) –MPMA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCFFA**
Negotiator: Norma Santoyo
Employee Organization: Modesto City Firefighters Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**
Negotiator: Norma Santoyo
Employee Organization: Unrepresented Management and Confidential Employees

Attest:_____
Stephanie Lopez, City Clerk

# MINUTES

**City of Modesto**

# SPECIAL FINANCE COMMITTEE / COUNCIL WORKSHOP

**Second Floor, Room 2008**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**

**Monday, August 27, 2018, at 3:00 p.m.**

Roll Call: Present: Councilmembers Grewal, Ah You, Zoslocki, Ridenour
Absent: None

## PUBLIC COMMENTS

None.

## CONSENT

Consent

1. Consider accepting an informational report on the May and June 2018 grant applications and awards and forwarding to Council for approval. (Funding Source: Not Applicable)

   *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Ah You/Zoslocki; 3/0)** accepting an informational report on the May and June 2018 grant applications and awards and forwarding to Council for approval.

Consent

2. Consider accepting the Fiscal Year 2017-18 accounts receivable write-off report through fiscal year-end June 30, 2018 in the total amount of $857,108 and forwarding to Council for approval. (Funding Source: General Fund, Surface Transportation Replacement Fund, Housing Development Replacement Fund, Water Replacement Fund, Wastewater Replacement Fund, Health Fund, Airport Replacement Fund, Bus Replacement Fund, Solid Waste Fund, Water Fund, Storm Drain Fund, Wastewater Fund, and Fleet Replacement Fund)

   *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Ah You/Zoslocki; 3/0)** accepting the Fiscal Year 2017-18 accounts receivable write-off report through fiscal year-end June 30, 2018 in the total amount of

$857,108 and forwarding to Council for approval.

Consent

3. Consider approving the recommended budget adjustments to Fiscal Year 2017-18 and Fiscal Year 2018-19 Annual Operating and Capital Improvement Project Budget and forward to Council for approval. (Funding Source: Information Technology, TRRP JPA, JPA – Industrial Fire, Measure L, Surface Transportation, CDBG, Various Fleet Replacement Funds, Wastewater Fund, Water Fund, Village One #2 CFD 2014 Debt Fund, General Fund, Solid Waste, Green Waste, Carpenter Road Landfill, Capital Grants, and SDEA JPA Fund)

   *Finance and City Manager; Kaceey Culbertson, 577-5479, kculbertson@modestogov.com*

**ACTION: Motion (Ah You/Zoslocki; 3/0)** approving the recommended budget adjustments to Fiscal Year 2017-18 and Fiscal Year 2018-19 Annual Operating and Capital Improvement Project Budget and forward to Council for approval.

Consent

4. Consider approving the Sole Source Agreement to CivicPlus for the continued website maintenance for the City of Modesto (www.modestogov.com) and Modesto Area Express (www.modestoareaexpress.com) for a four year Agreement in an estimated cost of $61,702 with a 5% contingency in the amount of $3,085, for a total amount not to exceed $64,787 and forwarding to Council for approval. (Funding Source: Information Technology, TDA Funds, and Various Funds)

   *Information Technology; Charlie Haase, 577-5229, chaase@modestogov.com*

**ACTION: Motion (Ah You/Zoslocki; 3/0)** approving the Sole Source Agreement to CivicPlus for the continued website maintenance for the City of Modesto (www.modestogov.com) and Modesto Area Express (www.modestoareaexpress.com) for a four year Agreement in an estimated cost of $61,702 with a 5% contingency in the amount of $3,085, for a total amount not to exceed $64,787 and forwarding to Council for approval.

*Removed from Consent*

5. Consider authorizing the release of $1,500,000 of Proposition 1B fund savings back to the California Transportation Commission for the State Route 99 / Pelandale Avenue Interchange Reconstruction Project, and forwarding to Council for approval. (Funding Source: CIP 100786-CED.Land Development Engineering – State Route 99

Proposition 1B Bond Savings)

*Public Works; Bill Sandhu, 341-2906, bsandhu@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; 3/0)** authorizing the release of $1,500,000 of Proposition 1B fund savings back to the California Transportation Commission for the State Route 99 / Pelandale Avenue Interchange Reconstruction Project, and forwarding to Council for approval.

Consent

6. Consider approving the submission of the Transportation Development Act Transit Claim for Fiscal Year 2018-2019 to the Stanislaus Council of Governments in the amount of $2,668,246 for improvements to the Transportation Center for Modesto Area Express customers and the future operation of the Altamont Corridor Express to Modesto and forwarding to Council for approval. (Funding Source: Transportation Development Act Funds)

   *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Ah You/Zoslocki; 3/0)** approving the submission of the Transportation Development Act Transit Claim for Fiscal Year 2018-2019 to the Stanislaus Council of Governments in the amount of $2,668,246 for improvements to the Transportation Center for Modesto Area Express customers and the future operation of the Altamont Corridor Express to Modesto and forwarding to Council for approval.

Consent

7. Consider approving an agreement for the purchase of Chesterton seals and related parts to Pan-Pacific Supply Company, Concord, CA, for a two-year agreement with three one-year extension options, for an annual cost not to exceed $45,000, and a total not to exceed $225,000 over five years and forwarding to Council for approval. (Funding Source: Wastewater and Water Fund)

   *Utilities; Laura Anhalt, 342-4502, lanhalt@modestogov.com*

**ACTION: Motion (Ah You/Zoslocki; 3/0)** approving an agreement for the purchase of Chesterton seals and related parts to Pan-Pacific Supply Company, Concord, CA, for a two-year agreement with three one-year extension options, for an annual cost not to exceed $45,000, and a total not to exceed $225,000 over five years and forwarding to Council for approval.

Consent

8. Consider approving an Agreement with Atlas Copco Compressors of Fremont, CA, for labor and parts for Atlas Copco Compressors, for a two-year Agreement with three one-year extension options, for an annual cost not to exceed $15,000, and a total not to exceed $75,000 over five years, and forwarding to Council for approval. (Funding Source: Wastewater Fund)

   *Utilities; Laura Anhalt, 342-4502, lanhalt@modestogov.com*

**ACTION: Motion (Ah You/Zoslocki; 3/0)** approving an Agreement with Atlas Copco Compressors of Fremont, CA, for labor and parts for Atlas Copco Compressors, for a two-year Agreement with three one-year extension options, for an annual cost not to exceed $15,000, and a total not to exceed $75,000 over five years, and forwarding to Council for approval.

Consent

9. Consider approving a Purchasing Agreement with Fastenal Company Inc., Winona, MN, by "piggybacking" off a competitive bid process with National Intergovernmental Purchasing Alliance (National IPA), University of California, Office of the President, for industrial vending machine supplies, for a two-year Agreement with three one-year extension options, for an annual cost not to exceed $283,900, and a total amount not to exceed $1,419,500 over five years and forwarding to Council for approval. (Funding Source: Wastewater, Water, General, Forestry, Compost, Storm Drain and Fleet Funds)

   *Utilities; Robert Englent, 577-6222, renglent@modestogov.com*

**ACTION: Motion (Ah You/Zoslocki; 3/0)** approving a Purchasing Agreement with Fastenal Company Inc., Winona, MN, by "piggybacking" off a competitive bid process with National Intergovernmental Purchasing Alliance (National IPA), University of California, Office of the President, for industrial vending machine supplies, for a two-year Agreement with three one-year extension options, for an annual cost not to exceed $283,900, and a total amount not to exceed $1,419,500 over five years and forwarding to Council for approval.

Consent

10. Consider approving an increase of $73,710 to the Purchasing Agreement with East Bay Municipal Utility District, Oakland, CA, for the disposal of gray water, for a new Agreement total amount not to exceed $208,710 and forwarding to Council for approval. (Funding Source: Water Fund)

    *Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Motion (Ah You/Zoslocki; 3/0)** approving an increase of $73,710 to the Purchasing Agreement with East Bay Municipal Utility District, Oakland, CA, for the disposal of gray water, for a new Agreement total amount not to exceed $208,710 and forwarding to Council for approval.

## NEW BUSINESS

11. Consider accepting a report on Fiscal Year 2017-2018 unclaimed funds of $38,003 that can be transferred to the General Fund and forwarding to Council for approval. (Funding Source: General Fund)

    *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Ah You/Zoslocki; 3/0)** accepting a report on Fiscal Year 2017-2018 unclaimed funds of $38,003 that can be transferred to the General Fund and forwarding to Council for approval.

12. Consider accepting a report detailing City personal property sold, donated, or disposed of during Fiscal Year 2017-18 and forwarding to Council for approval. (Funding Source: Central Services, Parking Fleet Replacement, Airport Operating, Compost, Community Development Block Grant, General Fund Fleet Replacement, Surface Transportation Fleet Replacement, Stanislaus Drug Enforcement Agency, Fleet Management Fleet Replacement, Inventory Purchases Fleet Replace, Sewer Operations, Green Waste, Fleet Management, Surface Transportation, Bus Fixed Route Max Operations, Water, General)

    *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; 3/0)** accepting a report detailing City personal property sold, donated, or disposed of during Fiscal Year 2017-18 and forwarding to Council for approval.

13. Consider approving an Amendment to the Classification Plan and Class Range Table for Represented Management and Confidential Non-Sworn Classes to reallocate 1 Administrative Services Officer from the Information Technology Department to 1 Organizational Development Coordinator in the Human Resources Department; reallocate 2 Police Technician allocations to 2 Crime Analyst allocations in the Police Department; an Amendment to the Safety Officer job specification, and move the Solid Waste Enforcement Supervisor from salary range 440 to 434 and forwarding to Council for approval. (Funding Source: Various Funds)

    *Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION: Motion (Ah You/Zoslocki; 3/0)** approving an Amendment to the Classification Plan and Class Range Table for Represented Management and Confidential Non-Sworn Classes to reallocate 1 Administrative Services Officer from the Information Technology Department to 1 Organizational Development Coordinator in the Human Resources Department; reallocate 2

Police Technician allocations to 2 Crime Analyst allocations in the Police Department; an Amendment to the Safety Officer job specification, and move the Solid Waste Enforcement Supervisor from salary range 440 to 434 and forwarding to Council for approval.

14. Consider approving the award of bid and purchase of four backhoe loaders from Garton Tractor, Turlock, CA for a total cost not to exceed $432,031, and forwarding to Council for approval. (Funding Source: Various Funds)

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

**ACTION: Motion (Zoslocki/Ah You; 3/0)** approving the award of bid and purchase of four backhoe loaders from Garton Tractor, Turlock, CA for a total cost not to exceed $432,031, and forwarding to Council for approval.

15. Consider approving a Sole Source Purchase with Maintenance Connection, Inc., Davis, CA for the MC Express smartphone software system for $6,798, a system audit of the existing Maintenance Connection database for $4,800, end-user technician training for $4,800, MC Express software maintenance service for three concurrent licenses and technical support over a twelve-month period for $1,200, and forwarding to Council for approval. (Funding Source: Building Services Fund 5800)

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

**ACTION: Motion (Zoslocki/Ah You; 3/0)** approving a Sole Source Purchase with Maintenance Connection, Inc., Davis, CA for the MC Express smartphone software system for $6,798, a system audit of the existing Maintenance Connection database for $4,800, end-user technician training for $4,800, MC Express software maintenance service for three concurrent licenses and technical support over a twelve-month period for $1,200, and forwarding to Council for approval.

16. Consider accepting a report on the annual review of approved water rate increases for Fiscal Years 2018-19 through 2020-21 including the option to modify the existing Water Rate Assistance Program and forwarding to Council for approval. (Funding Source: Water Fund)

    *Utilities; Tamorah Bryant, 577-5205, tbryant@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; 3/0)** accepting a report on the annual review of approved water rate increases for Fiscal Years 2018-19 through 2020-21 including the option to modify the existing Water Rate Assistance Program and forwarding to Council for approval.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 3:27 p.m.

Attest:_____
Joseph Lopez, City Manager

# MINUTES

City of Modesto

## CITY COUNCIL MEETING

**Chambers, Basement Level**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**
**Tuesday September 04, 2018, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
Absent: None

Pledge of Allegiance to the Flag

Invocation: Michael Douglass, Advancing Vibrant Communities

City Clerk's Announcements: Item 10 - Removed from Consent

Declaration of Conflicts of Interest: None.

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

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation declaring September 2018 as National Senior Center Month. (Funding Source: Not Applicable)
   *City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Brandvold presented a Proclamation declaring September 2018 as National Senior Center Month.

### PUBLIC COMMENT PERIOD

- Becky Barnes-Boers spoke regarding Department of Justice complaints against the City of Modesto, using Federal money for work done on Standiford Avenue and access to bus stops.

- Dave Pratt spoke regarding dumping trash in the parks.

- Barbara Hayes spoke regarding homeless in Modesto.

- Perfecto Munoz spoke regarding homeless in Modesto and attempts to work with them.

- Carmen Sabatino spoke regarding the "Los Angeles Project" and homeless in Modesto; he also inquired as to budget monies spent in Council districts.

- Karna Nelson spoke regarding the use of vacant buildings in Modesto for homeless.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**
**ACTION CONSENT ITEMS 2-9; 11-13: (Kenoyer/Zoslocki; 7/0)**
**ACTION CONSENT ITEM 10: (Madrigal/Kenoyer; 7/0)**

**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 August 14, 2018 Council Meeting. (Funding Source: Not Applicable)
   - Motion approving the minutes from the August 14, 2018 Council Meeting.

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

**ACTION: Motion (Kenoyer/Zoslocki; 7/0)** approving the minutes from the August 14, 2018 Council Meeting.

Consent
3. Consider amending Section 6 and 16 of the Housing and Urban Development Policies & Procedures Manual. (Funding Source: Not Applicable)
   - Resolution amending Section 6 and 16 of the Housing and Urban Development Policies & Procedures Manual.

   *Community & Economic Development; Jessica Narayan , 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2018-358 (Kenoyer/Zoslocki; 7/0)** amending Section 6 and 16 of the Housing and Urban Development Policies & Procedures Manual.

Consent
4. Consider awarding $50,000 in Community Development Block Grant funds to Opportunity Stanislaus, for the Volt Institute to provide eligible public service activities. (Funding Source: Community Development Block Grant Funds)
   - Resolution awarding $50,000 in Community Development Block Grant funds to Opportunity Stanislaus, for the Volt Institute to provide eligible public service activities and authorizing the City Manager or his designee, to execute the Agreement.

   *Community & Economic Development; Jessica Narayan, 577-5211,*

*jnarayan@modestogov.com*

**ACTION: Resolution 2018-359 (Kenoyer/Zoslocki; 7/0)** awarding $50,000 in Community Development Block Grant funds to Opportunity Stanislaus, for the Volt Institute to provide eligible public service activities and authorizing the City Manager or his designee, to execute the Agreement.

Consent

5. Consider accepting an informational report for the June 2018 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
   - Motion accepting an informational report for the June 2018 Accounts Payable Payment Register and Void report.

   *Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 7/0)** accepting an informational report for the June 2018 Accounts Payable Payment Register and Void report.

Consent

6. Consider approving the recommended budget adjustments to Fiscal Year 2017-18 and Fiscal Year 2018-19 Annual Operating and Capital Improvement Project Budget. (Funding Source: Information Technology, TRRP JPA, JPA – Industrial Fire, Measure L, Surface Transportation, CDBG, Various Fleet Replacement Funds, Water, Wastewater Fund, Village One #2 CFD 2014 Debt Fund, General Fund, Solid Waste, Green Waste, Carpenter Road Landfill, Capital Grants, and SDEA JPA Fund)
   - Resolution amending Fiscal Year 2017-18 and Fiscal Year 2018-19 Annual Operating and Capital Improvement Project Fund Budgets.

   *Finance; Kaceey Culbertson, 577-5479, kculbertson@modestogov.com*

**ACTION: Resolution 2018-360 (Kenoyer/Zoslocki; 7/0)** amending Fiscal Year 2017-18 and Fiscal Year 2018-19 Annual Operating and Capital Improvement Project Fund Budgets.

Consent

7. Consider approving a First Amendment to the Professional Services Agreement with Armistead Research and Investigative Services in the amount of $54,000 for a term to expire on January 31, 2019 for a total Agreement amount not to exceed $157,200 for continued investigative services. (Funding Source: Various Funds)
   - Resolution approving a First Amendment to the Professional Services Agreement with Armistead Research and Investigative Services in the amount of $54,000, for a term to expire on January 31, 2019 for a total Agreement amount not to exceed $157,200 for consultant services with respect to administrative investigations, and authorizing the City Manager, or his designee, to execute the Agreement.

   *Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION: Resolution 2018-361 (Kenoyer/Zoslocki; 7/0)** approving a First Amendment to the Professional Services Agreement with Armistead Research and Investigative Services in the amount of $54,000, for a term to expire on January 31, 2019 for a total Agreement amount

not to exceed $157,200 for consultant services with respect to administrative investigations, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

8. Consider approving the First Amendment to the Consultant Services Agreement with Aaronson Management Group, Inc. (DBA StoryPowered), for Phase II work on the Convention and Visitor's Bureau transition to an independent agency, in an amount not to exceed $52,500, for a total Agreement amount not to exceed $102,000. (Funding Source: Transient Occupancy Tax)
   - Resolution approving the First Amendment to the Consultant Services Agreement with Aaronson Management Group, Inc. (DBA StoryPowered), for Phase II work on the Convention and Visitor's Bureau transition to an independent agency, in an amount not to exceed $52,500, for a total Agreement amount not to exceed $102,000, and authorizing the City Manager, or his designee, to execute the Amendment.

   *Parks, Recreation & Neighborhoods; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Resolution 2018-362 (Kenoyer/Zoslocki; 7/0)** approving the First Amendment to the Consultant Services Agreement with Aaronson Management Group, Inc. (DBA StoryPowered), for Phase II work on the Convention and Visitor's Bureau transition to an independent agency, in an amount not to exceed $52,500, for a total Agreement amount not to exceed $102,000, and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

9. Consider accepting the 2018-2019 Alcohol Policing Partnership Grant in the amount of $57,000 from the State Department of Alcoholic Beverage Control for Minor Decoy, Shoulder Tap, Investigation/Enforcement, Education/Training and Impact Inspections, and amending the Fiscal Year 2018-2019 Operating Budget, and reallocating revenue of $57,000 to grant expenditures for the 2018-2019 Alcohol Policing Partnership Grant. (Funding Source: Police Grants)
   - Resolution accepting the 2018-2019 Alcohol Policing Partnership Grant in the amount of $57,000 from the State Department of Alcoholic Beverage Control for Minor Decoy, Shoulder Tap, and IMPACT Inspections; and authorizing the City Manager, or his designee, to execute the necessary grant documents.
   - Resolution amending the Fiscal Year 2018-2019 Operating Budget, reallocating revenue of $57,000 to grant expenditures for the 2018-2019 Alcohol Policing Partnership Grant.

   *Police; Galen Carroll, 572-9501, carrollg@modestopd.com*

**ACTION: Resolution 2018-363 (Kenoyer/Zoslocki; 7/0)** accepting the 2018-2019 Alcohol Policing Partnership Grant in the amount of $57,000 from the State Department of Alcoholic Beverage Control for Minor Decoy, Shoulder Tap, and IMPACT Inspections; and authorizing the City Manager, or his designee, to execute the necessary grant documents.

**ACTION: Resolution 2018-364 (Kenoyer/Zoslocki; 7/0)** amending the Fiscal Year 2018-2019 Operating Budget, reallocating revenue of $57,000 to grant expenditures for the 2018-2019 Alcohol Policing Partnership Grant.

*Removed from Consent*

10. Consider approving a grant application for Federal Transit Administration Section 5307 transit funds for operational and capital expenses for the Modesto Area Express, Modesto Area Dial-A-Ride, and Stanislaus Regional Transit, in the amount of $5,257,527. (Funding Source: FTA Section 5307 Federal Fiscal Year 2018 formula apportionment)
    - Resolution approving the submittal of a grant application to the Federal Transit Administration (FTA) requesting $5,257,527 in FTA Section 5307 Funds and authorizing the City Manager, or his designee, to execute and file all other necessary documents with the FTA.

    *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2018-365 (Madrigal/Kenoyer; 7/0)** approving the submittal of a grant application to the Federal Transit Administration (FTA) requesting $5,257,527 in FTA Section 5307 Funds and authorizing the City Manager, or his designee, to execute and file all other necessary documents with the FTA.

Consent

11. Consider approving awarding the bid and purchase of new Emergency Vehicle Pre-emption equipment (signal light priority) from Advanced Traffic Products Inc., Everett, Washington, in an amount not to exceed $555,843. (Funding Source: Highway Safety Improvement Program Grant and Measure L Funds)
    - Resolution approving the award of bid for the purchase of new Emergency Vehicle Pre-emption equipment from Advanced Traffic Products Inc., Everett, Washington, for a total cost not to exceed $555,843, and authorizing the Purchasing Manager, or her designee to issue a Purchase Order.

    *Public Works; Mark Murphy, 577-5431, mmurphy@modestogov.com*

**ACTION: Resolution 2018-366 (Kenoyer/Zoslocki; 7/0)** approving the award of bid for the purchase of new Emergency Vehicle Pre-emption equipment from Advanced Traffic Products Inc., Everett, Washington, for a total cost not to exceed $555,843, and authorizing the Purchasing Manager, or her designee to issue a Purchase Order.

Consent

12. Consider approving the sole brand procurement of a Caterpillar Tier 4F C27 Engine, or equivalent engine approved by the San Joaquin Valley Air Pollution Control District, to Holt of California, for the repower of the Compost Diamond Z DZH5000 Horizontal Grinder to be in compliance with Rule 4702 – Internal Combustion Engines, for a total cost not to exceed $288,543. (Funding Source: Fleet Funds)
    - Resolution approving the sole brand procurement of a Caterpillar Tier 4F C27 Engine, or equivalent engine approved by the San Joaquin Valley Air Pollution Control District (SJVAPCD), to Holt of California, for the repower of the Compost

Diamond Z DZH5000 Horizontal Grinder to be in compliance with Rule 4702 – Internal Combustion Engines, for a total cost not to exceed $288,543, and authorizing the Purchasing Manager, or her designee to issue the Purchase Order.

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

**ACTION: Resolution 2018-367 (Kenoyer/Zoslocki; 7/0)** approving the sole brand procurement of a Caterpillar Tier 4F C27 Engine, or equivalent engine approved by the San Joaquin Valley Air Pollution Control District (SJVAPCD), to Holt of California, for the repower of the Compost Diamond Z DZH5000 Horizontal Grinder to be in compliance with Rule 4702 – Internal Combustion Engines, for a total cost not to exceed $288,543, and authorizing the Purchasing Manager, or her designee to issue the Purchase Order.

Consent

13. Consider approving three On-Call Real Property Appraisal and Consulting Services Agreements with Associated Right of Way Services, Inc., of Pleasant Hill, CA, Bender Rosenthal Inc. of Sacramento, CA, and Dean Chapman & Associates, Inc. dba Chapman & Patton of Danville, CA, for an annual amount not to exceed $45,000 each, with two one-year extension options each, for a total amount not to exceed $135,000 per Consultant Agreement. (Funding Source: Various Capital Improvement Projects)
    - Resolution approving three on-call real property Appraisal and Consultant Services Agreements with Associated Right of Way Services, Inc., of Pleasant Hill, CA; Bender Rosenthal Inc., of Sacramento, CA; and Dean Chapman & Associates, Inc. dba Chapman & Patton, of Danville, CA for an annual amount not to exceed $45,000 each, with two one-year extension options each, for a total amount not to exceed $135,000 per Consultant Agreement.

    *Utilities; Tamorah Bryant, 571-5869, tbryant@modestogov.com*

**ACTION: Resolution 2018-368 (Kenoyer/Zoslocki; 7/0)** approving three on-call real property Appraisal and Consultant Services Agreements with Associated Right of Way Services, Inc., of Pleasant Hill, CA; Bender Rosenthal Inc., of Sacramento, CA; and Dean Chapman & Associates, Inc. dba Chapman & Patton, of Danville, CA for an annual amount not to exceed $45,000 each, with two one-year extension options each, for a total amount not to exceed $135,000 per Consultant Agreement.

## COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer attended the following events: Friday, 8/17 - reception for Mayor of Karume, Japan; 8/20 attended rally in Sacramento regarding the State water grab; 8/21 – Congressman Jeff Denham hosted a homeless event in Modesto; 8/24 - Stanislaus Literacy Center graduation; 8/25 - Central Valley Hispanic Chamber of Commerce at Modesto Junior College for high school students; 9/1 - toured Tuolumne River Regional Park.

Councilmember Madrigal attended the same events as Councilmember Kenoyer; he testified at the State Water Board hearing on August 21, 2018; he took a tour of Vanguard School at the former SOS Club in Modesto and reported the need for crosswalks; he also toured the Dennett Dam site removal project, he also spoke regarding taking back the Tuolumne River Regional

Park.

## CITY MANAGER COMMENTS & REPORTS

None.

## UNFINISHED BUSINESS

14. Consider introducing and waiving the first reading of an Ordinance Repealing and Replacing Chapter 10 "Citizens' Transportation Sales Tax Commission" of Title 8 of the City of Modesto Municipal Code, and approving Bylaws for the Citizens' Transportation Sales Tax Commission and temporarily suspending meetings and activities of the Commission pending reestablishment of the Commission. (Funding Source: Not applicable)
    - Motion introducing and waiving the first reading of an Ordinance Repealing and Replacing Chapter 10 "Citizens' Transportation Sales Tax Commission" of Title 8 of the City of Modesto Municipal Code.
    - Resolution approving the Bylaws for the Citizens' Transportation Sales Tax Commission and temporarily suspending meetings and activities of the Commission pending reestablishment of the Commission.

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

**ACTION: Motion (Grewal/Zoslocki; 7/0) rejecting staff recommendation; Ad Hoc Committee members to have comprehensive discussion with the Citizens' Transportation Sales Tax Commission members, while working with the Commission and staff, on various subject matters that include projects to be delivered expeditiously (appointing StanCOG members Zoslocki, Grewal and Mayor Brandvold to the Ad Hoc Committee).**

*Recess at 9:40 p.m.*
*Reconvened at 9:57 p.m.*

## HEARINGS

15. Hearing to consider adopting Resolutions of Necessity and directing the commencement of eminent domain proceedings and authorizing the making of deposits of probable compensation for the following eight parcels for the State Route 132 West Freeway/Expressway Phase 1 Project: 219 Garrison Ave., Modesto, CA (APN 007-042-007) [Manghetti]; SE Corner of Kansas Ave. and Dakota Ave., Modesto, CA (APN 007-024-001) [Faria]; 824 Dakota Avenue, Modesto, CA (APN 081-031-013) [Alcamo Farms]; 3643 and 3319 Maze Boulevard, and Kansas Avenue, Modesto, CA (APN 007-024-003, -004 & 007-037-010) [Wagner, et al.]; 216 Linden St., Modesto, CA (APN 101-004-063) [Matthews]; 301 N. Washington Street, Modesto, CA (APN 101-004-057) [F9/ANO]; 611 North Franklin, Modesto, CA (APN 029-015-008) [Melton & Olmsted]; and 350 Dakota Avenue, Modesto, CA (APN 007-024-006 &

007-024-005) [Salida Hulling]. (Funding Source: Streets Capital Facilities Fee (CFF), Regional Measure L funds, Federal Demonstration Project (DEMO) Grant funds, Stanislaus County Public Facilities Fee (PFF) funds)

- Resolution of Necessity determining that the public interest and necessity require the acquisition of real property directing the commencement of eminent domain proceedings for the State Route 132 West Freeway/Expressway Phase 1 Project re: 219 Garrison Avenue, Modesto, CA (APN 007-042-007), Owner: Peter A. Menghetti and Kathleen Menghetti, Trustees of the Menghetti 2000 Revocable Trust Under Instrument Dated November 3, 2000.
- Resolution of Necessity determining that the public interest and necessity require the acquisition of real property directing the commencement of eminent domain proceedings for the State Route 132 West Freeway/Expressway Phase 1 Project re: SE Corner of Kansas Ave. and Dakota Ave., Modesto, CA 95358 (APN 007-024-001), Owner: David Faria and Gail Faria, Trustees of the David Faria and Gail Faria Revocable Living Trust.
- Resolution of Necessity determining that the public interest and necessity require the acquisition of real property directing the commencement of eminent domain proceedings for the State Route 132 West Freeway/Expressway Phase 1 Project re: 824 Dakota Avenue, Modesto, CA 95358 (APN 081-031-013), Owner: Alcamo Farms, LLC, a California Limited Liability Company.
- Resolution of Necessity determining that the public interest and necessity require the acquisition of real property directing the commencement of eminent domain proceedings for the State Route 132 West Freeway/Expressway Phase 1 Project re: 3643 and 3319 Maze Boulevard, and Kansas Avenue, Modesto, CA (APN 007-024-003, -004 & 007-037-010), Owner: Nita Marie Wagner, as Trustee of the Nita Marie Wagner Living Trust; Jane M. Roos and Ralph E. Roos; John Schallberger and Marie Schallberger, Trustees, Revocable Trust Dated November 3, 1992; Hans J. Wagner and Carla Wagner; Donald Wagner; Julia A. Wagner, as Trustee of the Julia A. Wagner 1992 Trust, as Their Interests Appear of Record; Hans J. Wagner, III, Trustee of the Hans J. Wagner III 2015 Trust Dated June 10, 2015.
- Resolution of Necessity determining that the public interest and necessity require the acquisition of real property directing the commencement of eminent domain proceedings for the State Route 132 West Freeway/Expressway Phase 1 Project re: 216 Linden St., Modesto, CA 95351 (APN 101-004-063), Owner: Crystal D. Matthews.
- Resolution of Necessity determining that the public interest and necessity require the acquisition of real property directing the commencement of eminent domain proceedings for the State Route 132 West Freeway/Expressway Phase 1 Project re: 301 N. Washington Street, Modesto, CA 95354 (APN 101-004-057), Owner: F9 Properties LLC, which acquired title as ANO, LLC, a New Hampshire Limited Liability Company.
- Resolution of Necessity determining that the public interest and necessity require the acquisition of real property directing the commencement of eminent domain proceedings for the State Route 132 West Freeway/Expressway Phase 1 Project re: 611 North Franklin, Modesto, CA 95351 (APN 029-015-008), Owner: Melton & Olmsted Enterprises, Inc., a California Corporation.

- Resolution of Necessity determining that the public interest and necessity require the acquisition of real property directing the commencement of eminent domain proceedings for the State Route 132 West Freeway/Expressway Phase 1 Project re: 350 Dakota Avenue, Modesto, CA 95358 (APN 007-024-006 & 007-024-005), Owner: Salida Hulling Association, a Non-Profit Cooperative Association.

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

**ACTION: Resolution 2018-369 (Kenoyer/Ridenour; 6/1; Madrigal no)** of Necessity determining that the public interest and necessity require the acquisition of real property directing the commencement of eminent domain proceedings for the State Route 132 West Freeway/Expressway Phase 1 Project re: 219 Garrison Avenue, Modesto, CA (APN 007-042-007), Owner: Peter A. Menghetti and Kathleen Menghetti, Trustees of the Menghetti 2000 Revocable Trust Under Instrument Dated November 3, 2000.

**ACTION: Resolution 2018-370 (Kenoyer/Ridenour; 6/1; Madrigal no)** of Necessity determining that the public interest and necessity require the acquisition of real property directing the commencement of eminent domain proceedings for the State Route 132 West Freeway/Expressway Phase 1 Project re: SE Corner of Kansas Ave. and Dakota Ave., Modesto, CA 95358 (APN 007-024-001), Owner: David Faria and Gail Faria, Trustees of the David Faria and Gail Faria Revocable Living Trust.

**ACTION: Resolution 2018-371 (Kenoyer/Ridenour; 6/1; Madrigal no)** of Necessity determining that the public interest and necessity require the acquisition of real property directing the commencement of eminent domain proceedings for the State Route 132 West Freeway/Expressway Phase 1 Project re: 824 Dakota Avenue, Modesto, CA 95358 (APN 081-031-013), Owner: Alcamo Farms, LLC, a California Limited Liability Company.

**ACTION: Resolution 2018-372 (Kenoyer/Ridenour; 6/1; Madrigal no)** of Necessity determining that the public interest and necessity require the acquisition of real property directing the commencement of eminent domain proceedings for the State Route 132 West Freeway/Expressway Phase 1 Project re: 3643 and 3319 Maze Boulevard, and Kansas Avenue, Modesto, CA (APN 007-024-003, -004 & 007-037-010), Owner: Nita Marie Wagner, as Trustee of the Nita Marie Wagner Living Trust; Jane M. Roos and Ralph E. Roos; John Schallberger and Marie Schallberger, Trustees, Revocable Trust Dated November 3, 1992; Hans J. Wagner and Carla Wagner; Donald Wagner; Julia A. Wagner, as Trustee of the Julia A. Wagner 1992 Trust, as Their Interests Appear of Record; Hans J. Wagner, III, Trustee of the Hans J. Wagner III 2015 Trust Dated June 10, 2015.

**ACTION: Resolution 2018-373 (Kenoyer/Ridenour; 6/1; Madrigal no)** of Necessity determining that the public interest and necessity require the acquisition of real property directing the commencement of eminent domain proceedings for the State Route 132 West Freeway/Expressway Phase 1 Project re: 216 Linden St., Modesto, CA 95351 (APN 101-004-063), Owner: Crystal D. Matthews.

**ACTION: Resolution 2018-374 (Kenoyer/Ridenour; 6/1; Madrigal no)** of Necessity

determining that the public interest and necessity require the acquisition of real property directing the commencement of eminent domain proceedings for the State Route 132 West Freeway/Expressway Phase 1 Project re: 301 N. Washington Street, Modesto, CA 95354 (APN 101-004-057), Owner: F9 Properties LLC, which acquired title as ANO, LLC, a New Hampshire Limited Liability Company.

**ACTION: Resolution 2018-375 (Kenoyer/Ridenour; 6/1; Madrigal no)** of Necessity determining that the public interest and necessity require the acquisition of real property directing the commencement of eminent domain proceedings for the State Route 132 West Freeway/Expressway Phase 1 Project re: 611 North Franklin, Modesto, CA 95351 (APN 029-015-008), Owner: Melton & Olmsted Enterprises, Inc., a California Corporation.

**ACTION: Resolution 2018-376 (Kenoyer/Ridenour; 6/1; Madrigal no)** of Necessity determining that the public interest and necessity require the acquisition of real property directing the commencement of eminent domain proceedings for the State Route 132 West Freeway/Expressway Phase 1 Project re: 350 Dakota Avenue, Modesto, CA 95358 (APN 007-024-006 & 007-024-005), Owner: Salida Hulling Association, a Non-Profit Cooperative Association.

*Published in the Modesto Bee on August 24, 2018*

16. Hearing to consider approving an increase in golf green fees at the City of Modesto Golf Courses by $2/round effective September 20, 2018, with an annual inflator of $1/round each year for the next four years, subject to annual review, and rescinding Resolution No. 2011-178. (Funding Source: Golf Enterprise Funds)
    - Resolution approving an increase in golf green fees at the City of Modesto Golf Courses by $2/round effective September 20, 2018, with an annual inflator of $1/round each year for the next four years, subject to annual review, and rescinding Resolution No. 2011-178.

    *Parks, Recreation & Neighborhoods; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Resolution 2018-377 (Ridenour/Kenoyer; 7/0)** approving an increase in golf green fees at the City of Modesto Golf Courses by $2/round effective September 20, 2018, with an annual inflator of $1/round each year for the next four years, subject to annual review, and rescinding Resolution No. 2011-178.

## NEW BUSINESS

17. Consider approving an Agreement with Proterra Inc., Greenville, SC, in an amount not to exceed $5,278,559 for five Proterra battery-electric transit buses and the installation and deployment of eight Proterra depot chargers and amending the Fiscal Year 2018-2019 Multi-Year Budget in the amount of 2,751,908. (Funding Source: Transit Funds)
    - Resolution approving an Agreement with Proterra Inc., Greenville, SC, in an amount not to exceed $5,278,559 for five Proterra battery-electric transit buses and the installation and deployment of eight Proterra depot chargers, and authorizing the City Manager, or his designee, to execute the Agreement.

- Resolution amending the Fiscal Year 2018-19 Multi-Year Budget in the amount of $2,751,908 to fund the purchase of five Proterra battery-electric transit buses and the installation and deployment of eight Proterra depot chargers, and authorizing the City Manager, or his designee, to implement the provisions of the Resolution.

*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2018-378 (Zoslocki/Ah You; 7/0)** approving an Agreement with Proterra Inc., Greenville, SC, in an amount not to exceed $5,278,559 for five Proterra battery-electric transit buses and the installation and deployment of eight Proterra depot chargers, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2018-379 (Zoslocki/Ah You; 7/0)** amending the Fiscal Year 2018-19 Multi-Year Budget in the amount of $2,751,908 to fund the purchase of five Proterra battery-electric transit buses and the installation and deployment of eight Proterra depot chargers, and authorizing the City Manager, or his designee, to implement the provisions of the Resolution.

18. Consider approving a list of projects to be funded with Measure L tax proceeds in Fiscal Year 2018-2019, including projects in the Fiscal Year 2018-2019 Capital Improvement Program and approving the related budget adjustments. (Funding Source: City Local Control Measure L Funds)
    - Resolution approving a list of projects to be funded with Measure L tax proceeds in Fiscal Year 2018-2019, including certain projects in the Fiscal Year 2018-2019 Capital Improvement Program, approving the budget adjustment for each project and earmarking future Measure L funds in the amount of $1,658,925 for a future Measure L-eligible downtown project.

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

**ACTION: Resolution 2018-380 (Zoslocki/Ah You; 7/0)** approving a list of projects to be funded with Measure L tax proceeds in Fiscal Year 2018-2019, including certain projects in the Fiscal Year 2018-2019 Capital Improvement Program, approving the budget adjustment for each project and earmarking future Measure L funds in the amount of $1,658,925 for a future Measure L-eligible downtown project. **(AMENDED re J STREET PROJECT FOR FUTURE DATE)**

19. Consider approving a Professional Services Agreement with Nossaman LLP of Los Angeles, CA in an amount not to exceed $2,000,000 to provide Eminent Domain Legal Services for State Route 132 West Freeway/Expressway Phase 1 Project and amending the Fiscal Year 2018-2019 Capital Improvement Program Budget. (Funding Source: Streets Capital Facility Fees, Regional Measure L)
    - Resolution approving a professional services agreement with Nossaman LLP of Los Angeles, California for Eminent Domain Legal Services for State Route 132 West Freeway/Expressway Phase 1 Project in an amount not to exceed $2,000,000 for the identified scope of services; and authorizing the City Manager, or his designee, to execute the contract.
    - Resolution amending the fiscal year 2018-2019 Capital Improvement Program

(CIP) Budget, project #100614 in the amount of $2,000,000 for the State Route 132 West Expressway Project.

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

**ACTION: Resolution 2018-381 (Kenoyer/Ah You; 7/0)** approving a professional services agreement with Nossaman LLP of Los Angeles, California for Eminent Domain Legal Services for State Route 132 West Freeway/Expressway Phase 1 Project in an amount not to exceed $2,000,000 for the identified scope of services; and authorizing the City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2018-382 (Kenoyer/Ah You; 7/0)** amending the fiscal year 2018-2019 Capital Improvement Program (CIP) Budget, project #100614 in the amount of $2,000,000 for the State Route 132 West Expressway Project.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 12:06 a.m.

## CLOSED SESSION

*All Closed Session Matters heard prior to meeting*

## CONSENT ITEM

1. Consider appointing Real Property Negotiators Joseph P. Lopez, City Manager and Adam U. Lindgren, City Attorney for Properties: APN:007-042-007, 007-024-001, 081-031-013, 007-024-003, 004 & 007-037-010, 101-004-063 101-004-057, 029-015-008, 007-024-006 & 007-024-005

• Motion appointing Real Property Negotiators Joseph P. Lopez, City Manager and Adam U. Lindgren, City Attorney for Properties: 007-042-007, 007-024-001, 081-031-013, 007-024-003, 004 & 007-037-010, 101-004-063 101-004-057, 029-015-008, 007-024-006 & 007-024-005. City Attorney, Adam Lindgren, 577-5284, alindgren@modestogov.com

**ACTION: Motion (Kenoyer/Ah You; 7/0)** appointing Real Property Negotiators Joseph P. Lopez, City Manager and Adam U. Lindgren, City Attorney for Properties: 007-042-007, 007-024-001, 081-031-013, 007-024-003, 004 & 007-037-010, 101-004-063 101-004-057, 029-015-008, 007-024-006 & 007-024-005.

## CLOSED SESSION

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
**One Case (Pursuant to Section 54956.9(a) of the Government Code)**
Name of case(s): Daniel Hinshaw v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ828001

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**
**(Pursuant to Section 54956.8 of the Government Code)**
Property & Property Owners:

| APN | Address | Owner Name |
|---|---|---|
| 007-042-007 | 219 Garrison Ave. Modesto, CA | Peter & Kathleen Menghetti |
| 007-024-001 | SE Corner of Kansas Ave. & Dakota Ave. Modesto, CA | David & Gail Faria |
| 101-004-063 | 216 Linden St., Modesto, CA | Crystal D. Matthews |
| 081-031-013 | 824 Dakota Avenue, Modesto, CA | Alcamo Farms, LLC |
| 007-024-003, 004 & 007-037-010 | 3643 & 3319 Maze Boulevard & Kansas Ave., Modesto, CA | Nita Wagner |
| 101-004-057 | 301 N. Washington Street, Modesto, CA | F9 Properties LLC |
| 029-015-008 | 611 North Franklin, Modesto, CA | Melton & Olmsted Enterprises, Inc. |
| 007-024-005 & 006 | 350 Dakota Avenue, Modesto, CA | Salida Hulling Association |

Negotiating Parties:
For City: James Staudinger, CPSI
Adam U. Lindgren, City Attorney

For Property Owner: Property Owners
Under Negotiation: Price and Terms

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCEA**
Negotiator: Norma Santoyo
Employee Organization: Modesto City Employees Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCMA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Confidential & Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MPOA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Officers' Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MPNSA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Non-Sworn Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) –MPMA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCFFA**
Negotiator: Norma Santoyo
Employee Organization: Modesto City Firefighters Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**
Negotiator: Norma Santoyo
Employee Organization: Unrepresented Management and Confidential Employees

Attest:_____
Stephanie Lopez, City Clerk

# MINUTES

**City of Modesto**

# SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP

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

**Monday, September 10, 2018, at 5:00 p.m.**

Roll Call – Present: Councilmembers Ah You, Ridenour, Kenoyer
Absent: None

## PUBLIC COMMENTS

None.

## CONSENT

None.

## NEW BUSINESS

1. Consider authorizing the City Manager, or his designee, to assess possible locations within the City of Modesto for a temporary Emergency Low Barrier Shelter while a permanent Access Center is developed and forwarding options to Council for consideration. (Funding Source: Not Applicable)

   *City Manager; Edgar Garcia, 571-5101, edgarcia@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** authorizing staff recommendations.

2. Consider accepting a report back to the Committee on the public feedback regarding the Rental Housing Inspection Program. (Funding Source: Not Applicable)

   *Community & Economic Development; Thomas Trimberger, 577-5242, ttrimberger@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** directing staff to bring item back to Safety & Communities Committee to develop the framework for a typical Rental Housing Safety Program based on the collection of data from different reporting agencies.

3. Consider accepting the California Outdoor Environmental Education Facilities Grant Program award in an amount of $500,000 to fund construction of the Tuolumne River Regional Park (TRRP) River Pavilion Project and amending the Fiscal Year 2018-2019 Capital Improvement Project Budget in an amount not to exceed $507,500, and forwarding to Council for approval. (Funding Source: California Outdoor Environmental Education Facilities Grant Program and TRRP CIP Funds)

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

**ACTION: MOTION (Ridenour/Kenoyer; 3/0)** accepting the California Outdoor Environmental Education Facilities Grant Program award in an amount of $500,000 to fund construction of the Tuolumne River Regional Park (TRRP) River Pavilion Project and amending the Fiscal Year 2018-2019 Capital Improvement Project Budget in an amount not to exceed $507,500, and forwarding to Council for approval.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 6:53 p.m.

Attest:_____
Joseph Lopez, City Manager

# MINUTES

City of Modesto

# CITY COUNCIL MEETING

**Chambers, Basement Level**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**
**Tuesday September 11, 2018, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
Absent: Councilmember Zoslocki

Pledge of Allegiance to the Flag

Invocation: Dwaine Breazeale, Salvation Army

City Clerk's Announcements: None

Declaration of Conflicts of Interest: Mayor Brandvold - Item 13

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

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Certificate of Recognition recognizing Community Transitional Resources for their donation of $475,000 for the purchase and remodel of a local community center. (Funding Source: Not Applicable)
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Brandvold and Councilmember Ah You presented a Certificate of Recognition to Community Transitional Resources for their donation of $475,000 for the purchase and remodel of a local community center.

## PUBLIC COMMENT PERIOD

- Doug Estes spoke regarding the Measure L Citizens' Transportation Tax Commission and supports original Ordinance.

- Sterling Fountain spoke about repairing the doors at the King-Kennedy Memorial Center; City Manager Lopez announced the project will be done in early December.

- George Russell, King-Kennedy Board of Directors, also spoke about repairing the doors at the King-Kennedy Memorial Center.

- Pastor Darius Crosby also spoke about repairing the doors at the King-Kennedy Memorial Center.

- Ruby Kennedy also spoke about repairing the doors at the King-Kennedy Memorial Center and the anniversary of September 11, 2001.

- Ron DeLoach, West Modesto People of Action Council, also spoke about repairing the doors at the King-Kennedy Memorial Center.

- Mack Wilson, Advocates for Justice, also spoke about the repairs to the doors at the King-Kennedy Memorial Center and the need for more handicapped parking spaces.

- Gladys Williams, NAACP, visited the Senior Citizens' Center today and the need for repairing the doors at the King-Kennedy Memorial Center.

- Perfecto Munoz also spoke about repairing the doors at the King-Kennedy Memorial Center and safety of his staff; requested assistance from Council before November; Councilmember Ridenour requested an update on repair of the doors at the next Council meeting and every meeting until the doors are repaired at the King-Kennedy Memorial Center.

- Dave Pratt spoke regarding the dumping of trash in Modesto; he also spoke regarding hiring of staff for slurry seal.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**
**ACTION CONSENT ITEMS 2-12: (Kenoyer/Ah You/ 6/0; Zoslocki absent)**

## 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 September 4, 2018 Council Meeting. (Funding Source: Not Applicable)
   - Motion approving the minutes from the September 4, 2018 Council Meeting.

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

**ACTION: Motion (Kenoyer/Ah You; 6/0; Zoslocki absent)** approving the minutes from the September 4, 2018 Council Meeting.

Consent
3. Consider adopting the Amended Conflict of Interest Code for the City of Modesto ("Code"), which shall establish the Conflict of Interest Code for the Citizens' Transportation Sales Tax Commission, the Districting Commission, and the Citizens'

Salary Setting Commission, and remove the City of Modesto Redevelopment Successor Agency Oversight Board and the Safer Neighborhoods Community Advisory Board from the Code. (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 No. 2016-380.

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

**ACTION: Resolution 2018-383 (Kenoyer/Ah You; 6/0; Zoslocki absent)** of the Council of the City of Modesto adopting an Amended Conflict of Interest Code for the City of Modesto and rescinding Resolution No. 2016-380.

Consent

4. Consider accepting an informational report for the July 2018 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
   - Motion accepting an informational report for the July 2018 Accounts Payable Payment Register and Void report.

   *Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 6/0; Zoslocki absent)** accepting an informational report for the July 2018 Accounts Payable Payment Register and Void report.

Consent

5. Consider accepting a donation of up to 12 LUCAS Chest Compression devices from the Mountain-Valley EMS Agency system enhancement funds. (Funding Source: General Fund – Fire Department Operating Budget for Maintenance Only after 5 years)
   - Resolution accepting a donation of up to 12 LUCAS Chest Compression devices from the Mountain-Valley EMS Agency system enhancement funds.

   *Fire; Tim Tietjen, 572-9869, ttietjen@modestofire.com*

**ACTION: Resolution 2018-384 (Kenoyer/Ah You; 6/0; Zoslocki absent)** accepting a donation of up to 12 LUCAS Chest Compression devices from the Mountain-Valley EMS Agency system enhancement funds.

Consent

6. Consider approving Legal Services Agreements with the Law Office of Terry Roemer, Oakland, CA; Shaw Law Group, PC, Sacramento, CA; and Amy Oppenheimer, Berkeley, CA to conduct citywide Administrative Investigations on an as needed basis and Consultant Agreements with Robert Sarhad Investigations, Turlock, CA; Armistead Research and Investigations, Pinole, CA; Dave Young and Associates, Hughson, CA, Municipal Resource Group, LLC, Wilton, CA and DR Associates International, Davis, CA, for conducting citywide Administrative Investigations on an as needed basis, for two year Agreements in an amount not to exceed $100,000 each. (Funding Source: Various depending on subject of the investigation)
   - Resolution approving Legal Services Agreements with the Law Office of Terry Roemer, Oakland, CA; Shaw Law Group, PC, Sacramento, CA; and Amy Oppenheimer, Berkeley, CA to conduct citywide Administrative Investigations on

an as needed basis and Consultant Agreements with Robert Sarhad Investigations, Turlock, CA; Armistead Research and Investigations, Pinole, CA; Dave Young and Associates, Hughson, CA, Municipal Resource Group, LLC, Wilton, CA and DR International, Davis, CA, for conducting citywide Administrative Investigations on an as needed basis, for two year Agreements in an amount not to exceed $100,000 each, and authorizing the City Manager, or his designee, to execute the Agreements.

*Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION: Resolution 2018-385 (Kenoyer/Ah You; 6/0; Zoslocki absent)** approving Legal Services Agreements with the Law Office of Terry Roemer, Oakland, CA; Shaw Law Group, PC, Sacramento, CA; and Amy Oppenheimer, Berkeley, CA to conduct citywide Administrative Investigations on an as needed basis and Consultant Agreements with Robert Sarhad Investigations, Turlock, CA; Armistead Research and Investigations, Pinole, CA; Dave Young and Associates, Hughson, CA, Municipal Resource Group, LLC, Wilton, CA and DR International, Davis, CA, for conducting citywide Administrative Investigations on an as needed basis, for two year Agreements in an amount not to exceed $100,000 each, and authorizing the City Manager, or his designee, to execute the Agreements.

Consent

7. Consider approving a Legal Services Agreement with Sloan Sakai Yeung & Wong, LLP to assist with labor negotiations, for an annual amount not to exceed $100,000 for a two year term, and a total amount not to exceed $200,000. (Funding Source: Employee Benefits Fund)
   - Resolution approving a Legal Services Agreement with Sloan Sakai Yeung & Wong, LLP to assist with labor negotiations, for an annual amount not to exceed $100,000 for a two year term, and a total amount not to exceed $200,000, and authorizing the City Manager, or his designee, to execute the Agreement.

   *Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION: Resolution 2018-386 (Kenoyer/Ah You; 6/0; Zoslocki absent)** approving a Legal Services Agreement with Sloan Sakai Yeung & Wong, LLP to assist with labor negotiations, for an annual amount not to exceed $100,000 for a two year term, and a total amount not to exceed $200,000, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

8. Consider approving an amendment to the Classification Plan and Class Range Table for Represented Management and Confidential Non-Sworn Classes to reallocate 1 Administrative Services Officer from the Information Technology Department to 1 Organizational Development Coordinator in the Human Resources Department; reallocate 2 Police Technician allocations to 2 Crime Analyst allocations in the Police Department; an amendment to the Safety Officer job specification, and move the Solid Waste Enforcement Supervisor from salary range 440 to 434 to align with similar positions within the department and City. (Funding Source: Various Funds)
   - Resolution amending the Class Range Table for Represented Management and Confidential Non-Sworn Classes.

- Resolution amending the Classification Plan for the City of Modesto to amend the classification of Solid Waste Enforcement Supervisor, reallocate the Administrative Services Officer and two Police Technicians.
- Resolution amending the Position Allocation for Fiscal Year 2018-19 as adopted in the Operating Budget for Administrative Services Officer and Police Technician.

*Human Resources; Norma Santoyo, 571-1526, nsantoyo@modestogov.com*

**ACTION: Resolution 2018-387 (Kenoyer/Ah You; 6/0; Zoslocki absent)** amending the Class Range Table for Represented Management and Confidential Non-Sworn Classes.

**ACTION: Resolution 2018-388 (Kenoyer/Ah You; 6/0; Zoslocki absent)** amending the Classification Plan for the City of Modesto to amend the classification of Solid Waste Enforcement Supervisor, reallocate the Administrative Services Officer and two Police Technicians.

**ACTION: Resolution 2018-389 (Kenoyer/Ah You; 6/0; Zoslocki absent)** amending the Position Allocation for Fiscal Year 2018-19 as adopted in the Operating Budget for Administrative Services Officer and Police Technician.

Consent

9. Consider approving a Memorandum of Agreement with Stanislaus County for a joint application for funding in the amount of $177,835 through the Edward Byrne Justice Assistance Grant (JAG) Formula Program. (Funding Source: Grants - Police)
   - Resolution approving a Memorandum of Agreement with Stanislaus County for a joint application for funding in the amount of $177,835 through the Edward Byrne Justice Assistance Grant (JAG) Formula Program; and authorizing the City Manager, or his designee, to execute the Memorandum of Agreement.

   *Police; Galen Carroll, 572-9501, carrollg@modestopd.com*

**ACTION: Resolution 2018-390 (Kenoyer/Ah You; 6/0; Zoslocki absent)** approving a Memorandum of Agreement with Stanislaus County for a joint application for funding in the amount of $177,835 through the Edward Byrne Justice Assistance Grant (JAG) Formula Program; and authorizing the City Manager, or his designee, to execute the Memorandum of Agreement.

Consent

10. Consider accepting the Office of Traffic Safety 2019 Selective Traffic Enforcement Program (STEP) Grant in the amount of $430,000 and amending the Fiscal Year 2018-19 Operating and Multi-Year budget. (Funding Source: Grants - Police)
    - Resolution accepting the 2019 Selective Traffic Enforcement Program Grant in the amount of $430,000 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 designee to execute the necessary documents.
    - Resolution amending the Fiscal Year 2018-2019 Operating and Multi-Year Budget to appropriate revenue and expenses in the amount of $430,000 related to the Selective Traffic Enforcement Program Grant to Increase Enforcement for Speed, DUI, and Other Special Traffic Enforcement Operations.

*Police; Galen Carroll, 572-9501, carrollg@modestopd.com*

**ACTION: Resolution 2018-391 (Kenoyer/Ah You; 6/0; Zoslocki absent)** accepting the 2019 Selective Traffic Enforcement Program Grant in the amount of $430,000 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 designee to execute the necessary documents.

**ACTION: Resolution 2018-392 (Kenoyer/Ah You; 6/0; Zoslocki absent)** amending the Fiscal Year 2018-2019 Operating and Multi-Year Budget to appropriate revenue and expenses in the amount of $430,000 related to the Selective Traffic Enforcement Program Grant to Increase Enforcement for Speed, DUI, and Other Special Traffic Enforcement Operations.

Consent

11. Consider approving a Purchasing Agreement with Fastenal Company Inc., Winona, MN, by utilizing the competitive bid process with National Intergovernmental Purchasing Alliance (National IPA), University of California, Office of the President, for industrial vending machine supplies, for a two-year Agreement with three one-year extension options, for an annual cost not to exceed $283,900, and a total amount not to exceed $1,419,500 over five years. (Funding Source: Wastewater, Water, General, Forestry, Compost, Storm Drain and Fleet Funds)
    - Resolution approving a Purchasing Agreement with Fastenal Company Inc., Winona, MN, by utilizing the National Intergovernmental Purchasing Alliance, University of California, Office of the President, for industrial vending machine supplies, for a two-year Agreement with three one-year extension options, for an annual cost not to exceed $283,900, and a total amount not to exceed $1,419,500 over five years and authorizing the Purchasing Manager, or her designee, to issue the Purchase Agreement.

    *Utilities; Robert Englent, 577-6222, renglent@modestogov.com*

**ACTION: Resolution 2018-393 (Kenoyer/Ah You; 6/0; Zoslocki absent)** approving a Purchasing Agreement with Fastenal Company Inc., Winona, MN, by utilizing the National Intergovernmental Purchasing Alliance, University of California, Office of the President, for industrial vending machine supplies, for a two-year Agreement with three one-year extension options, for an annual cost not to exceed $283,900, and a total amount not to exceed $1,419,500 over five years and authorizing the Purchasing Manager, or her designee, to issue the Purchase Agreement.

Consent

12. Consider approving an increase of $73,710 to the Purchasing Agreement with East Bay Municipal Utility District, Oakland, CA, for the disposal of gray water, for a new Agreement total amount not to exceed $208,710. (Funding Source: Water Fund)
    - Resolution approving an increase of $73,710 to the Purchasing Agreement with East Bay Municipal Utility District, Oakland, CA, for the disposal of gray water, for a new Agreement total amount not to exceed $208,710, and authorizing the Purchasing Manager, or her designee, to increase the Purchase Agreement.

    *Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Resolution 2018-394 (Kenoyer/Ah You; 6/0; Zoslocki absent)** approving an increase of $73,710 to the Purchasing Agreement with East Bay Municipal Utility District, Oakland, CA, for the disposal of gray water, for a new Agreement total amount not to exceed $208,710, and authorizing the Purchasing Manager, or her designee, to increase the Purchase Agreement.

## COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer attended the following events: Friday - Gospel Mission 7 year anniversary; Saturday – her 65th High School Reunion; today - September 11, 2001 ceremony at Fire Station 1.

Councilmember Madrigal - **ACTION: Motion (Madrigal/Ah You; 6/0; Zoslocki absent)** directing staff to agendize for next City Council meeting and each subsequent City Council meeting the placement of an update regarding repair of the doors at King-Kennedy Memorial Center until they are complete.

## CITY MANAGER COMMENTS & REPORTS

None.

## HEARINGS

*Published in the Modesto Bee on August 29, 2018; Mayor Brandvold absent due to conflict of interest*

13. Consider rezoning 0.2 acres of property located at 405 and 409 E. Orangeburg Avenue from Medium Density Residential (R-2) Zone and Professional Office (P-O) Zone to Medium High Density Residential (R-3) Zone. (Funding Source: Not Applicable )
    - Motion introducing and waiving the first reading of an Ordinance amending Section 21-3-9 of the Zoning Map to rezone 0.2 acres from Medium Density Residential (R-2) Zone and Professional Office (P-O) Zone to Medium High Density Residential (R-3) Zone, property located at 405 and 409 E. Orangeburg Avenue (Simvoulakis).
    - 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): rezone 0.2 acres from Medium Density Residential (R-2) Zone and Professional Office (P-O) Zone to Medium High Density Residential (R-3) Zone, property located at 405 and 409 E. Orangeburg Avenue (Simvoulakis).

    *Community & Economic Development; Katharine Martin, 577-5465, kamartin@modestogov.com*

**ACTION: Motion (Ridenour/Ah You; 4/1; Grewal no; Mayor Brandvold absent due to conflict of interest; Zoslocki absent)** introducing and waiving the first reading of **Ordinance No. 3688-C.S.** amending Section 21-3-9 of the Zoning Map to rezone 0.2 acres from Medium Density Residential (R-2) Zone and Professional Office (P-O) Zone to Medium High Density

Residential (R-3) Zone, property located at 405 and 409 E. Orangeburg Avenue (Simvoulakis).

**ACTION: Resolution 2018-395 (Ridenour/Ah You; 4/1; Grewal no; Mayor Brandvold absent due to conflict of interest; Zoslocki absent)** 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): rezone 0.2 acres from Medium Density Residential (R-2) Zone and Professional Office (P-O) Zone to Medium High Density Residential (R-3) Zone, property located at 405 and 409 E. Orangeburg Avenue (Simvoulakis).

*Recess at 7:41 p.m.*
*Reconvened at 7:52 p.m.*

## NEW BUSINESS

14. Consider accepting the Annual Investment Report for Fiscal Year 2017-2018. (Funding Source: Not Applicable)
    - Motion accepting the Annual Investment Report for Fiscal Year 2017-18.

    *Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Ridenour/Grewal; 6/0; Zoslocki absent)** accepting the Annual Investment Report for Fiscal Year 2017-18.

15. Consider approving an increase to the payment amount for various equipment maintenance Agreements for Fiscal Year 2018-2019 with multiple equipment manufacturers for all City Departments, by $41,393 for an annual cost not to exceed from $492,490 to $533,883; and authorizing the City Manager, or his designee to execute routine renewal Agreements associated with the items in Exhibit B – Fiscal Year 2018-2019 Equipment Maintenance Agreements (more than $50,000). (Funding Source: Various Funds)
    - Resolution approving an increase to the payment amount of various equipment maintenance Agreements for Fiscal Year 2018-2019 with multiple equipment manufacturers for all City Departments by $41,393 for an annual cost not to exceed from $492,490 to $533,883; and authorizing the City Manager, or his designee, to execute routine renewal Agreements associated with Exhibit B.

    *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Resolution 2018-396 (Kenoyer/Ah You; 6/0; Zoslocki absent)** approving an increase to the payment amount of various equipment maintenance Agreements for Fiscal Year 2018-2019 with multiple equipment manufacturers for all City Departments by $41,393 for an annual cost not to exceed from $492,490 to $533,883; and authorizing the City Manager, or his designee, to execute routine renewal Agreements associated with Exhibit B.

16. Consider approving an increase to the amount approved for the payment of hardware and software maintenance support Agreements for Fiscal Year 2018-2019 by $401,411 for an annual cost not to exceed from $4,852,275 to $5,253,686; and authorizing the

City Manager, or his designee to execute routine renewal Agreements associated with the items in Exhibit B - Hardware/ Software Maintenance Support Agreements for Fiscal Year 2018-2019 (Over $50,000), including Agreements where the vendor name has changed but the product has not changed. (Funding Source: Information Technology Fund and Various Funds)

- Resolution approving an increase to the amount approved for the payment of hardware and software maintenance support Agreements for Fiscal Year 2018-2019 by $417,041 for an annual cost not to exceed from $4,852,275 to $5,269,316; and authorizing the City Manager, or his designee, to execute routine renewal Agreements associated with Exhibit B, including Agreements where the vendor name has changed.

*Information Technology; Charlie Haase, 577-5229, chaase@modestogov.com*

**ACTION: Resolution 2018-397 (Ridenour/Grewal; 6/0; Zoslocki absent)** approving an increase to the amount approved for the payment of hardware and software maintenance support Agreements for Fiscal Year 2018-2019 by **$401,411** for an annual cost not to exceed from $4,852,275 to **$5,253,686**; and authorizing the City Manager, or his designee, to execute routine renewal Agreements associated with Exhibit B, including Agreements where the vendor name has changed.

17. Consider approving the submission of the Transportation Development Act Transit Claim for Fiscal Year 2018-2019 to the Stanislaus Council of Governments in the amount of $2,668,246 for improvements to the Transportation Center for Modesto Area Express customers and the future operation of the Altamont Corridor Express to Modesto, and amending the Fiscal Year 2018-2019 budget in the amount of $2,668,246. (Funding Source: Transportation Development Act Funds)

    - Resolution approving the submission of the City's Transportation Development Act (TDA) Transit Claim for Transportation Center improvements for Fiscal Year 2018-19 to the Stanislaus Council of Governments (StanCOG) in the amount of $2,668,246.
    - Resolution authorizing a budget adjustment amending Fiscal Year 2018-19 Operating Budget in the amount of $2,668,246 to fund improvements to the Transportation Center in preparation for the Altamont Corridor Express (ACE) and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

    *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2018-398 (Madrigal/Grewal; 6/0 Zoslocki absent)** approving the submission of the City's Transportation Development Act (TDA) transit claim for Transportation enter Improvements for Fiscal year 2018-19 to the Stanislaus Council of Governments (StanCOG) in the amount of **$4,069,996**

**ACTION: Resolution 2018-399 (Madrigal/Grewal; 6/0; Zoslocki absent)** authorizing a budget adjustment amending Fiscal Year 2018-19 Operating Budget in the amount of **$4,069,996** to fund improvements to the Transportation Center in preparation for the Altamont Corridor Express (ACE) and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 8:40 p.m.; Special City Council meeting began at 8:40 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(d)(1) of the Government Code)**
Name of case: County of Stanislaus v. City of Modesto (Geer Rd. Landfill)
Case No. 667396

Attest:_____
Stephanie Lopez, City Clerk

# MINUTES

City of Modesto

# SPECIAL CITY COUNCIL MEETING

**Chambers, Basement Level**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**
**Tuesday September 11, 2018, at 5:45 p.m.**

Roll Call – Present: Councilmembers Absent: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
Absent: Councilmember Zoslocki

## PUBLIC COMMENT PERIOD

None.

## NEW BUSINESS

1. Consider approving former well site 19 as surplus property, and recommending sale of the property to G3 Enterprises, Inc., in the amount of $35,002, and declaring the former well site 32 as exempt surplus property, and recommending sale of this property, to Michael T. Eyerly and Luanna K. Eyerly, husband and wife, in the amount of $30,000. (Funding Source: Not Applicable)
   - Resolutions approving former well site 19 as surplus property, and recommending sale of this property to G3 Enterprises, Inc., in the amount of $35,002, and declaring former well site 32 as exempt surplus property, and recommending sale of this property, to Michael T. Eyerly and Luanna K. Eyerly, husband and wife, in the amount of $30,000. (RESOLUTIONS TO BE PROVIDED AT COUNCIL MEETING)

   *Utilities; Jon Yuriar, 577-5399, jyuriar@modestogov.com*

**ACTION: Resolution 2018-400 (Ah You/Ridenour; 6/0; Zoslocki absent) approving a Purchase and Sale Agreement with Escrow Instructions with G3 Enterprises, Inc., a Delaware corporation, in the amount of $15,000 for a surplus property located at 705 E. Whitmore Ave (APN 086-014-006) and authorizing the City manager, or his designee, to execute the Grant Deed and all sale documents required to close escrow.**

**ACTION: Resolution 2018-401 (Ah You/Ridenour; 6/0; Zoslocki absent) declaring a city-owned parcel as surplus property located at 705 E. Whitmore Avenue (APN 086-014-006).**

**ACTION: Resolution 2018-402 (Ah You/Ridenour; 6/0; Zoslocki absent) approving a Purchase and Sale Agreement with Escrow Instructions with Michael T. Eyerly and**

**Luanna K. Eyerly, in the amount of $30,000 for a surplus property located at Fairbairn Drive (APN 067-029-032) and authorizing the City Manager, or his designee, to execute the Grant Deed and all sale documents required to close escrow.**

**ACTION: Resolution 2018-403 (Ah You/Ridenour; 6/0; Zoslocki absent) declaring a city-owned parcel as surplus property located on Fairbairn Drive (APN 067-029-032).**

## MATTERS TOO LATE FOR THE AGENDA

Councilmember Kenoyer announced she will be undergoing treatment for lung cancer.

## ADJOURNMENT

This Special City Council meeting adjourned at 8:52 p.m.

Attest:_____
Stephanie Lopez, City Clerk

# MINUTES

**City of Modesto**

# ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP

**Second Floor, Room 2008**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**

**Wednesday, September 19, 2018, at 2:00 p.m.**

Roll Call: Present: Mayor Brandvold, Councilmember Madrigal, Councilmember Ridenour (alternate)
Absent: Zoslocki

## PUBLIC COMMENTS

None.

## CONSENT

*Consent*

1. Consider approving a Second Amendment to the Agreement with Associated Right of Way Services for additional right of way services for the Hetch Hetchy and Claratina Avenue Structural Crossing Project for a total increased Agreement amount of $57,585 and forwarding to Council for approval. (Funding Source: Streets Capital Facility Fees)

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

**ACTION: Motion (Ridenour/Madrigal; 3/0)** approving a Second Amendment to the Agreement with Associated Right of Way Services for additional right of way services for the Hetch Hetchy and Claratina Avenue Structural Crossing Project for a total increased Agreement amount of $57,585 and forwarding to Council for approval.

Consent

2. Consider approving the Destination Modesto Report for the Fourth Quarter – Fiscal Year 2017-18 and forwarding to Council for approval. (Funding Source: Transient Occupancy Tax)

*Parks, Recreation & Neighborhoods; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Motion (Madrigal/Ridenour; 3/0)** approving the Destination Modesto Report for the Fourth Quarter – Fiscal Year 2017-18 and forwarding to Council for approval.

Consent

3. Consider amending Purchase Order No. 134219 with McCain Inc., Vista, CA, for the purpose of upgrading conflict monitors to Ethernet conflict monitors under Resolution 2018-57 by increasing the total amount by $8,091 for a new agreed lump sum of $468,661, and forwarding to Council for approval. (Funding Source: Measure L Funds)

   *Public Works; Mark Murphy, 577-5214, mmurphy@modestogov.com*

**ACTION: Motion (Madrigal/Ridenour; 3/0)** amending Purchase Order No. 134219 with McCain Inc., Vista, CA, for the purpose of upgrading conflict monitors to Ethernet conflict monitors under Resolution 2018-57 by increasing the total amount by $8,091 for a new agreed lump sum of $468,661, and forwarding to Council for approval.

Consent

4. Consider introducing and waiving the first reading of an Ordinance adding Section 3-2.1206 to Title 3, "Public Safety", Chapter 2, Article 12, of the Modesto Municipal Code related to Restriction or Prohibition of commercial parking on the east side of 11th Street between J and K, and forwarding to Council for approval. (Funding Source: Surface Transportation Fund - Traffic Operations)

   *Public Works; Mark Murphy, 577-5468, mmurphy@modestogov.com*

**ACTION: Motion (Madrigal/Ridenour; 3/0)** introducing and waiving the first reading of an Ordinance adding Section 3-2.1206 to Title 3, "Public Safety", Chapter 2, Article 12, of the Modesto Municipal Code related to Restriction or Prohibition of commercial parking on the east side of 11th Street between J and K, and forwarding to Council for approval.

Consent

5. Consider approving Amendment No. 3 to Agreement 10-397 between the City of Modesto and California Department of Transportation for the State Route 99 and Pelandale Avenue Interchange Reconstruction Project, and forwarding to Council for approval. (Funding Source: CIP 100786-CED.Land Development Engineering – State

Route 99 Proposition 1B Bond Savings)

*Public Works; Bill Sandhu, 341-2906, bsandhu@modestogov.com*

**ACTION: Motion (Madrigal/Ridenour; 3/0)** approving Amendment No. 3 to Agreement 10-397 between the City of Modesto and California Department of Transportation for the State Route 99 and Pelandale Avenue Interchange Reconstruction Project, and forwarding to Council for approval.

Consent

6. Consider approving the January and July 2019 Modesto Area Express route updates, and forwarding to Council for approval. (Funding Source: Transit Funds)

   *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Madrigal/Ridenour; 3/0)** approving the January and July 2019 Modesto Area Express route updates, and forwarding to Council for approval.

Consent

7. Consider a blanket approval to submit grant applications with the Federal Transit Administration for operations and capital formula funding and forwarding to Council for approval. (Funding Source: Federal Transit Administration Section 5307 and 5339)

   *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Madrigal/Ridenour; 3/0)** approving a blanket approval to submit grant applications with the Federal Transit Administration for operations and capital formula funding and forwarding to Council for approval.

Consent

8. Consider approving a Purchasing Agreement with West Coast Sand and Gravel, Inc., Buena Park, CA, for pea gravel for a two-year Agreement with three one-year extension options, for an annual cost not to exceed $61,000 and a total amount not to exceed $305,000 over five years, and forwarding to Council for approval. (Funding Source: Storm Drain Fund)

   *Utilities; Robert Englent, 577-6222, renglent@modestogov.com*

**ACTION: Motion (Madrigal/Ridenour; 3/0)** approving a Purchasing Agreement with West Coast Sand and Gravel, Inc., Buena Park, CA, for pea gravel for a two-year Agreement with three one-year extension options, for an annual cost not to exceed $61,000 and a total amount

not to exceed $305,000 over five years, and forwarding to Council for approval.

Consent

9. Consider approving a Purchasing Agreement with Subsite, LLC, Petaluma, CA, by utilizing the competitive bid process with the Houston-Galveston Area Council Cooperative Purchasing Program (HGACBuy), for a Closed Circuit Television (CCTV) equipment retrofit, for a cost not to exceed $127,040 and forwarding to Council for approval. (Funding Source: Wastewater Fund)

   *Utilities; Robert Englent, 577-6222, renglent@modestogov.com*

**ACTION: Motion (Madrigal/Ridenour; 3/0)** approving a Purchasing Agreement with Subsite, LLC, Petaluma, CA, by utilizing the competitive bid process with the Houston-Galveston Area Council Cooperative Purchasing Program (HGACBuy), for a Closed Circuit Television (CCTV) equipment retrofit, for a cost not to exceed $127,040 and forwarding to Council for approval.

*Consent*

10. Consider former well site 19 as surplus property, and recommending sale of this property to G3 Enterprises, Inc., in the amount of $35,002, and declaring former well site 32 as exempt surplus property, and recommending sale of this property, to Michael T. Eyerly and Luanna K. Eyerly, husband and wife, in the amount of $30,000, and forwarding to Council for approval. (Funding Source: Water Services Sales of Fixed Assets)

    *Utilities; Jon Yuriar, 577-5399, jyuriar@modestogov.com*

**ACTION: Item went to Council for approval on September 11, 2018.**

Consent

11. Consider approving On-Call Environmental Site Assessment Services Agreements with ATC Group Services and Ground Zero Analysis, Inc., in an annual amount not to exceed $45,000, with two one-year extension options per Agreement, and a total not to exceed of $135,000 per Agreement and forwarding to Council for approval. (Funding Source: Various Capital Improvement Program Projects)

    *Utilities; Tamorah Bryant, 577-5205, tbryant@modestogov.com*

**ACTION: Motion (Madrigal/Ridenour; 3/0)** approving On-Call Environmental Site Assessment Services Agreements with ATC Group Services and Ground Zero Analysis, Inc., in

an annual amount not to exceed $45,000, with two one-year extension options per Agreement, and a total not to exceed of $135,000 per Agreement and forwarding to Council for approval.

## NEW BUSINESS

12. Consider approving the award of bid and Agreement for an on-call electrical service to Central Valley Electric, Modesto, CA, for a two-year Agreement with three one-year extension options, for an estimated annual cost not to exceed $130,000, and $650,000 over five years, and forwarding to Council for approval. (Funding Source: Surface Transportation Fund, General Fund (Parks), Building Services Fund, and Utilities Fund)

    *Public Works; Mark Murphy, 577-5468, mmurphy@modestogov.com*

**ACTION: Motion (Ridenour/Madrigal; 3/0)** approving the award of bid and Agreement for an on-call electrical service to Central Valley Electric, Modesto, CA, for a two-year Agreement with three one-year extension options, for an estimated annual cost not to exceed $130,000, and $650,000 over five years, and forwarding to Council for approval.

13. Consider approving the Transit Asset Management Plan that will provide for better efficiency in asset planning and reporting as required by the Federal Transit Administration, and forwarding to Council for approval. (Funding Source: Transit Funds)

    *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Madrigal/Ridenour; 3/0)** approving the Transit Asset Management Plan that will provide for better efficiency in asset planning and reporting as required by the Federal Transit Administration, and forwarding to Council for approval.

14. Consider approving the submission of a project list for Senate Bill 1 also known as the Road Repair and Accountability Act of 2017 for the Modesto Area Express bus system and forwarding to Council for approval. (Funding Source: Transportation Development Act Funds)

    *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Ridenour/Madrigal; 3/0)** approving the submission of a project list for Senate Bill 1 also known as the Road Repair and Accountability Act of 2017 for the Modesto Area Express bus system and forwarding to Council for approval.

## MATTERS TOO LATE FOR THE AGENDA

The Committee directed staff to bring a report back/update on an Economic Development Strategy.

## ADJOURNMENT

This meeting adjourned at 2:29 p.m.

Attest:_____
Joseph Lopez, City Manager

# MINUTES

**City of Modesto**

# SPECIAL FINANCE COMMITTEE / COUNCIL WORKSHOP

**Second Floor, Room 2008**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**

**Monday, September 24, 2018, at 3:00 p.m.**

Roll Call: Present: Councilmembers Grewal, Ah You (arrived at 3:01 p.m.), and Zoslocki
Absent: None
Also Present: Councilmember Ridenour

## PUBLIC COMMENTS

None.

## CONSENT

Consent

1. Consider approving the amendment of an extension of termination date with West Coast Sand and Gravel, Inc., Modesto, CA for an additional two one-year extension options for the purchase of slurry rock and forwarding to Council for approval. (Funding Source: Surface Transportation Fund)

   *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Zoslocki/Ridenour; 3/0)** approving the amendment of an extension of termination date with West Coast Sand and Gravel, Inc., Modesto, CA for an additional two one-year extension options for the purchase of slurry rock and forwarding to Council for approval.

Consent

2. Consider approving the recommended budget adjustments to Fiscal Year 2017-18 and Fiscal Year 2018-19 Annual Operating and Capital Improvement Project Budget and forwarding to Council for approval. (Funding Source: Various Funds)

   *Finance; Kaceey Culbertson, 577-5479, kculbertson@modestogov.com*

**ACTION: Motion (Zoslocki/Ridenour; 3/0)** approving the recommended budget adjustments to Fiscal Year 2017-18 and Fiscal Year 2018-19 Annual Operating and Capital Improvement

Project Budget and forwarding to Council for approval.

Consent

3. Consider approving a Sole Source Purchasing Agreement with Paymentus Corporation, Charlotte, NC, for a payment gateway and online customer service portal for utility billing and miscellaneous accounts receivables, for an annual cost not to exceed $332,000 with three one-year extension options for a total not to exceed $1,660,000 for five years and forwarding to Council for approval. (Funding Source: Water, Wastewater, Storm Drain Funds)

   *Finance; Jeni Martin, 571-5892, jmartin@modestogov.com*

**ACTION: Motion (Zoslocki/Ridenour; 3/0)** approving a Sole Source Purchasing Agreement with Paymentus Corporation, Charlotte, NC, for a payment gateway and online customer service portal for utility billing and miscellaneous accounts receivables, for an annual cost not to exceed $332,000 with three one-year extension options for a total not to exceed $1,660,000 for five years and forwarding to Council for approval.

Consent

4. Consider approving Professional Services Agreements with Ralph Andersen & Associates, Rocklin, CA; CPS HR Consulting, Inc., Sacramento, CA; Neher and Associates, West Sacramento, CA; and Koff and Associates, Berkeley, CA, to conduct citywide executive recruitment services on an as needed basis, for a two year Agreement with three one-year extension options at the sole discretion of the City, in an amount not to exceed $300,000 over five years and forwarding to Council for approval. (Funding Source: Various Funds)

   *Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION: Motion (Zoslocki/Ridenour; 3/0)** approving Professional Services Agreements with Ralph Andersen & Associates, Rocklin, CA; CPS HR Consulting, Inc., Sacramento, CA; Neher and Associates, West Sacramento, CA; and Koff and Associates, Berkeley, CA, to conduct citywide executive recruitment services on an as needed basis, for a two year Agreement with three one-year extension options at the sole discretion of the City, in an amount not to exceed $300,000 over five years and forwarding to Council for approval.

Consent

5. Consider approving an Agreement Consenting to Common Use, and a License Agreement with Modesto Irrigation District (MID) to install improvements for the Empire Sewer Trunk Replacement Project, and forwarding to Council for approval. (Funding Source: : Wastewater CIP 100641)

   *Utilities; Jon Yuriar, 577-5399, jyuriar@modestogov.com*

**ACTION: Motion (Zoslocki/Ridenour; 3/0)** approving an Agreement Consenting to Common Use, and a License Agreement with Modesto Irrigation District (MID) to install improvements for the Empire Sewer Trunk Replacement Project, and forwarding to Council for approval.

**NEW BUSINESS**

6. Consider approving various purchases with Adesa Golden Gate Auction of Tracy, CA and Enterprise Vehicle Exchange of Modesto, CA for a two year term, for an annual replacement vehicle acquisition cost not to exceed $361,000 with a total cost not to exceed $722,000 split equally between the two vendors over two years, and forwarding to Council for approval. (Funding Source: Various Funds)

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

**ACTION: Motion (Zoslocki/Ridenour; 3/0)** approving various purchases with Adesa Golden Gate Auction of Tracy, CA and Enterprise Vehicle Exchange of Modesto, CA for a two year term, for an annual replacement vehicle acquisition cost not to exceed $361,000 with a total cost not to exceed $722,000 split equally between the two vendors over two years, and forwarding to Council for approval.

7. Consider approving a Purchasing Agreement by utilizing i.e. “piggybacking” a competitively bid contract with the State of California for fleet tire purchases between three vendors based on availability, cost and needs at the time of purchase, for an overall annual cost of $290,000 with a total cost not to exceed $1,400,000 over a five year period, and forwarding to Council for approval. (Funding Source: Fleet Maintenance Funds)

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

**ACTION: Motion (Ah You/Zoslocki; 3/0)** approving a Purchasing Agreement by utilizing i.e. “piggybacking” a competitively bid contract with the State of California for fleet tire purchases between three vendors based on availability, cost and needs at the time of purchase, for an overall annual cost of $290,000 with a total cost not to exceed $1,400,000 over a five

year period, and forwarding to Council for approval.

8. Consider approving a First Amendment to the Services Agreement with ThyssenKrupp Elevator Corp. for elevator maintenance and repair, in the amount of $150,560, for a new total not to exceed $383,960 over five years, and forwarding to Council for approval. (Funding Source: Parking Services Fund, General Fund, Building Services Fund, TSP/JPA Fund)

   *Public Works; Patricia Morrison, 342-4578, pmorrison@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; 3/0)** approving a First Amendment to the Services Agreement with ThyssenKrupp Elevator Corp. for elevator maintenance and repair, in the amount of $150,560, for a new total not to exceed $383,960 over five years, and forwarding to Council for approval.

9. Consider approving the quarterly fuel adjustments to the maximum rate schedule for City solid waste collection services for an increase of $0.22 per month for residential services and an increase of $0.20 per cubic yard per month for commercial services, to become effective October 1, 2018, and rescinding Resolution No. 2018-241 for the July 1, 2018 quarterly fuel adjustment, and Resolution No. 2018-242 for the July 1, 2018 annual rate adjustment to the maximum rate schedule, and forwarding to Council for approval. (Funding Source: Solid Waste Fund)

   *Public Works; Karin Neep, 577-5453, kneep@modestogov.com*

**ACTION: Motion (Ah You/Zoslocki; 3/0)** approving the quarterly fuel adjustments to the maximum rate schedule for City solid waste collection services for an increase of $0.22 per month for residential services and an increase of $0.20 per cubic yard per month for commercial services, to become effective October 1, 2018, and rescinding Resolution No. 2018-241 for the July 1, 2018 quarterly fuel adjustment, and Resolution No. 2018-242 for the July 1, 2018 annual rate adjustment to the maximum rate schedule, and forwarding to Council for approval.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 3:11 p.m.

Attest:_____
Joseph Lopez, City Manager

# MINUTES

City of Modesto

## CITY COUNCIL MEETING

**Chambers, Basement Level**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**
**Tuesday September 25, 2018, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
Absent: None

Pledge of Allegiance to the Flag

Invocation: Lyn Crase, Emmanuel Lutheran Church

City Clerk's Announcements: None

Declaration of Conflicts of Interest: Mayor Brandvold - Item 3

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

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of the City of Modesto's Business Recycling Awards on Tuesday, September 25, 2018. (Funding Source: Not Applicable)
*Public Works; Vicki Rice, 577-5495, vrice@modestogov.com*

**ACTION:** Vicki Rice, Recycling Program Coordinator, presented the City of Modesto's Business Recycling Awards.

### PUBLIC COMMENT PERIOD

- Wayne Bridegroom, Modesto Police Clergy Council, spoke in favor of the Paradise Road Project.

- Edgar Garibay, Tuolumne River Trust, spoke regarding Beard Brook Park, Modesto Recreation Festival and homeless in Modesto.

- Meg Gonzales, Tuolumne River Trust, spoke regarding the homeless in Beard Brook Park.

- Susan Beasley spoke regarding the 27th International Festival on Saturday, October 6,

2018 at Modesto Junior College East on College Avenue.

- Howard Carman spoke regarding crime in Modesto and the Modesto Police Department.

- Virginia Hammond spoke regarding not receiving services in her area and Highway 132 Project.

- Dave Pratt spoke regarding the October 25, 2018 "Stand Down" Event for homeless Veterans; tomorrow there will be the "Pack the Backpacks" event at the Stanislaus Veterans Center.

- Chris Guptil, Operation 9 to 99, will assist the City with picking up shopping carts; he also spoke regarding the Operation 9 to 99 monthly river clean-ups, volunteers, and tons of garbage removed from trails and river areas.

- Kevin McCarty spoke regarding attracting employers to Modesto.

- Juan Telles spoke regarding the Tuolumne River and homeless in Modesto.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**
**ACTION CONSENT ITEMS 2; 4-19: (Kenoyer/Grewal; 7/0)**
**ACTION CONSENT ITEM 3: (Kenoyer/Grewal; 6/0; Mayor Brandvold 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 September 11, 2018 Council Meeting and September 11, 2018 Special Council meeting. (Funding Source: Not Applicable)
   - Motion approving the minutes from the September 11, 2018 Council Meeting and September 11, 2018 Special Council meeting.

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

**ACTION: Motion (Kenoyer/Grewal; 7/0)** approving the minutes from the September 11, 2018 Council Meeting and September 11, 2018 Special Council meeting.
**(Councilmember Zoslocki announced he was in Washington, DC working on behalf of the City with the San Joaquin Valley Council of Governments during the September 11, 2018 Council meeting.)**

Consent – *Mayor Brandvold absent due to conflict of interest*
3. Consider final adoption of **Ordinance No. 3688-C.S.** rezoning 0.2 acres of property located at 405 and 409 E. Orangeburg Avenue from Medium Density Residential (R-2)

Zone and Professional Office (P-O) Zone to Medium High Density Residential (R-3) Zone. (Funding Source: Not Applicable )

- Motion approving final adoption of **Ordinance No. 3688-C.S.** amending Section 21-3-9 of the Zoning Map to rezone 0.2 acres from Medium Density Residential (R-2) Zone and Professional Office (P-O) Zone to Medium High Density Residential (R-3) Zone, property located at 405 and 409 E. Orangeburg Avenue (Simvoulakis).

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

**ACTION: Motion (Kenoyer/Grewal; 6/0; Mayor Brandvold absent due to conflict of interest)** approving final adoption of **Ordinance No. 3688-C.S.** amending Section 21-3-9 of the Zoning Map to rezone 0.2 acres from Medium Density Residential (R-2) Zone and Professional Office (P-O) Zone to Medium High Density Residential (R-3) Zone, property located at 405 and 409 E. Orangeburg Avenue (Simvoulakis).

Consent

4. Consider approving a Will Serve Letter and Outside Service Agreement for sewer connection for the property located at 4024 McHenry Avenue in Modesto (APN: 052-060-002). (Funding Source: Sewer Fund)

   - Resolution approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and CTC Investors, LLC, a California limited liability company to connect to the City of Modesto's existing sewer system for the property located at 4024 McHenry Avenue (APN: 052-060-002), and authorizing the City Manager or his designee, to the sign the Will Serve Letter and execute the Outside Service Agreement.

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

**ACTION: Resolution 2018-404 (Kenoyer/Grewal; 7/0)** approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and CTC Investors, LLC, a California limited liability company to connect to the City of Modesto's existing sewer system for the property located at 4024 McHenry Avenue (APN: 052-060-002), and authorizing the City Manager or his designee, to the sign the Will Serve Letter and execute the Outside Service Agreement.

Consent

5. Consider accepting the Landmark Preservation Commission Annual Report for Fiscal Year 2017–2018. (Funding Source: Not Applicable)

   - Resolution accepting the Landmark Preservation Commission Annual Report for Fiscal Year 2017 - 2018.

   *Community & Economic Development; Cindy van Empel, 577-5267, cvanempel@modestogov.com*

**ACTION: Resolution 2018-405 (Kenoyer/Grewal; 7/0)** accepting the Landmark Preservation Commission Annual Report for Fiscal Year 2017 - 2018.

Consent

6. Consider approving a Second Amendment to the Agreement with Associated Right of Way Services for additional right of way services for the Hetch Hetchy and Claratina Avenue Structural Crossing Project for an amended amount of $11,085, and a new not to exceed amount of $57,585. (Funding Source: Streets Capital Facility Fees)
   - Resolution approving a Second Amendment to the Agreement with Associated Right of Way Services for additional right of way services for the Hetch Hetchy and Claratina Avenue Structural Crossing Project for an amended amount of $11,085, a new not to exceed amount of $57,585 and authorizing the City Manager, or his designee to execute the Amendment.

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

**ACTION: Resolution 2018-406 (Kenoyer/Grewal; 7/0)** approving a Second Amendment to the Agreement with Associated Right of Way Services for additional right of way services for the Hetch Hetchy and Claratina Avenue Structural Crossing Project for an amended amount of $11,085, a new not to exceed amount of $57,585 and authorizing the City Manager, or his designee to execute the Amendment.

Consent

7. Consider claiming Fiscal Year 2017-2018 unclaimed funds of $38,003 held in the City's Trust Fund for more than three years and authorizing the transfer to the General Fund. (Funding Source: General Fund)
   - Resolution claiming Fiscal Year 2017-2018 unclaimed funds of $38,003 held in the City's Trust Fund for more than three years and authorizing the transfer to the General Fund.

   *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Resolution 2018-407 (Kenoyer/Grewal; 7/0)** claiming Fiscal Year 2017-2018 unclaimed funds of $38,003 held in the City's Trust Fund for more than three years and authorizing the transfer to the General Fund.

Consent

8. Consider approving a report detailing City personal property sold, donated, or disposed of during Fiscal Year 2017-18. (Funding Source: Central Services, Parking Fleet Replacement, Airport Operating, Compost, Community Development Block Grant, General Fund Fleet Replacement, Surface Transportation Fleet Replacement, Stanislaus Drug Enforcement Agency, Fleet Management Fleet Replacement, Inventory Purchases Fleet Replace, Sewer Operations, Green Waste, Fleet Management, Surface Transportation, Bus Fixed Route Max Operations, Water, General)
   - Motion approving a report detailing all personal property sold, donated, or disposed of during Fiscal Year 2017-18.

   *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Kenoyer/Grewal; 7/0)** approving a report detailing all personal property sold, donated, or disposed of during Fiscal Year 2017-18.

Consent

9. Consider approving the Accounts Receivable write-off reports from the City Manager and Finance Director through June 30, 2018 totaling $857,108, and approve a report of disposition be filed with the City Clerk. (Funding Source: General Fund, Surface Transportation Replacement Fund, Housing Development Replacement Fund, Water Replacement Fund, Wastewater Replacement Fund, Health Fund, Airport Replacement Fund, Bus Replacement Fund, Solid Waste Fund, Water Fund, Storm Drain Fund, Wastewater Fund, and Fleet Replacement Fund)
    - Resolution approving the Accounts Receivable write-off reports from the City Manager and Finance Director through June 30, 2018 totaling $857,108, and directing a report of disposition be filed with the City Clerk.

    *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Resolution 2018-408 (Kenoyer/Grewal; 7/0)** approving the Accounts Receivable write-off reports from the City Manager and Finance Director through June 30, 2018 totaling $857,108, and directing a report of disposition be filed with the City Clerk.

Consent

10. Consider approving the Sole Source Agreement with CivicPlus for the continued website maintenance for the City of Modesto (www.modestogov.com) and Modesto Area Express (www.modestoareaexpress.com) for a four year Agreement in an estimated cost of $61,702 with a 5% contingency in the amount of $3,085, for a total amount not to exceed $64,787. (Funding Source: Information Technology, TDA funds, and Various Funds)
    - Resolution approving the Sole Source Agreement with CivicPlus for the continued website maintenance for the City of Modesto (www.modestogov.com) and Modesto Area Express (www.modestoareaexpress.com) for a four year Agreement in an estimated cost of $61,702 with a 5% contingency in the amount of $3,085, for a total amount not to exceed $64,787; and authorizing the City Manager, or his designee, to execute the Agreement.

    *Information Technology; Charlie Haase, 577-5229, chaase@modestogov.com*

**ACTION: Resolution 2018-409 (Kenoyer/Grewal; 7/0)** approving the Sole Source Agreement with CivicPlus for the continued website maintenance for the City of Modesto (www.modestogov.com) and Modesto Area Express (www.modestoareaexpress.com) for a four year Agreement in an estimated cost of $61,702 with a 5% contingency in the amount of $3,085, for a total amount not to exceed $64,787; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

11. Consider adopting a resolution in support of the reauthorization of and full funding for the Land and Water Conservation Fund (LWCF). (Funding Source: Not Applicable)
    - Resolution in support of the reauthorization of and full funding for the Land and

Water Conservation Fund (LWCF).
*Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526, nhoux@modestogov.com*

**ACTION: Resolution 2018-410 (Kenoyer/Grewal; 7/0)** in support of the reauthorization of and full funding for the Land and Water Conservation Fund (LWCF).

Consent

12. Consider approving the award of bid and purchase of four backhoe loaders from Garton Tractor, Turlock, CA, for a total cost not to exceed $432,031. (Funding Source: Various Funds)
    - Resolution approving the award of bid and purchase of four backhoe loaders from Garton Tractor, Turlock, CA, for a total cost not to exceed $432,031 and authorizing the Purchasing Manager, or her designee, to issue the Purchase Agreement.

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

**ACTION: Resolution 2018-411 (Kenoyer/Grewal; 7/0)** approving the award of bid and purchase of four backhoe loaders from Garton Tractor, Turlock, CA, for a total cost not to exceed $432,031 and authorizing the Purchasing Manager, or her designee, to issue the Purchase Agreement.

Consent

13. Consider approving the release of $1,500,000 of Proposition 1B fund savings back to the California Transportation Commission for the State Route 99 / Pelandale Avenue Interchange Reconstruction Project. (Funding Source: CIP 100786-CED.Land Development Engineering – State Route 99 Proposition 1B Bond Savings)
    - Resolution approving the release of $1,500,000 of Proposition 1B fund savings back to the California Transportation Commission (CTC) for the State Route 99 / Pelandale Avenue Interchange Reconstruction Project.

    *Public Works; Scott Collins, 577-5431, scollins@modestogov.com*

**ACTION: Resolution 2018-412 (Kenoyer/Grewal; 7/0)** approving the release of $1,500,000 of Proposition 1B fund savings back to the California Transportation Commission (CTC) for the State Route 99 / Pelandale Avenue Interchange Reconstruction Project.

Consent

14. Consider approving the Transit Asset Management Plan that will provide for better efficiency in asset planning and reporting as required by the Federal Transit Administration. (Funding Source: Transit Funds)
    - Resolution approving the Transit Asset Management (TAM) Plan, and authorizing the Transit Manager to implement the plan.

    *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2018-413 (Kenoyer/Grewal; 7/0)** approving the Transit Asset Management (TAM) Plan, and authorizing the Transit Manager to implement the plan.

Consent

15. Consider introducing and waiving the first reading of an Ordinance adding Section 3-2.1206 to Title 3, "Public Safety", Chapter 2, Article 12, of the Modesto Municipal Code relating to restriction or prohibition of commercial parking on the east side of 11th Street between J and K Street. (Funding Source: Surface Transportation Fund - Traffic Operations)
    - Motion introducing and waiving the first reading of an Ordinance adding Section 3-2.1206 to Title 3, "Public Safety", Chapter 2, Article 12, of the Modesto Municipal Code "No commercial vehicles stopping, parking, or standing on one side of certain streets" relating to the east side of 11th Street between J and K Streets.

    *Public Works; Mark Murphy, 577-5214, mmurphy@modestogov.com*

**ACTION: Motion (Kenoyer/Grewal; 7/0)** introducing and waiving the first reading of **Ordinance No. 3689-C.S.** adding Section 3-2.1206 to Title 3, "Public Safety", Chapter 2, Article 12, of the Modesto Municipal Code "No commercial vehicles stopping, parking, or standing on one side of certain streets" relating to the east side of 11th Street between J and K Streets.

Consent

16. Consider approving a First Amendment to the Agreement with Kennedy/Jenks Consultants, Inc., of Sacramento, CA, for continued Engineering Services during Construction for the New Del Rio Well 68 Project in the amount of $35,198, plus $16,764 for additional services, if needed, for a total not to exceed amount of $184,413. (Funding Source: Water Fund)
    - Resolution approving a First Amendment to the Agreement with Kennedy/Jenks Consultants, Inc., Sacramento, CA, for continued Engineering Services during Construction for the New Del Rio Well 68 Project in the amount of $35,198, plus $16,764 for additional services, if needed, for a total not to exceed amount of $184,413 and authorizing the City Manager, or his designee, to execute the Amendment.

    *Utilities; Robert Davalos, 571-5869, rdavalos@modestogov.com*

**ACTION: Resolution 2018-414 (Kenoyer/Grewal; 7/0)** approving a First Amendment to the Agreement with Kennedy/Jenks Consultants, Inc., Sacramento, CA, for continued Engineering Services during Construction for the New Del Rio Well 68 Project in the amount of $35,198, plus $16,764 for additional services, if needed, for a total not to exceed amount of $184,413 and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

17. Consider approving a Sole Source Agreement with Atlas Copco Compressors of Fremont, CA, for labor and parts for Atlas Copco Compressors, for a two-year Agreement with three one-year extension options, for an annual cost not to exceed $15,000, and a total not to exceed $75,000 over five years. (Funding Source: Wastewater Fund)
    - Resolution approving an Agreement with Atlas Copco Compressors of Fremont, CA, for labor and parts for Atlas Copco Compressors, for a two-year Agreement

with three one-year extension options, for an annual cost not to exceed $15,000, and a total not to exceed $75,000 over five years, and authorizing the Purchasing Manager, or her designee, to issue the Purchasing Agreement.

*Utilities; Laura Anhalt, 342-4502, lanhalt@modestogov.com*

**ACTION: Resolution 2018-415 (Kenoyer/Grewal; 7/0)** approving an Agreement with Atlas Copco Compressors of Fremont, CA, for labor and parts for Atlas Copco Compressors, for a two-year Agreement with three one-year extension options, for an annual cost not to exceed $15,000, and a total not to exceed $75,000 over five years, and authorizing the Purchasing Manager, or her designee, to issue the Purchasing Agreement.

Consent

18. Consider approving an Agreement for the purchase of Chesterton seals and related parts to Pan-Pacific Supply Company, Concord, CA, for a two-year Agreement with three one-year extension options, for an annual cost not to exceed $45,000, and a total not to exceed $225,000 over five years. (Funding Source: Wastewater and Water Funds)
    - Resolution approving an Agreement for the purchase of Chesterton seals and related parts to Pan-Pacific Supply Company, Concord, CA, for a two-year Agreement with three one-year extension options, for an annual cost not to exceed $45,000, and a total not to exceed $225,000 over five years, and authorizing the Purchasing Manager, or her designee, to issue the Purchasing Agreement.

    *Utilities; Laura Anhalt, 342-4502, lanhalt@modestogov.com*

**ACTION: Resolution 2018-416 (Kenoyer/Grewal; 7/0)** approving an Agreement for the purchase of Chesterton seals and related parts to Pan-Pacific Supply Company, Concord, CA, for a two-year Agreement with three one-year extension options, for an annual cost not to exceed $45,000, and a total not to exceed $225,000 over five years, and authorizing the Purchasing Manager, or her designee, to issue the Purchasing Agreement.

Consent

19. Consider rejecting all bids received for Request for Bid No. 1718-59 for Painting at Water Well and Tank Sites. (Funding Source: Water Fund)
    - Resolution rejecting all bids received for RFB No. 1718-59 for Painting at Water Well and Tank Sites and authorizing the City Manager, or his designee, to reissue a RFB at a future date, with an amended Scope of Services.

    *Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Resolution 2018-417 (Kenoyer/Grewal; 7/0)** rejecting all bids received for RFB No. 1718-59 for Painting at Water Well and Tank Sites and authorizing the City Manager, or his designee, to reissue a RFB at a future date, with an amended Scope of Services.

## COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer attended the Chamber of Commerce State of Education event on Friday.

Councilmember Madrigal attended the South Modesto Businesses United Mexican Independence Day event; he attended a birthday event for a sandwich shop in South Modesto; he also wished his son Lucio a Happy 4th Birthday.

## CITY MANAGER COMMENTS & REPORTS

None.

## UNFINISHED BUSINESS

20. Consider an informational report with staff update on the King-Kennedy Memorial Center Door Replacement Project. (Funding Source: Not Applicable)
*Parks, Recreation & Neighborhoods; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION:** Nathan Houx gave an update on the King-Kennedy Memorial Center Door Replacement Project.

21. Consider approving the January and July 2019 Modesto Area Express route changes. (Funding Source: Transit Funds)
    - Resolution approving implementation of changes to various existing Modesto Area Express (MAX) route schedules effective January 1, 2019 and July 1, 2019, and authorizing the Transit Manager to implement the changes.

    *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2018-418 (Ridenour/Madrigal; 7/0)** approving implementation of changes to various existing Modesto Area Express (MAX) route schedules effective January 1, 2019 and July 1, 2019, and authorizing the Transit Manager to implement the changes.

22. Consider accepting a report on the annual review of approved water rate increases for Fiscal Years 2018-19 through 2020-21, adopting 9% water rate increases to be effective January 1, 2019 for Fiscal Year 2018-19, and approving an increase to the discount amount of the Water Rate Assistance Program from $10.00 per month to $15.00 per month. (Funding Source: Water Fund)
    - Resolution approving the annual water rate review and adopting 9% water rate increases to be effective January 1, 2019 for Fiscal Year 2018-19.
    - Resolution approving an increase to the discount amount of the water rate assistance program from $10.00 per month to $15.00 per month on the fixed base water charge for all customers eligible for the program.

    *Utilities; Tamorah Bryant, 577-5205, tbryant@modestogov.com*

**ACTION: Resolution 2018-419 (Ridenour/Ah You; 7/0)** approving the annual water rate review and adopting 9% water rate increases to be effective January 1, 2019 for Fiscal Year 2018-19.

**ACTION: Resolution 2018-420 (Ridenour/Ah You; 7/0)** approving an increase to the discount amount of the water rate assistance program from $10.00 per month to $15.00 per

month on the fixed base water charge for all customers eligible for the program.

## HEARINGS

*Published in the Modesto Bee on August 22, 2018*

23. Hearing to consider approving the Program Year 2017-2018 Consolidated Annual Performance Evaluation Report (CAPER). (Funding Source: Community Development Block Grant, Emergency Solutions Grant and HOME Investment Partnerships Program funds)
    - Resolution approving the City of Modesto's Consolidated Annual Performance Evaluation Report for Program Year 2017-2018; and authorizing the City Manager, or his designee, to sign the required documents for submittal to the U.S. Department of Housing and Urban Development.

    *Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2018-421 (Ridenour/Madrigal; 7/0)** approving the City of Modesto's Consolidated Annual Performance Evaluation Report for Program Year 2017-2018; and authorizing the City Manager, or his designee, to sign the required documents for submittal to the U.S. Department of Housing and Urban Development.

*Published in the Modesto Bee on September 14, 2018*

24. Hearing to consider accepting the Fiscal Year 2018-19 State Supplemental Law Enforcement Service Fund allocation of at least $100,000 for police overtime, training, technology, and equipment, approving the expenditure plan for grant funds and amending the Fiscal Year 2018-19 Multi-Year budget. (Funding Source: 1342 – Grants – Police)
    - Resolution accepting the State Supplemental Law Enforcement Services Fund Grant, in the amount of at least $100,000, from the State Supplemental Law Enforcement Services Fund to be used for police overtime, training, technology, and equipment and authorizing the City Manager, or his designee, to execute the necessary program documents.
    - Resolution approving the expenditure plan and authorizing the City Manager, or his designee, to amend the Fiscal Year 2018-19 Multi-Year Operating 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.

    *Police; Galen Carroll, 572-9501, carrollg@modestomp.com*

**ACTION: Resolution 2018-422 (Zoslocki/Ah You; 7/0)** accepting the State Supplemental Law Enforcement Services Fund Grant, in the amount of at least $100,000, from the State Supplemental Law Enforcement Services Fund to be used for police overtime, training, technology, and equipment and authorizing the City Manager, or his designee, to execute the necessary program documents.

**ACTION: Resolution 2018-423 (Zoslocki/Ah You; 7/0)** approving the expenditure plan and authorizing the City Manager, or his designee, to amend the Fiscal Year 2018-19 Multi-Year

Operating 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.

## MATTERS TOO LATE FOR THE AGENDA

Councilmember Kenoyer announced she will begin chemotherapy starting on Friday.

## ADJOURNMENT

This meeting adjourned at 7:45 p.m.

## CLOSED SESSION

*All Closed Session Matters heard prior to meeting*

## CONSENT ITEM

1. Consider appointing Real Property Negotiator Kent Jorgensen for Properties: APN: 101-002-007, 101-002-008 & 101-002-022.

- Motion appointing Real Property Negotiator Kent Jorgensen for Properties: APN: 101-002-007, 101-002-008 & 101-002-022.

*City Attorney, Adam Lindgren, 577-5284, alindgren@modestogov.com*

**ACTION: Motion (Ridenour/Grewal; 4/0; Ah You, Kenoyer, Zoslocki absent)** appointing Real Property Negotiators Kent Jorgensen **and James Staudinger** for Properties: APN: 101-002-007, 101-002-008 & 101-002-022.

## CLOSED SESSION

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
**(Pursuant to Section 54957 of the Government Code)**
Title: City Manager

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
**(Pursuant to Section 54957 of the Government Code)**
Title: City Auditor

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
**Four Case (Pursuant to Section 54956.9(d)(1) of the Government Code)**

Name of case: Peltier v. City of Modesto
Case No. 2022652

Wright v. City of Modesto
Case No. 9000282

Lamb v. City of Modesto
Case No. CV-18-2019

Dorado v. COM
Case No. 2017930

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**
**(Pursuant to Section 54956.8 of the Government Code)**
Property & Property Owners:

| APN | Address | Owner Name |
|---|---|---|
| 007-037-013 | 537 Rosemore Ave. Modesto, CA | Zaiger Family Limited Partnership |
| 007-039-001 & 002 | 700 Rosemore Ave. & Kansas Ave. Modesto, CA | Dimas & Tracy Borba |
| 101-002-022 | 522 North Franklin St., Modesto, CA | Ronald & Jo Anne R. Gresham |

101-002-007 &008 612 North Franklin St. & 309 Beech St., Modesto CA William Brent & Stephanie Burnside

Negotiating Parties:
For City: James Staudinger, CPSI
Kent Jorgensen, CPSI

For Property Owner: Property Owners
Under Negotiation: Price and Terms

Attest:_____
Stephanie Lopez, City Clerk

# MINUTES

City of Modesto

## CITY COUNCIL MEETING

**Chambers, Basement Level**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**
**Tuesday October 02, 2018, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
Absent: None

Pledge of Allegiance to the Flag

Invocation: Scott Nelson, Covenant Grove Church

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Lindgren spoke regarding Closed Session matters

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation regarding the State of Education in Stanislaus County by Tom Changnon, Stanislaus County Superintendent of Schools. (Funding Source: Not Applicable)
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** Tom Changnon, Stanislaus County Superintendent of Schools, gave a presentation regarding the State of Education in Stanislaus County.

2. Presentation of Proclamation proclaiming October 8-12, 2018 as Code Enforcement Officer Appreciation Week. (Funding Source: Not Applicable)
*Community & Economic Development; Jaylen French, 571-2938, jfrench@modestogov.com*

**ACTION:** Continued to October 9, 2018 Council meeting.

3. Presentation of "Imagine a Day without Water". (Funding Source: Not Applicable)
*Utilities; Will Wong, 571-5801, wwong@modestogov.com*

**ACTION:** Utilities Director Will Wong presented "Imagine a Day Without Water."

## PUBLIC COMMENT PERIOD

- Maggie Countryman spoke regarding building permits issued, her appeal to the Board of Zoning Adjustment and Court fees.
- Dave Pratt spoke regarding schools in Stanislaus County.
- Wendy Heath spoke regarding City safety codes and inspection of buildings.
- Vera Hernandez, who lives on I Street, has concerns regarding City code enforcement and unsafe buildings in her neighborhood.
- Kevin McCarty spoke regarding the homeless in Beard Brook Park and Tuolumne River Regional Park.
- Donna Blanchett spoke regarding the homeless in Beard Brook Park; she requested a portable shower and storage unit.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**
**ACTION CONSENT ITEMS 4-11: (Kenoyer/Ah You; 7/0)**

## 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 September 25, 2018 Council Meeting. (Funding Source: Not Applicable)
   - Motion approving the minutes from the September 25, 2018 Council Meeting.

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

**ACTION: Motion (Kenoyer/Ah You; 7/0)** approving the minutes from the September 25, 2018 Council Meeting.

Consent

5. Consider final adoption of **Ordinance No. 3689-C.S.** adding Section 3-2.1206 to Title 3, "Public Safety", Chapter 2, Article 12, of the Modesto Municipal Code relating to restriction or prohibition of commercial parking on the east side of 11th Street between J and K Street. (Funding Source: Surface Transportation Fund - Traffic Operations)
   - Motion approving final adoption of **Ordinance No. 3689-C.S.** adding Section 3-2.1206 to Title 3, "Public Safety", Chapter 2, Article 12, of the Modesto Municipal Code "No commercial vehicles stopping, parking, or standing on one side of certain streets" relating to the east side of 11th Street between J and K Streets.

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

**ACTION: Motion (Kenoyer/Ah You; 7/0)** approving final adoption of **Ordinance No. 3689-C.S.** adding Section 3-2.1206 to Title 3, "Public Safety", Chapter 2, Article 12, of the Modesto Municipal Code "No commercial vehicles stopping, parking, or standing on one side of certain streets" relating to the east side of 11th Street between J and K Streets.

Consent

6. Consider accepting the 2017 Assistance to Firefighters Grant Award for the procurement of source capture exhaust systems in the amount of $191,275 with a local match of $19,127, approving the establishment of a Capital Improvement project for the 2017 Assistance to Firefighters Grant award, and appropriating $210,402 to said project. (Funding Source: General Fund, Fire Department Fiscal Year 18-19 Operating Budget)
   - Resolution accepting the 2017 Assistance to Firefighters Grant Award for the procurement of source capture exhausts systems in the amount of $191,275 with a local match of $19,127 and authorizing the City Manager, or his designee, to execute any grant related documents.
   - Resolution approving the establishment of a Capital Improvement Project for the 2017 Assistance to Firefighters Grant award, and appropriating $210,402 to said project with $19,127 coming from the Fire Department General Fund Operating Budget.

   *Fire; Tim Tietjen, 572-9869, ttietjen@modestofire.com*

**ACTION: Resolution 2018-424 (Kenoyer/Ah You; 7/0)** accepting the 2017 Assistance to Firefighters Grant Award for the procurement of source capture exhausts systems in the amount of $191,275 with a local match of $19,127 and authorizing the City Manager, or his designee, to execute any grant related documents.

**ACTION: Resolution 2018-425 (Kenoyer/Ah You; 7/0)** approving the establishment of a Capital Improvement Project for the 2017 Assistance to Firefighters Grant award, and appropriating $210,402 to said project with $19,127 coming from the Fire Department General Fund Operating Budget.

Consent

7. Consider rejecting all bids for the Downey Community Park Picnic Area Renovation Project and authorizing staff to re-advertise the project for bids at a future date with an amended scope of work. (Funding Source: Local Park Funds)
   - Resolution rejecting all bids for the Downey Community Park Picnic Area Renovation Project and authorizing staff to re-advertise bids for the project at a future date with an amended scope of work.

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

**ACTION: Resolution 2018-426 (Kenoyer/Ah You; 7/0)** rejecting all bids for the Downey Community Park Picnic Area Renovation Project and authorizing staff to re-advertise bids for the project at a future date with an amended scope of work.

Consent

8. Consider accepting the California Outdoor Environmental Education Facilities Grant Program award, in the amount of $500,000, to fund construction of the Tuolumne River Regional Park (TRRP) River Pavilion Project and amending the Fiscal Year 2018-2019 Capital Improvement Program Budget in an amount not to exceed $507,500. (Funding Source: California Outdoor Environmental Education Facilities Grant Program and TRRP CIP Funds)
   - Resolution accepting the California Outdoor Environmental Education Facilities Grant Program award in an amount of $500,000 to fund construction of the Tuolumne River Regional Park (TRRP) River Pavilion Project and authorizing the City Manager, or his designee, to accept and utilize the grant award.
   - Resolution amending the Fiscal Year 2018-2019 Capital Improvement Program Budget in an amount not to exceed $507,500 to fund the construction of the Tuolumne River Regional Park (TRRP) River Pavilion project and to budget expenditures as outlined in attachment A to fund the project.

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

**ACTION: Resolution 2018-427 (Kenoyer/Ah You; 7/0)** accepting the California Outdoor Environmental Education Facilities Grant Program award in an amount of $500,000 to fund construction of the Tuolumne River Regional Park (TRRP) River Pavilion Project and authorizing the City Manager, or his designee, to accept and utilize the grant award.

**ACTION: Resolution 2018-428 (Kenoyer/Ah You; 7/0)** amending the Fiscal Year 2018-2019 Capital Improvement Program Budget in an amount not to exceed $507,500 to fund the construction of the Tuolumne River Regional Park (TRRP) River Pavilion project and to budget expenditures as outlined in attachment A to fund the project.

Consent

9. Consider approving the submittal of grant applications with the Federal Transit Administration, for operations and capital formula funding. (Funding Source: Federal Transit Administration Section 5307 and 5339)
   - Resolution approving the submission of grant applications with the Federal Transit Administration (FTA), for 49 U.S.C. Chapter 53, Title 23 United States Code, or other statues administered by the Federal Transit Administration, and authorizing the City Manager, or his designee, to execute and file all other necessary documents.

   *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2018-429 (Kenoyer/Ah You; 7/0)** approving the submission of grant applications with the Federal Transit Administration (FTA), for 49 U.S.C. Chapter 53, Title 23 United States Code, or other statues administered by the Federal Transit Administration, and authorizing the City Manager, or his designee, to execute and file all other necessary documents.

Consent

10. Consider approving the submission of a project list for Senate Bill 1 also known as the Road Repair and Accountability Act of 2017 for the Modesto Area Express bus system. (Funding Source: Transit Funds)
    - Resolution approving the submission of a project list for Senate Bill 1(SB1) also known as the Road Repair and Accountability Act of 2017 for the Modesto Area Express (MAX) bus system and authorizing the City Manager, or his designee, to execute and file all other required documents.

    *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2018-430 (Kenoyer/Ah You; 7/0)** approving the submission of a project list for Senate Bill 1(SB1) also known as the Road Repair and Accountability Act of 2017 for the Modesto Area Express (MAX) bus system and authorizing the City Manager, or his designee, to execute and file all other required documents.

Consent

11. Consider rejecting all bids for Replacement Well 226 Subsurface Improvement Project and authorizing staff to re-advertise the project for bids at a future date. (Funding Source: Water Fund)
    - Resolution rejecting all bids for the Replacement Well 226 Subsurface Project and authorizing staff to re-advertise the project for bids at a future date with amended specifications.

    *Utilities; Robert Davalos, 571-5869, rdavalos@modestogov.com*

**ACTION: Resolution 2018-431 (Kenoyer/Ah You; 7/0)** rejecting all bids for the Replacement Well 226 Subsurface Project and authorizing staff to re-advertise the project for bids at a future date with amended specifications.

## COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer attended the following events: Community Hospice Open House, Open House for Central Paws, Latino Community Roundtable's National Hispanic Heritage Month, El Concilio Empowerment Luncheon, the Sierra Vista Heart of the Children Fundraiser, and Pathways event for adult foster children; she thanked everyone for the cards, emails, phone calls, and support regarding her health.

Councilmember Madrigal attended the Highway 132 Phase 1 workshop, South Modesto Partnerships "Adelante"; he gave an update on the Crows Landing Corridor Project; and attended the Latino Community Roundtable Hispanic Heritage Month event.

Councilmember Ah You spoke regarding an article she wrote with Councilmember Madrigal about the lack oversight and lack of accountability at the City of Modesto; she spoke in support of City Auditor Monica Houston.

## CITY MANAGER COMMENTS & REPORTS

City Manager Lopez thanked the local Boy Scouts for attending tonight's meeting.

## UNFINISHED BUSINESS

12. Consider an informational report with staff update on the King-Kennedy Memorial Center Door Replacement Project. (Funding Source: Not Applicable)
*Parks, Recreation & Neighborhoods; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION:** Laurie Smith gave a status update on the King-Kennedy Memorial Center Door Replacement Project.

13. Consider approving the plans and specifications for the Del Rio Tank No. 14, Well No. 68, and Pump Station Project and awarding a construction contract to Mountain Cascade, Inc., of Livermore, CA, in the amount of $7,510,835; approving an Agreement with NV5, Inc., Manteca, CA, for Construction Management Services in an amount not to exceed $1,000,000; approving an Agreement with Carollo Engineers, Inc., Sacramento, CA, for Engineering Services During Construction in an amount not to exceed $453,921; and amending the Fiscal Year 2018-2019 Capital Improvement Program Budget in the amount of $513,370. (Funding Source: Water Fund-CIP)
    - Resolution approving the Plans and Specifications for the Del Rio Tank No.14, Well No.68 and Pump Station project, accepting the bid, and approving a contract with Mountain Cascade, Inc. of Livermore, Ca in the amount of $7,510,835, plus 8% contingency in the amount of $600,867 (if needed) for a total amount of $8,111,702 and authorizing the City Manager, or his designee to execute the Agreement.
    - Resolution approving an Agreement with NV5, Inc., of Manteca, CA, for Construction Management and Inspection Services for the Del Rio Tank 14, Well 68, and Pump Station Project for $1,000,000; and authorizing the City Manager, or his designee, to execute the Agreement and any Amendments up to a cumulative amount of 12 percent.
    - Resolution approving an Agreement with Carollo Engineers, Inc., Sacramento, CA, for Engineering Services During Construction for the Del Rio Tank No. 14, Well No. 68, and Pump Station Project in an amount not to exceed $453,921 for the identified scope of services, plus $45,392 for additional services (if needed), for a maximum total amount of $499,313, and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution amending the Fiscal Year 2018-19 Capital Improvement Program Budget in the amount of $513,370 to be transferred into the project from Water Fund CIP to fully fund the construction, contingency, construction administration, and design support during construction for the Del Rio Tank No. 14, Well No. 68, and Pump Station Project.

    *Utilities; Robert Davalos, 571-5869, rdavalos@modestogov.com*

**ACTION: Resolution 208-432 (Ah You/Grewal; 7/0)** approving the Plans and Specifications for the Del Rio Tank No.14, Well No.68 and Pump Station project, accepting the bid, and approving a contract with Mountain Cascade, Inc. of Livermore, Ca in the amount of $7,510,835, plus 8% contingency in the amount of $600,867 (if needed) for a total amount of

$8,111,702 and authorizing the City Manager, or his designee to execute the Agreement.

**ACTION: Resolution 2018-433 (Ah You/Grewal; 7/0)** approving an Agreement with NV5, Inc., of Manteca, CA, for Construction Management and Inspection Services for the Del Rio Tank 14, Well 68, and Pump Station Project for $1,000,000; and authorizing the City Manager, or his designee, to execute the Agreement and any Amendments up to a cumulative amount of 12 percent.

**ACTION: Resolution 2018-434 (Ah You/Grewal; 7/0)** approving an Agreement with Carollo Engineers, Inc., Sacramento, CA, for Engineering Services During Construction for the Del Rio Tank No. 14, Well No. 68, and Pump Station Project in an amount not to exceed $453,921 for the identified scope of services, plus $45,392 for additional services (if needed), for a maximum total amount of $499,313, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2018-435 (Ah You/Grewal; 7/0)** amending the Fiscal Year 2018-19 Capital Improvement Program Budget in the amount of $513,370 to be transferred into the project from Water Fund CIP to fully fund the construction, contingency, construction administration, and design support during construction for the Del Rio Tank No. 14, Well No. 68, and Pump Station Project.

14. Consider approving the plans and specifications for the Headworks, Dryden Box and Influent Flume Improvements and awarding a construction contract with C. Overaa & Co., Richmond, CA, in the amount of $16,972,000 plus $1,697,200 for contingency (if needed), for a total amount of $18,669,200 to address key deficiencies in the primary treatment facilities at the Sutter Avenue Treatment Plant; approving an Agreement with Carollo Engineers for Engineering Support During Construction in an amount not to exceed $1,258,558, plus $125,859 for additional services (if needed), for a total amount not to exceed $1,384,417; approving an Agreement with West Yost Associates for Construction Management and Construction Inspection Services in an amount not to exceed $2,162,144, and amending the Fiscal Year 2018-2019 Capital Improvement Project Program Budget in the amount of $12,755,000. (Funding Source: Wastewater Fund)
    - Resolution approving plans and specifications for the Headworks, Dryden Box and Influent Flume Improvements Project, accepting the bid, and approving a construction contract with C. Overaa & Co., Richmond, CA, in the amount of $16,972,000 plus $1,697,200 for contingency (if needed) for a total amount of $18,669,200 and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution approving an Agreement with Carollo Engineers, of Walnut Creek, CA, for Engineering Support During Construction for the Headworks, Dryden Box and Influent Flume Improvements Project, in an amount not to exceed $1,258,558 for the identified scope of services, plus $125,859 for additional services (if needed), for a maximum total amount of $1,384,417, and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution approving an Agreement with West Yost Associates, of Davis, CA, for Construction Management and Inspection Services for the Headworks, Dryden Box

and Influent Flume Improvements Project in an amount of $2,162,114; and authorizing the City Manager, or his designee, to execute the Agreement and any Amendments up to a cumulative amount of 10 percent.

- Resolution amending the Fiscal Year 2018-19 Capital Improvement Program Budget in the amount of $12,755,000 to be transferred into the project from Wastewater Reserves to fully fund the construction, contingency, construction administration, and design support during construction for the Headworks, Dryden Box and Influent Flume Improvements Project.

*Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Resolution 2018-436 (Madrigal/Grewal; 7/0)** approving plans and specifications for the Headworks, Dryden Box and Influent Flume Improvements Project, accepting the bid, and approving a construction contract with C. Overaa & Co., Richmond, CA, in the amount of $16,972,000 plus $1,697,200 for contingency (if needed) for a total amount of $18,669,200 and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2018-437 (Madrigal/Grewal; 7/0)** approving an Agreement with Carollo Engineers, of Walnut Creek, CA, for Engineering Support During Construction for the Headworks, Dryden Box and Influent Flume Improvements Project, in an amount not to exceed $1,258,558 for the identified scope of services, plus $125,859 for additional services (if needed), for a maximum total amount of $1,384,417, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2018-438 (Madrigal/Grewal; 7/0)** approving an Agreement with West Yost Associates, of Davis, CA, for Construction Management and Inspection Services for the Headworks, Dryden Box and Influent Flume Improvements Project in an amount of $2,162,114; and authorizing the City Manager, or his designee, to execute the Agreement and any Amendments up to a cumulative amount of 10 percent.

**ACTION: Resolution 2018-439 (Madrigal/Grewal; 7/0)** amending the Fiscal Year 2018-19 Capital Improvement Program Budget in the amount of $12,755,000 to be transferred into the project from Wastewater Reserves to fully fund the construction, contingency, construction administration, and design support during construction for the Headworks, Dryden Box and Influent Flume Improvements Project.

## NEW BUSINESS

15. Consider approving the extension of the loan repayment schedule for a loan to the General Fund from the Employee Benefit Fund for the Enterprise Resource Planning project loan to June 30, 2019 and amending the Fiscal Year 2018-19 Operating Budget to increase the final payment from the budgeted amount of $75,000 to $191,603, for an increase of $116,603. (Funding Source: General Fund Revenues)

    - Resolution approving the extension of the loan repayment schedule for a loan to the General Fund from the Employee Benefit Fund for the Enterprise Resource Planning project loan to June 30, 2019 and amending the Fiscal Year 2018-19 Operating Budget to increase the final payment from the budgeted amount of $75,000 to $191,603 for the loan repayment.

*Finance; Stephan Christensen, 577-5390, schristensen@modestogov.com*

**ACTION: Resolution 2018-440 (Ridenour/Ah You; 7/0)** approving the extension of the loan repayment schedule for a loan to the General Fund from the Employee Benefit Fund for the Enterprise Resource Planning project loan to June 30, 2019 and amending the Fiscal Year 2018-19 Operating Budget to increase the final payment from the budgeted amount of $75,000 to $191,603 for the loan repayment.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 7:00 p.m.

## CLOSED SESSION

*All Closed Session Matters heard prior to meeting*

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
**Four Cases (Pursuant to Section 54956.9(d)(1) of the Government Code)**

Name of case: Peltier v. City of Modesto
Case No. 2022652

Wright v. City of Modesto
Case No. 9000282

Lamb v. City of Modesto
Case No. CV-18-2019

Civic Partners Modesto, Inc. v. City of Modesto Redevelopment Successor Agency
Case No. 9000266

Attest:_____
Stephanie Lopez, City Clerk

# MINUTES

**City of Modesto**

# SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP

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

**Monday, October 8, 2018, at 5:00 p.m.**

Roll Call – Present: Councilmembers Ah You, Ridenour, Kenoyer
Absent: None

## PUBLIC COMMENTS

None.

## CONSENT

None.

## NEW BUSINESS

1. Consider authorizing the City Manager, or his designee, to assess possible locations within the City of Modesto for a temporary Emergency Low Barrier Shelter while a permanent Access Center is developed and forwarding options to Council for consideration. (Funding Source: Not Applicable)

   *City Manager; Edgar Garcia, 571-5101, edgarcia@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** authorizing staff recommendations.

2. Consider accepting a report back to the Committee on the public feedback regarding the Rental Housing Inspection Program. (Funding Source: Not Applicable)

   *Community & Economic Development; Thomas Trimberger, 577-5242, ttrimberger@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** directing staff to bring item back to Safety & Communities Committee to develop the framework for a typical Rental Housing Safety Program based on the collection of data from different reporting agencies.

3. Consider accepting the California Outdoor Environmental Education Facilities Grant Program award in an amount of $500,000 to fund construction of the Tuolumne River Regional Park (TRRP) River Pavilion Project and amending the Fiscal Year 2018-2019 Capital Improvement Project Budget in an amount not to exceed $507,500, and forwarding to Council for approval. (Funding Source: California Outdoor Environmental Education Facilities Grant Program and TRRP CIP Funds)

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

**ACTION: MOTION (Ridenour/Kenoyer; 3/0)** accepting the California Outdoor Environmental Education Facilities Grant Program award in an amount of $500,000 to fund construction of the Tuolumne River Regional Park (TRRP) River Pavilion Project and amending the Fiscal Year 2018-2019 Capital Improvement Project Budget in an amount not to exceed $507,500, and forwarding to Council for approval.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 6:53 p.m.

Attest:_____
Joseph Lopez, City Manager

# MINUTES

City of Modesto

## CITY COUNCIL MEETING

**Chambers, Basement Level**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**
**Tuesday October 09, 2018, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
Absent: None

Pledge of Allegiance to the Flag

Invocation: Marvin Jacobo, City Ministry Network

City Clerk's Announcements

Declaration of Conflicts of Interest: None

Reports from Closed Session: Acting City Attorney Steven Mattas spoke regarding Closed Session matters

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation declaring October 21-28, 2018 as National Family Promise Week. (Funding Source: Not Applicable)
   *City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Brandvold and Council presented a Proclamation declaring October 21-28, 2018 as National Family Promise Week.

2. Presentation of Proclamation proclaiming October 8-12, 2018 as Code Enforcement Officer Appreciation Week. (Funding Source: Not Applicable)
   *Community & Economic Development; Jaylen French, 571-2938, jfrench@modestogov.com*

**ACTION:** Mayor Brandvold and Council presented a Proclamation to Chief Building Official Oscar Diaz proclaiming October 8-12, 2018 as Code Enforcement Officer Appreciation Week.

### MISCELLANEOUS

Legislation
Appointments

Other

3. Consider accepting the resignation of Joanna Esparza from the City's Landmark Preservation Commission. (Funding Source: Not Applicable)
   - Resolution accepting the resignation of Joanna Esparza from the City of Modesto Landmark Preservation Commission.

   *Community & Economic Development; Cindy van Empel, 577-5267, cvanempel@modestogov.com*

**ACTION: Resolution 2018-441 (Madrigal/Ah You; 7/0)** accepting the resignation of Joanna Esparza from the City of Modesto Landmark Preservation Commission.

4. Consider appointing Patrick Cavanah to the Landmark Preservation Commission as the Culture Commission representative with a term expiration of January 1, 2022. (Funding Source: Not Applicable )
   - Resolution appointing Patrick Cavanah to the Landmark Preservation Commission as the Culture Commission Representative with a term expiration of January 1, 2022.

   *Community & Economic Development; Robert Kimball, 571-5540, rkimball@modestogov.com*

**ACTION: Resolution 2018-442 (Kenoyer/Zoslocki; 7/0)** appointing Patrick Cavanah to the Landmark Preservation Commission as the Culture Commission Representative with a term expiration of January 1, 2022.

**PUBLIC COMMENT PERIOD**

- Wendy Byrd spoke in support of City Auditor Monica Houston.
- Mack Wilson, Advocates for Justice, spoke regarding a cannabis club that opened on Paradise Road; he thanked the City for paving his street.
- Frank DeMattos spoke in support of City Auditor Monica Houston and the role of the City Auditor.
- Ron DeLoach, West Modesto People of Action, spoke in support of City Auditor Monica Houston.
- Nathaniel Green, Christ Unity Baptist Church, spoke in support of City Auditor Monica Houston.
- Maggie Countryman spoke regarding code enforcement and City Auditor Monica Houston.
- Pastor Darius Crosby spoke in support of City Auditor Monica Houston and building relationships.

- Diane Kroeze spoke in support of City Auditor Monica Houston and transparency.
- Sebastian Jones spoke in support of City Auditor Monica Houston.
- Loretta Carhart spoke regarding the death of her father and her illness; she also spoke regarding watering in Modesto.
- A citizen from the local Sikh youth organization spoke in support of City Auditor Monica Houston.
- Jocelyn Cooper spoke in support of City Auditor Monica Houston.
- Juan Telles spoke in support of City Auditor Monica Houston and supporting the youth in Modesto.
- Wendy Heath spoke in support of City Auditor Monica Houston.
- City Auditor Monica Houston thanked everyone for their support.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**
**ACTION CONSENT ITEMS 5-16: (Kenoyer/Grewal; 7/0)**

**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 October 2, 2018 Council Meeting. (Funding Source: Not Applicable)
   - Motion approving the minutes from the October 2, 2018 Council Meeting.

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

**ACTION: Motion (Kenoyer/Grewal; 7/0)** approving the minutes from the October 2, 2018 Council Meeting.

Consent
6. Consider approving the plans and specifications, accepting the bid, and awarding the construction contract to Ross F. Carroll, Inc. of Oakdale, California, in the amount of $859,300 for the Right Turn Lane Improvements on the Westbound D Street to Northbound 9th Street Project, CML 5059 (198). (Funding Source: Congestion Mitigation and Air Quality, Regional Surface Transportation Program, and Federal Transit Administration)
   - Resolution approving the plans and specifications, accepting the bid, and awarding the construction contract to Ross F. Carroll, Inc. of Oakdale, California, in the

amount of $ 859,300 for the Right Turn Lane Improvements Westbound D Street to Northbound 9th Street Project, and authorizing the City Manager, or his designee to execute the contract.

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

**ACTION: Resolution 2018-443 (Kenoyer/Grewal; 7/0)** approving the plans and specifications, accepting the bid, and awarding the construction contract to Ross F. Carroll, Inc. of Oakdale, California, in the amount of $ 859,300 for the Right Turn Lane Improvements Westbound D Street to Northbound 9th Street Project, and authorizing the City Manager, or his designee to execute the contract.

Consent

7. Consider approving a Will Serve Letter and Outside Service Agreement for sewer connection for the property located at 1609 Shaddox Avenue in Modesto (APN: 081-028-019) (Funding Source: Sewer Fund)
   - Resolution approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and Mr. Gurinder Singh Sahi, a single man, to connect to the City of Modesto's existing sewer system for the property located at 1609 Shaddox Avenue (APN: 081-028-019), and authorizing the City Manager, or his designee, to sign the Will Serve Letter and execute the Agreement.

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

**ACTION: Resolution 2018-444 (Kenoyer/Grewal; 7/0)** approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and Mr. Gurinder Singh Sahi, a single man, to connect to the City of Modesto's existing sewer system for the property located at 1609 Shaddox Avenue (APN: 081-028-019), and authorizing the City Manager, or his designee, to sign the Will Serve Letter and execute the Agreement.

Consent

8. Consider amending Section 4 and 15 of the Housing and Urban Development Policies & Procedures Manual. (Funding Source: Community Development Block Grant, HOME Investment Partnerships and Emergency Solutions Grant Funds)
   - Resolution amending Section 4 and 15 of the Housing and Urban Development Policies & Procedures Manual.

   *Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2018-445 (Kenoyer/Grewal; 7/0)** amending Section 4 and 15 of the Housing and Urban Development Policies & Procedures Manual.

Consent

9. Consider approving the payment of $100,000 to the Modesto Irrigation District (MID) for the purpose of designing and procuring steel utility poles required for the State Route 132 West Freeway/Expressway Phase 1 Project. (Funding Source: Regional Measure L Funds)

- Resolution approving the payment of $100,000 to the Modesto Irrigation District (MID) for the purpose of designing and procuring the steel utility poles required for the State Route 132 West Freeway/Expressway Phase 1 Project.

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

**ACTION: Resolution 2018-446 (Kenoyer/Grewal; 7/0)** approving the payment of $100,000 to the Modesto Irrigation District (MID) for the purpose of designing and procuring the steel utility poles required for the State Route 132 West Freeway/Expressway Phase 1 Project.

Consent

10. Consider accepting an informational report for the August 2018 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the August 2018 Accounts Payable Payment Register and Void report.

    *Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Kenoyer/Grewal; 7/0)** accepting an informational report for the August 2018 Accounts Payable Payment Register and Void report.

Consent

11. Consider approving the recommended budget adjustments to Fiscal Year 2017-18 and Fiscal Year 2018-19 Annual Operating and Capital Improvement Project Budget. (Funding Source: Various Funds)
    - Resolution amending Fiscal Year 2017-18 and Fiscal Year 2018-19 Annual Operating and Capital Improvement Project Fund Budgets.

    *Finance; Kaceey Culbertson, 577-5479, kculbertson@modestogov.com*

**ACTION: Resolution 2018-447 (Kenoyer/Grewal; 7/0)** amending Fiscal Year 2017-18 and Fiscal Year 2018-19 Annual Operating and Capital Improvement Project Fund Budgets.

Consent

12. Consider approving Professional Services Agreements with Ralph Andersen & Associates, Rocklin, CA; CPS HR Consulting, Inc., Sacramento, CA; Neher and Associates, West Sacramento, CA; and Koff and Associates, Berkeley, CA to conduct citywide executive recruitment services on an as needed basis, for a two year Agreement with three one-year extension options in a combined amount not to exceed $300,000 over five years. (Funding Source: Various Funds)
    - Resolution approving Professional Services Agreements with Ralph Andersen & Associates, Rocklin, CA; CPS HR Consulting, Inc., Sacramento, CA; Neher and Associates, West Sacramento, CA; and Koff and Associates, Berkeley, CA to conduct citywide executive recruitment services on an as needed basis, for a two year Agreement with three one-year extension options at the sole discretion of the City, in a combined amount not to exceed $300,000 over five years, and authorizing the City Manager, or his designee, to execute the Agreements.

    *Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION: Resolution 2018-448 (Kenoyer/Grewal; 7/0)** approving Professional Services Agreements with Ralph Andersen & Associates, Rocklin, CA; CPS HR Consulting, Inc., Sacramento, CA; Neher and Associates, West Sacramento, CA; and Koff and Associates, Berkeley, CA to conduct citywide executive recruitment services on an as needed basis, for a two year Agreement with three one-year extension options at the sole discretion of the City, in a combined amount not to exceed $300,000 over five years, and authorizing the City Manager, or his designee, to execute the Agreements.

Consent

13. Consider awarding the bid and issuing a Purchase Order to Irwin Seating Company of Grand Rapids, MI for the replacement of approximately 1,000 Upper Box Seats at John Thurman Field in the amount of $179,638, with a 5% contingency in the amount of $8,982 for a total amount not to exceed $188,620, amending the Fiscal Year 2018-2019 Multi-Year Operating Budget to adjust the non-capital project #101019 for John Thurman Field capital improvements in the amount of $120,000 in both revenue and expenditure appropriation and to also increase the transfer from the General Fund (0100) to the John Thurman Capital Improvements Fund (3125) as outlined in Attachment A, and approving a First Amendment to the Agreement with HWS Baseball JV, LLC, aka the Modesto Nuts Baseball Club, for the use, operation and management of John Thurman Field. (Funding Source: CIP Project 101019/General Fund)
    - Resolution awarding the bid and issuing a Purchase Order to Irwin Seating Company of Grand Rapids, MI for the replacement of approximately 1,000 Upper Box Seats at John Thurman Field in the amount of $179,638, with a 5% contingency in the amount of $8,982 and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order for a total amount not to exceed $188,620 as necessary.
    - Resolution amending the Fiscal Year 2018-2019 Multi-Year Operating Budget to adjust the non-capital project #101019 for John Thurman Field capital improvements in the amount of $120,000 in both revenue and expenditure appropriations and to increase the transfer from the General Fund (0100) to the John Thurman Capital Improvements Fund (3125) by the same amount as outlined in Attachment A, and authorizing the City Manager, or his designee, to implement the provisions of this resolution.
    - Resolution approving the First Amendment to the Agreement with HWS Baseball JV, LLC, aka the Modesto Nuts Baseball Club, for the use, operation and management of John Thurman Field and authorizing the City Manager, or designee, to execute the Amendment to Agreement.

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

**ACTION: Resolution 2018-449 (Kenoyer/Grewal; 7/0)** awarding the bid and issuing a Purchase Order to Irwin Seating Company of Grand Rapids, MI for the replacement of approximately 1,000 Upper Box Seats at John Thurman Field in the amount of $179,638, with a 5% contingency in the amount of $8,982 and authorizing the Purchasing Manager, or her

designee, to issue the Purchase Order for a total amount not to exceed $188,620 as necessary.

**ACTION: Resolution 2018-450 (Kenoyer/Grewal; 7/0)** amending the Fiscal Year 2018-2019 Multi-Year Operating Budget to adjust the non-capital project #101019 for John Thurman Field capital improvements in the amount of $120,000 in both revenue and expenditure appropriations and to increase the transfer from the General Fund (0100) to the John Thurman Capital Improvements Fund (3125) by the same amount as outlined in Attachment A, and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

**ACTION: Resolution 2018-451 (Kenoyer/Grewal; 7/0)** approving the First Amendment to the Agreement with HWS Baseball JV, LLC, aka the Modesto Nuts Baseball Club, for the use, operation and management of John Thurman Field and authorizing the City Manager, or designee, to execute the Amendment to Agreement.

Consent

14. Consider adopting the East Stanislaus Integrated Regional Water Management Plan Update. (Funding Source: Not Applicable)
    - Resolution adopting the East Stanislaus Integrated Regional Water Management Plan Update.

    *Utilities; Jim Alves, 571-5557, jalves@modestogov.com*

**ACTION: Resolution 2018-452 (Kenoyer/Grewal; 7/0)** adopting the East Stanislaus Integrated Regional Water Management Plan Update.

Consent

15. Consider approving a Purchasing Agreement with West Coast Sand and Gravel, Inc., Modesto, CA, for pea gravel for a two-year Agreement with three one-year extension options, for an annual cost not to exceed $61,000 and a total amount not to exceed $305,000 over five years. (Funding Source: Storm Drain Fund)
    - Resolution approving an Agreement for pea gravel to West Coast Sand and Gravel, Inc., Modesto, CA, for a two-year Agreement with three one-year extension options, for an annual cost not to exceed $61,000 and a total amount not to exceed $305,000 over five years, and authorizing the Purchasing Manager, or her designee, to issue the Purchasing Agreement.

    *Utilities; Robert Englent, 577-6222, renglent@modestogov.com*

**ACTION: Resolution 2018-453 (Kenoyer/Grewal; 7/0)** approving an Agreement for pea gravel to West Coast Sand and Gravel, Inc., Modesto, CA, for a two-year Agreement with three one-year extension options, for an annual cost not to exceed $61,000 and a total amount not to exceed $305,000 over five years, and authorizing the Purchasing Manager, or her designee, to issue the Purchasing Agreement.

Consent

16. Consider approving a Purchasing Agreement with Subsite, LLC, Petaluma, CA, by utilizing the competitive bid process "piggybacking" with the Houston-Galveston Area Council Cooperative Purchasing Program, for a Closed Circuit Television equipment

retrofit, for a total cost not to exceed $127,040. (Funding Source: Wastewater Fund)

- Resolution approving a Purchasing Agreement with Subsite, LLC, Petaluma, CA, by utilizing the competitive bid process with the Houston-Galveston Area Council Cooperative Purchasing Program (HGACBuy), for a Closed Circuit Television (CCTV) equipment retrofit, for a total cost not to exceed $127,040 and authorizing the Purchasing Manager, or her designee, to issue the Purchasing Agreement.

*Utilities; Robert Englent, 577-6222, renglent@modestogov.com*

**ACTION: Resolution 2018-454 (Kenoyer/Grewal; 7/0)** approving a Purchasing Agreement with Subsite, LLC, Petaluma, CA, by utilizing the competitive bid process with the Houston-Galveston Area Council Cooperative Purchasing Program (HGACBuy), for a Closed Circuit Television (CCTV) equipment retrofit, for a total cost not to exceed $127,040 and authorizing the Purchasing Manager, or her designee, to issue the Purchasing Agreement.

## COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer attended the International Heritage Festival at Modesto Junior College and participated in the Peace Officer Memorial Run; she also supported Councilmember Ridenour's request for an investigation regarding allegations made during the Council meeting.

Councilmember Ah You announced her granddaughter won the Spelling Bee; she also spoke regarding Closed Session meetings.

Councilmember Madrigal spoke in support of Councilmember Ah You's comments; he attended the Central Valley Entrepreneurship competition hosted by UC Merced; he thanked City staff for cleaning up trash and graffiti in Modesto; he also attended a Neighborhood Block Party last week in West Modesto.

Councilmember Ridenour requested an investigation regarding Councilmember Ah You's and Mayor Brandvold's comments.

Councilmember Zoslocki attended a roundtable discussion today at StanCOG with Congressman Jeff Denham and U.S. Transportation Undersecretary Derek Kan; they toured future projects at Highway 132, North County Corridor, as well as the Crows Landing Bridge.

Mayor Brandvold spoke regarding ongoing issues in the City of Modesto including overspending, the HUD Audit, the Measure L Citizen's Oversight Commission, and the City Auditor; he will be requesting reports back on these items to Council.

Councilmember Grewal spoke regarding Council Comments and requests for items to be brought to Council.

## CITY MANAGER COMMENTS & REPORTS

City Manager Lopez spoke regarding statements made by Mayor Brandvold.

## UNFINISHED BUSINESS

17. Consider an informational report with staff update on the King-Kennedy Memorial Center Door Replacement Project. (Funding Source: Not Applicable)
*Parks, Recreation & Neighborhoods; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION:** Director Laurie Smith gave an update on the King-Kennedy Memorial Center Door Replacement Project, security and pest problems.

## HEARINGS

*Published in the Modesto Bee on September 5, 2018 and Vida in el Valle on September 12, 2018*

18. Hearing to approve Amendment No. 1 to City of Modesto Program Year 2018-2019 Annual Action Plan to reallocate Community Development Block Group Funds (CDBG) Funds and HOME Investment Partnership Funds to eligible projects to meet funding requirement deadlines. (Funding Source: Community Development Block Grant, HOME Investment Partnerships and Emergency Solutions Grant Funds)
    - Resolution approving Amendment No. 1 to City of Modesto Program Year 2018-2019 Annual Action Plan, and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this resolution.
    - Resolution amending the Fiscal Year 2018-19 Operating, Capital, and Multi-Year project budgets to re-allocate Community Development Block Grant Funds and Home Investment Partnership Funds as proposed in the Program Year 2018-19 Annual Action Plan Amendment and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this resolution.
    - Resolution awarding $450,000 of Community Development Block Grant funds (CDBG) to the Housing Authority of Stanislaus for the rehabilitation of 201 E. Coolidge, and authorizing the City Manager, or his designee, to execute the Agreements.
    - Resolution amending the Fiscal Year 2018-2019 Multi-Year project budget to establish a non-capital project to be funded in the amount of $450,000 with Community Development Block Grant Funds to the Housing Authority of Stanislaus County and up to 10% for eligible activity delivery costs in the amount of $45,000 for an affordable housing project located at 201 E. Coolidge Ave, Modesto and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this resolution.
    - Resolution awarding $440,000 of Community Development Block Grant funds (CDBG) for Mellis Park Facilities Improvements, and authorizing the City Manager, or his designee, to execute all project related documents and Agreements.
    - Resolution amending the Fiscal Year 2018-19 Capital Improvement project budget to establish a capital project for Mellis Park Facilities Improvements in the amount of $400,000 with Community Development Block Grant funds and up to 10% for eligible activity delivery costs in the amount of $40,000 and authorizing the City

Manager, or his designee, to take the necessary steps to implement the provisions of this resolution.

- Resolution awarding $627,000 of Community Development Block Grant funds (CDBG) for the installation of fire hydrants, and authorizing the City Manager, or his designee, to execute all project related documents and Agreements.
- Resolution amending the Fiscal Year 2018-19 Capital Improvement project budget to establish a capital project for the installation of fire hydrants in the amount of $570,000 (101148) and eligible activity delivery costs in the amount of $57,000 with Community Development Block Grant funds and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this resolution.

*Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2018-455 (Kenoyer/Madrigal; 7/0)** approving Amendment No. 1 to City of Modesto Program Year 2018-2019 Annual Action Plan, and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this resolution.

**ACTION: Resolution 2018-456 (Kenoyer/Madrigal; 7/0)** amending the Fiscal Year 2018-19 Operating, Capital, and Multi-Year project budgets to re-allocate Community Development Block Grant Funds and Home Investment Partnership Funds as proposed in the Program Year 2018-19 Annual Action Plan Amendment and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this resolution.

**ACTION: Resolution 2018-457 (Kenoyer/Madrigal; 7/0)** awarding $450,000 of Community Development Block Grant funds (CDBG) to the Housing Authority of Stanislaus for the rehabilitation of 201 E. Coolidge, and authorizing the City Manager, or his designee, to execute the Agreements.

**ACTION: Resolution 2018-458 (Kenoyer/Madrigal; 7/0)** amending the Fiscal Year 2018-2019 Multi-Year project budget to establish a non-capital project to be funded in the amount of $450,000 with Community Development Block Grant Funds to the Housing Authority of Stanislaus County and up to 10% for eligible activity delivery costs in the amount of $45,000 for an affordable housing project located at 201 E. Coolidge Ave, Modesto and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this resolution.

**ACTION: Resolution 2018-459 (Kenoyer/Madrigal; 7/0)** awarding $440,000 of Community Development Block Grant funds (CDBG) for Mellis Park Facilities Improvements, and authorizing the City Manager, or his designee, to execute all project related documents and Agreements.

**ACTION: Resolution 2018-460 (Kenoyer/Madrigal; 7/0)** amending the Fiscal Year 2018-19 Capital Improvement project budget to establish a capital project for Mellis Park Facilities Improvements in the amount of $400,000 with Community Development Block Grant funds and up to 10% for eligible activity delivery costs in the amount of $40,000 and authorizing the

City Manager, or his designee, to take the necessary steps to implement the provisions of this resolution.

**ACTION: Resolution 2018-461 (Kenoyer/Madrigal; 7/0)** awarding $627,000 of Community Development Block Grant funds (CDBG) for the installation of fire hydrants, and authorizing the City Manager, or his designee, to execute all project related documents and Agreements.

**ACTION: Resolution 2018-462 (Kenoyer/Madrigal; 7/0)** amending the Fiscal Year 2018-19 Capital Improvement project budget to establish a capital project for the installation of fire hydrants in the amount of $570,000 (101148) and eligible activity delivery costs in the amount of $57,000 with Community Development Block Grant funds and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this resolution.

## NEW BUSINESS

19. Consider supporting California Proposition 3, The Water Supply and Water Quality Act of 2018. (Funding Source: Not Applicable)
    - Resolution in Support of Proposition 3, The Water Supply and Water Quality Act of 2018.

    *Utilities; Tamorah Bryant, 577-5205, tbryant@modestogov.com*

**ACTION: Motion (Madrigal/Grewal; 3/4; Ah You, Ridenour, Zoslocki, Mayor Brandvold no)** in Support of Proposition 3, The Water Supply and Water Quality Act of 2018. **(MOTION FAILED)**

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 8:50 p.m.

## CLOSED SESSION

ACTION: *All Closed Session Matters heard prior to meeting*

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
**One Case (Pursuant to Section 54956.9(d)(1) of the Government Code)**

Name of case: County of Stanislaus v. City of Modesto (Geer Rd. Landfill)
Case No. 667396

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
**(Pursuant to Section 54957 of the Government Code)**
Title: City Auditor

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
**One Case (Pursuant to Section 54956.9(d)(2) of the Government Code)**

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
**One Case (Pursuant to Section 54956.9(d)(1) of the Government Code)**
Name of case: Civic Partners Modesto, Inc. v. City of Modesto Redevelopment Successor Agency
Case No. 9000266

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**
**(Pursuant to Section 54956.8 of the Government Code)**
Property: 407 Claratina Avenue, Modesto, CA (APN: 082-009-007)
Property Owners: Ravi K Gogna & Harjit R. Gogna

Property: 525 Claratina Avenue, Modesto, CA (APN: 082-009-009)
Property Owners: Margarita L. Fernandez

Negotiating Parties:
For City: Rosalyn Ziegler, Right-of-Way Consultant with Associated Right of Way Services
Adam U. Lindgren, City Attorney for City of Modesto

For Property Owner: Property Owners
Under Negotiation: Price and Terms

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
**One Case (Pursuant to Section 54956.9(a) of the Government Code)**
Name of case(s): Mirl Morse v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ9077212 and ADJ9070231

Attest:_____
Stephanie Lopez, City Clerk

# MINUTES

**City of Modesto**

# ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP

**King-Kennedy Memorial Center**
**601 North Martin Luther King Drive**
**Modesto, California**

**Wednesday, October 10, 2018, at 5:30 p.m.**

Roll Call: Present: Councilmember Madrigal, Mayor Brandvold, and Councilmember Zoslocki
Absent: None

## PUBLIC COMMENTS

None.

## CONSENT

Consent

1. Consider accepting the Congestion Mitigation and Air Quality Grant award in the amount of $500,000 to synchronize all the traffic signals outside the downtown area, and amending the Fiscal Year 2018-2019 Non-Capital Improvement Program Budge and forwarding to Council for approval. (Funding Source: Congestion Mitigation an Air Quality Grant)

   *Public Works; Mark Murphy, 577-5431, mmurphy@modestogov.com*

**ACTION: Motion (Madrigal/Mayor Brandvold; 3/0)** accepting the Congestion Mitigation and Air Quality Grant award in the amount of $500,000 to synchronize all the traffic signals outside the downtown area, and amending the Fiscal Year 2018-2019 Non-Capital Improvement Program Budget and forwarding to Council for approval.

Consent

2. Consider approving the First Amendment to the Consultant Services Agreement witl Carollo Engineers, Inc. for the City's Compost Facility Groundwater Monitoring We work plan and installation in the amount of $20,700, with a possible contingency amount of $4,400, for a total not to exceed amount of $69,400, and forwarding to Council for approval. (Funding Source: Compost Fund)

*Public Works; Karin Neep, 577-5453, kneep@modestogov.com*

**ACTION: Motion (Madrigal/Mayor Brandvold; 3/0)** approving the First Amendment to the Consultant Services Agreement with Carollo Engineers, Inc. for the City's Compost Facility Groundwater Monitoring Wells work plan and installation in the amount of $20,700, with a possible contingency amount of $4,400, for a total not to exceed amount of $69,400, and forwarding to Council for approval.

Consent

3. Consider approving the award of bid for the furnishing of On-Call Plumbing Service at City properties to Champion Industrial Contractors, Inc., Modesto, CA, for a two year agreement with three one-year extension options, for an annual cost not to exce $68,000 and a total amount not to exceed $360,910 over five years which includes potential Consumer Price Index increases, and forwarding to Council for approval. (Funding Source: Water Fund, General Fund, Building Services Fund)

   *Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Motion (Madrigal/Mayor Brandvold; 3/0)** approving the award of bid for the furnishing of On-Call Plumbing Services at City properties to Champion Industrial Contractors, Inc., Modesto, CA, for a two year agreement with three one-year extension options, for an annual cost not to exceed $68,000 and a total amount not to exceed **$361,089** over five years which includes potential Consumer Price Index increases, and forwarding to Council for approval.

Consent

4. Consider accepting the current Local Limits Report for Industrial and Commercial wastewater discharges, rescinding Resolution No. 2006-022 and forwarding to Coun for approval. (Funding Source: Wastewater Fund)

   *Utilities; Thomas Sinclair, 577-6240, tsinclair@modestogov.com*

**ACTION: Motion (Madrigal/Mayor Brandvold; 3/0)** accepting the current Local Limits Report for Industrial and Commercial wastewater discharges, rescinding Resolution No. 2006-022 and forwarding to Council for approval.

**UNFINISHED BUSINESS**

5. Consider accepting the State of California Active Transportation Program (ATP) gra

in the amount of $3,943,022 for the Paradise Road Area Pedestrian and Bicycle Safety Improvements project and forwarding to Council for approval. (Funding Source: State of California ATP Grant and Local Funds – Measure L)

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

**ACTION: Motion (Madrigal/Mayor Brandvold; 3/0)** accepting the State of California Active Transportation Program (ATP) grant in the amount of $3,943,022 for the Paradise Road Area Pedestrian and Bicycle Safety Improvements project and forwarding to Council for approval.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 7:04 p.m.

Attest:_____
Joseph Lopez, City Manager

# MINUTES

**City of Modesto**

# SPECIAL FINANCE COMMITTEE / COUNCIL WORKSHOP

**Second Floor, Room 2008**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**

**Monday, October 22, 2018, at 3:00 p.m.**

Roll Call: Present: Councilmembers Ah You, Zoslocki, and Ridenour (alternate)
Absent: Councilmember Grewal
Also Present: Councilmember Kenoyer

## PUBLIC COMMENTS

None.

## CONSENT

Consent

1. Consider accepting an informational report on the July and August 2018 grant applications and awards and forwarding to Council for approval. (Funding Source: Not Applicable)

   *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Ridenour/Zoslocki; 3/0)** accepting an informational report on the July and August 2018 grant applications and awards and forwarding to Council for approval.

Consent

2. Consider approving the recommended budget adjustment to Fiscal Year 2018-19 Annual Operating and Capital Improvement Project Budget and forwarding to Council for approval. (Funding Source: Waste to Energy Fund)

   *Finance; Kaceey Culbertson, 577-5479, kculbertson@modestogov.com*

**ACTION: Motion (Ridenour/Zoslocki; 3/0)** approving the recommended budget adjustment to Fiscal Year 2018-19 Annual Operating and Capital Improvement Project Budget and forwarding to Council for approval.

Consent

3. Consider authorizing payment to Storer Transit Systems in the amount of $390,000 for fixed cost adjustments for the Fiscal Year 2016-17 operation of Modesto Area Dial-A-Ride, and forwarding to Council for approval. (Funding Source: Transit Funds)

   *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Ridenour/Zoslocki; 3/0)** authorizing payment to Storer Transit Systems in the amount of $390,000 for fixed cost adjustments for the Fiscal Year 2016-17 operation of Modesto Area Dial-A-Ride, and forwarding to Council for approval.

## NEW BUSINESS

4. Consider accepting an informational report on the City's draft Purchasing Policy and Purchasing audit report related to the Purchasing update. (Funding Source: Not Applicable)

   *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Ridenour/Zoslocki; 3/0)** accepting an informational report on the City's draft Purchasing Policy and Purchasing audit report related to the Purchasing update.

5. Consider accepting an actuarial valuation report of other post-employment benefits (OPEB) as of June 30, 2017 pursuant to updated financial reporting and accounting requirements from the Governmental Accounting Standards Board (GASB) Statements 74 and 75 and forwarding to Council for approval. (Funding Source: Not Applicable)

   *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Ridenour/Zoslocki; 3/0)** accepting an actuarial valuation report of other post-employment benefits (OPEB) as of June 30, 2017 pursuant to updated financial reporting and accounting requirements from the Governmental Accounting Standards Board (GASB) Statements 74 and 75 and forwarding to Council for approval.

6. Consider approving the Second Amendment to an Agreement to recognize BrightView Golf Maintenance (formerly known as ValleyCrest Golf Maintenance, Inc.), in partnership with KemperSports Management, for golf course management and maintenance services; to extend the Agreement term for one year to December 31,

2019; and to increase annual compensation by $78,861 in an amount not to exceed $2,608,304 for the one year extension, not to exceed $9,941,157 for the four year term of this Agreement; and forwarding to Council for approval. (Funding Source: Golf Fund and General Fund)

*Parks, Recreation & Neighborhoods; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Motion (Ridenour/Zoslocki; 3/0)** approving the Second Amendment to an Agreement to recognize BrightView Golf Maintenance (formerly known as ValleyCrest Golf Maintenance, Inc.), in partnership with KemperSports Management, for golf course management and maintenance services; to extend the Agreement term for one year to December 31, 2019; and to increase annual compensation by $78,861 in an amount not to exceed $2,608,304 for the one year extension, not to exceed $9,941,157 for the four year term of this Agreement; and forwarding to Council for approval.

7. Consider approving a Second Amendment to the Agreement with Del Rio Country Club Foundation (The First Tee), Modesto, CA, in an amount not to exceed $25,000 for continued management of the Municipal Golf Course and to extend the Agreement for an additional one-year term to December 31, 2019, for a total Agreement amount not to exceed $100,000 for the four year term; and forwarding to Council for approval. (Funding Source: Golf Fund and General Fund)

   *Parks, Recreation & Neighborhoods; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Motion (Ridenour/Zoslocki; 3/0)** approving a Second Amendment to the Agreement with Del Rio Country Club Foundation (The First Tee), Modesto, CA, in an amount not to exceed $25,000 for continued management of the Municipal Golf Course and to extend the Agreement for an additional one-year term to December 31, 2019, for a total Agreement amount not to exceed $100,000 for the four year term; and forwarding to Council for approval.

8. Consider approving a two-phase rental rate increase for the Modesto Centre Plaza, with Phase I increases effective January 1, 2019, Phase II increases effective on July 1, 2020, authorizing the Director of Parks, Recreation & Neighborhoods to approve negotiated room rental pricing, rescinding Resolution No. 2015-22 and forwarding to City Council for approval. (Funding Source: Community Center Operations Fund)

   *Parks, Recreation & Neighborhoods; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Motion (Ridenour/Zoslocki; 3/0)** approving a two-phase rental rate increase for the Modesto Centre Plaza, with Phase I increases effective January 1, 2019, Phase II increases

effective on July 1, 2020, authorizing the Director of Parks, Recreation & Neighborhoods to approve negotiated room rental pricing, rescinding Resolution No. 2015-22 and forwarding to City Council for approval.

9. Consider reviewing a draft Administrative Directive establishing policies and procedures for approval of special event sponsorship, provide direction to staff and forward to Council for approval. (Funding Source: General Fund)

   *Parks, Recreation & Neighborhoods; Ashley Weaver, 577-5428, aweaver@modestogov.com*

**ACTION: Motion (Ridenour/Zoslocki; 3/0)** reviewing a draft Administrative Directive establishing policies and procedures for approval of special event sponsorship, provide direction to staff and forward to Council for approval.

*Councilmember Zoslocki left meeting at 4:04 p.m.; Councilmember Kenoyer alternate*

10. Consider accepting a report on upcoming Capital Improvement construction projects. (Funding Source: Various CIPs)

    *Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** accepting a report on upcoming Capital Improvement construction projects.

*Councilmember Zoslocki returned to meeting at 4:07 p.m.*

11. Consider approving the annual rate increases and property tax payments at three wells leased from Modesto and Empire Traction Company; the land license for the property at 236 Codoni; the rental agreement with Pacific Mobile Structures for the modular at 236 Codoni; two wells leased with Beard Land Improvement Company, ratifying past expenditures that exceeded Council authority for total amounts as described in the Summary Table (Attachment 3); and forwarding to Council for approval. (Funding Source: Water Fund 4100-45050-53070 and 4100-45050-53072)

    *Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Motion (Ridenour/Zoslocki; 3/0)** approving the annual rate increases and property tax payments at three wells leased from Modesto and Empire Traction Company; the land license for the property at 236 Codoni; the rental agreement with Pacific Mobile Structures for the modular at 236 Codoni; two wells leased with Beard Land Improvement Company, ratifying past expenditures that exceeded Council authority for total amounts as described in the Summary Table (Attachment 3); and forwarding to Council for approval.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 4:23 p.m.

Attest:_____
Joseph Lopez, City Manager

# MINUTES

City of Modesto

## CITY COUNCIL MEETING

**Chambers, Basement Level**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**
**Tuesday October 23, 2018, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
Absent: None

Pledge of Allegiance to the Flag

Invocation: Nathan Allen, Church of Jesus Christ, Latter Day Saints

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

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

### PUBLIC COMMENT PERIOD

- Howard Carman spoke regarding problems in the City of Modesto and Proposition 47.
- Stan Ford spoke in opposition to a proposed homeless shelter on Calaveras Avenue.
- Christina Clayton spoke in opposition to a proposed homeless shelter on Calaveras Avenue.
- Raymond Vasquez spoke in support of the need for a place for homeless to recover after leaving the hospital.
- Gary Nicholas spoke in support of the need for a place for homeless to recover after leaving the hospital.
- Jesus Simon spoke in opposition to a proposed homeless shelter on Calaveras Avenue.
- Alicia Lopez and Ernie Levario spoke in opposition to a proposed homeless shelter on Calaveras Avenue, near where their parents live.
- Mark Monnich spoke in opposition to a proposed homeless shelter on Calaveras Avenue.

- Luz Maldonado spoke in opposition to a proposed homeless shelter on Calaveras Avenue.

- Antonio Santillan-Gil spoke in opposition to a proposed homeless shelter on Calaveras Avenue.

- Wendy Byrd spoke in support of City Auditor Monica Houston.

- Gladys Williams spoke in support of City Auditor Monica Houston and discrimination.

- Sebastian Jones spoke regarding racism and City Auditor Monica Houston,

- Charles Moore spoke in support of City Auditor Monica Houston and racism.

- Charles Mauldin spoke regarding racism in Modesto and working together.

- Alfredo Lopez spoke regarding the increase in his water bills.

- Dave Pratt spoke regarding Stand Down event for homeless Veterans on Thursday.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**
**ACTION CONSENT ITEMS 1-19: (Kenoyer/Ah You; 7/0)**

**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 October 9, 2018 Council Meeting. (Funding Source: Not Applicable)
   - Motion approving the minutes from the October 9, 2018 Council Meeting.

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

**ACTION: Motion (Kenoyer/Ah You; 7/0)** approving the minutes from the October 9, 2018 Council Meeting.

Consent
2. Consider approving the 2019 Calendar of regularly scheduled City Council and Council Standing Committee meetings. (Funding Source: Not Applicable)
   - Resolution approving the 2019 City Calendar of regularly scheduled City Council and Council Standing Committee meetings.

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

**ACTION: Resolution 2018-463 (Kenoyer/Ah You; 7/0)** approving the 2019 City Calendar

of regularly scheduled City Council and Council Standing Committee meetings.

Consent

3. Consider approving an amended and restated Joint Powers Agreement (JPA) for the Stanislaus Council of Governments (StanCOG) to designate a public transportation provider representative from among its members to the Policy Board. (Funding Source: Not Applicable)
   - Resolution approving an amended and restated Joint Powers Agreement for the Stanislaus Council of Governments (StanCOG) and authorizing the City Manager or his designee, to execute the amended and restated Agreement.

   *City Manager; Edgar Garcia, 571-5101, edgarcia@modestogov.com*

**ACTION: Resolution 2018-464 (Kenoyer/Ah You; 7/0)** approving an amended and restated Joint Powers Agreement for the Stanislaus Council of Governments (StanCOG) and authorizing the City Manager or his designee, to execute the amended and restated Agreement.

Consent

4. Consider approving the Amendment with West Coast Sand and Gravel, Inc., Modesto, CA for an additional two one-year extension options for the purchase of slurry rock. (Funding Source: Surface Transportation Fund)
   - Resolution approving the Amendment of an extension of termination date with West Coast Sand and Gravel, Inc., Modesto, CA for an additional two one-year extension options for the purchase of slurry rock; and authorizing the Purchasing Manager to issue the extended termination date to May 2, 2021 approved by Council.

   *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Resolution 2018-465 (Kenoyer/Ah You; 7/0)** approving the Amendment of an extension of termination date with West Coast Sand and Gravel, Inc., Modesto, CA for an additional two one-year extension options for the purchase of slurry rock; and authorizing the Purchasing Manager to issue the extended termination date to May 2, 2021 approved by Council.

Consent

5. Consider approving an informational report on the May and June 2018 grant application and awards. (Funding Source: Not Applicable)
   - Motion accepting an informational report for the May and June 2018 grant application and awards.

   *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 7/0)** accepting an informational report for the May and June 2018 grant application and awards.

Consent

6. Consider accepting the Monthly Investment Report for July 2018. (Funding Source: Various Funds)

- Motion accepting the Monthly Investment Report for July, 2018.

*Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 7/0)** accepting the Monthly Investment Report for July, 2018.

Consent

7. Consider approving a two year sole source Agreement with Paymentus Corporation, Charlotte, NC, for a payment gateway and online customer service portal for utility billing and miscellaneous accounts receivables, for an annual cost not to exceed $332,000 with three one-year extension options for a total not to exceed $1,660,000 over five years. (Funding Source: Water, Wastewater, and General Funds)
   - Resolution approving a two-year Sole Source Agreement with Paymentus Corporation, Charlotte, NC, for a payment gateway and online customer service portal for utility billing and miscellaneous accounts receivables, for an annual cost not to exceed $332,000 with three one-year extension options for a total not to exceed $1,660,000 over five years; and authorizing the City Manager, or his designee, to execute the Agreement.

   *Finance; Jeni Martin, 571-5892, jmartin@modestogov.com*

**ACTION: Resolution 2018-466 (Kenoyer/Ah You; 7/0)** approving a two-year Sole Source Agreement with Paymentus Corporation, Charlotte, NC, for a payment gateway and online customer service portal for utility billing and miscellaneous accounts receivables, for an annual cost not to exceed $332,000 with three one-year extension options for a total not to exceed $1,660,000 over five years; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

8. Consider approving an Amendment to the Purchasing Agreement with ReadyRefresh, Louisville, KY, for Bottled Water Service to increase the Agreement amount by $21,000 from $49,000 to a new total amount not to exceed $70,000. (Funding Source: Various Funds)
   - Resolution approving an Amendment to the Purchasing Agreement with ReadyRefresh, Louisville, KY, for Bottled Water Service to increase the Agreement amount by $21,000 from $49,000 to a new total amount of $70,000. and authorizing the Purchasing Manager, or her designee, to execute the Amendment.

   *Finance; Mark Quiroz, 571-5839, mquiroz@modestogov.com*

**ACTION: Resolution 2018-467 (Kenoyer/Ah You; 7/0)** approving an Amendment to the Purchasing Agreement with ReadyRefresh, Louisville, KY, for Bottled Water Service to increase the Agreement amount by $21,000 from $49,000 to a new total amount of $70,000 and authorizing the Purchasing Manager, or her designee, to execute the Amendment.

Consent

9. Consider approving a First Amendment to the Business Licensing and Tax Collection Software Agreement with HdL Software, LLC, in the amount of $34,133 for the

addition of the Cannabis Licensing and Tax Collection Module, estimated travel expenses, custom reports, future software modifications and increased annual Maintenance User Fee, for a total revised Agreement amount of $206,881. (Funding Source: General Fund)

- Resolution approving a First Amendment to the Business Licensing and Tax Collection Software Agreement with HdL Software, LLC, in the amount of $34,133 for the addition of the Cannabis Licensing and Tax Collection Module, estimated travel expenses, custom reports, future software modifications and increased annual Maintenance User Fee, for a total revised Agreement amount of $206,881, and authorizing the City Manager, or his designee, to execute the Amendment.

*Finance; Gina Brown, 577-5381, gbrown@modestogov.com*

**ACTION: Resolution 2018-468 (/Ah You; 7/0)** approving a First Amendment to the Business Licensing and Tax Collection Software Agreement with HdL Software, LLC, in the amount of $34,133 for the addition of the Cannabis Licensing and Tax Collection Module, estimated travel expenses, custom reports, future software modifications and increased annual Maintenance User Fee, for a total revised Agreement amount of $206,881, and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

10. Consider approving an increase to Purchase Order No. 134219 with McCain Inc., Vista, CA, for the purpose of upgrading conflict monitors to Ethernet conflict monitors for traffic signals under Resolution 2018-57 by increasing the total amount by $8,091 for a new agreed lump sum of $468,661. (Funding Source: Measure L Funds)

    - Resolution approving an increase to Purchase Order No. 134219 with McCain Inc., Vista, CA, for the purpose of upgrading conflict monitors to Ethernet conflict monitors for traffic signals under Resolution No. 2018-57 by increasing the total amount by $8,091 for a new agreed lump sum of $468,661, and authorizing the Purchasing Manager, or her designee, to issue the Amended Purchase Order.

    *Public Works; Mark Murphy, 577-5214, mmurphy@modestogov.com*

**ACTION: Resolution 2018-469 (Kenoyer/Ah You; 7/0)** approving an increase to Purchase Order No. 134219 with McCain Inc., Vista, CA, for the purpose of upgrading conflict monitors to Ethernet conflict monitors for traffic signals under Resolution No. 2018-57 by increasing the total amount by $8,091 for a new agreed lump sum of $468,661, and authorizing the Purchasing Manager, or her designee, to issue the Amended Purchase Order.

Consent

11. Consider approving the award of bid and Purchasing Agreement for on-call electrical services to Central Valley Electric, Modesto, CA, for a two-year Agreement with three one-year extension options, for an annual cost not to exceed $130,000, and $650,000 over five years. (Funding Source: Surface Transportation Fund, General Fund (Parks), Building Services Fund, and Utilities Fund)

    - Resolution approving the award of bid and Purchasing Agreement for on-call electrical services to Central Valley Electric, Modesto, CA, for two-years with

three one-year extension options, for an annual cost not to exceed $130,000, and $650,000 over five years, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Agreement.

*Public Works; Mark Murphy, 577-5214, mmurphy@modestogov.com*

**ACTION: Resolution 2018-470 (Kenoyer/Ah You; 7/0)** approving the award of bid and Purchasing Agreement for on-call electrical services to Central Valley Electric, Modesto, CA, for two-years with three one-year extension options, for an annual cost not to exceed $130,000, and $650,000 over five years, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Agreement.

Consent

12. Consider approving Amendment No. 3 to Agreement 10-397 between the City of Modesto and California Department of Transportation for the State Route 99 and Pelandale Avenue Interchange Reconstruction Project. (Funding Source: CIP 100786-CED.Land Development Engineering – State Route 99 Proposition 1B Bond Saving)
    - Resolution approving Amendment No. 3 to Agreement 10-397 between the City of Modesto and California Department of Transportation (Caltrans) for the State Route 99 and Pelandale Avenue Interchange Reconstruction Project, and authorizing the City Manager, or his designee, to execute the Amendment.

    *Public Works; Scott Collins, 544-5431, scollins@modestogov.com*

**ACTION: Resolution 2018-471 (Kenoyer/Ah You; 7/0)** approving Amendment No. 3 to Agreement 10-397 between the City of Modesto and California Department of Transportation (Caltrans) for the State Route 99 and Pelandale Avenue Interchange Reconstruction Project, and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

13. Consider approving a Purchasing Agreement by utilizing "piggybacking" on a competitively bid contract with the State of California for fleet tire purchases based on availability, cost and needs at the time of purchase, for an annual cost not to exceed $290,000 with a total cost of $1,450,000 over a five year period. (Funding Source: Fleet Maintenance Funds)
    - Resolution approving a Purchasing Agreement by utilizing "piggybacking" on a competitively bid contract with the State of California for Fleet tire purchases between three vendors based on availability, cost and needs at the time of purchase, for an overall annual cost of $290,000 with a total cost not to exceed $1,450,000 over a five year period, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Agreement.

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

**ACTION: Resolution 2018-472 (Kenoyer/Ah You; 7/0)** approving a Purchasing Agreement by utilizing "piggybacking" on a competitively bid contract with the State of California for Fleet tire purchases between three vendors based on availability, cost and needs at the time of purchase, for an overall annual cost of $290,000 with a total cost not to exceed $1,450,000 over a five year period, and authorizing the Purchasing Manager, or her designee, to issue the

Purchase Agreement.

Consent

14. Consider approving various purchases with Adesa Golden Gate Auction of Tracy, CA and Enterprise Vehicle Exchange of Modesto, CA for a two year term, for an annual replacement vehicle acquisition cost not to exceed $361,000 with a total cost not to exceed $722,000 split equally between the two vendors over two years. (Funding Source: Various Funds)
    - Resolution approving various purchases with Adesa Golden Gate Auction of Tracy, CA and Enterprise Vehicle Exchange of Modesto, CA for a two year term for an annual replacement vehicle acquisition cost not to exceed $361,000 with a total cost not to exceed $722,000 split equally between the two vendors, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Agreement.

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

**ACTION: Resolution 2018-473 (Kenoyer/Ah You; 7/0)** approving various purchases with Adesa Golden Gate Auction of Tracy, CA and Enterprise Vehicle Exchange of Modesto, CA for a two year term for an annual replacement vehicle acquisition cost not to exceed $361,000 with a total cost not to exceed $722,000 split equally between the two vendors, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Agreement.

Consent

15. Consider approving a First Amendment to the Services Agreement with ThyssenKrupp Elevator Corp. for elevator maintenance and repair, in the amount of $150,560, for a revised total not to exceed $383,960 over five years. (Funding Source: Parking Services Fund, General Fund, Building Services Fund, TSP/JPA Fund)
    - Resolution approving a First Amendment to the Services Agreement with ThyssenKrupp Elevator Corp. for elevator maintenance and repair, in the amount of $150,560, for a revised total not to exceed $383,960 over five years, and authorizing the City Manager or his designee to execute the Amendment.

    *Public Works; Patricia Eddington-Morrison, 342-4578, pmorrison@modestogov.com*

**ACTION: Resolution 2018-474 (Kenoyer/Ah You; 7/0)** approving a First Amendment to the Services Agreement with ThyssenKrupp Elevator Corp. for elevator maintenance and repair, in the amount of $150,560, for a revised total not to exceed $383,960 over five years, and authorizing the City Manager or his designee to execute the Amendment.

Consent

16. Consider approving the quarterly fuel adjustments to the maximum rate schedule for City solid waste collection services for an increase of $0.22 per month for residential services and an increase of $0.20 per cubic yard per month for commercial services, retroactive to October 1, 2018, and rescinding Resolution No. 2018-241 for the July 1, 2018 quarterly fuel adjustment, and Resolution No. 2018-242 for the July 1, 2018 annual rate adjustment to the maximum rate schedule. (Funding Source: General Fund, Streets Fund, Solid Waste Funds)
    - Resolution approving the quarterly fuel adjustments to the maximum rate schedule

for City solid waste collection services for an increase of $0.22 per month for residential services and an increase of $0.20 per cubic yard per month for commercial services, retroactive to October 1, 2018, and rescinding Resolution No. 2018-241 for the July 1, 2018 quarterly fuel adjustment, and Resolution No. 2018-242 for the July 1, 2018 annual rate adjustment to the maximum rate schedule.

*Public Works; Karin Neep, 577-5453, kneep@modestogov.com*

**ACTION: Resolution 2018-475 (Kenoyer/Ah You; 7/0)** approving the quarterly fuel adjustments to the maximum rate schedule for City solid waste collection services for an increase of $0.22 per month for residential services and an increase of $0.20 per cubic yard per month for commercial services, retroactive to October 1, 2018, and rescinding Resolution No. 2018-241 for the July 1, 2018 quarterly fuel adjustment, and Resolution No. 2018-242 for the July 1, 2018 annual rate adjustment to the maximum rate schedule.

Consent

17. Consider approving an Agreement Consenting to Common Use, and a License Agreement with Modesto Irrigation District (MID) to install improvements for the Empire Sewer Trunk Replacement Project. (Funding Source: Wastewater CIP 100641)
    - Resolution approving an Agreement Consenting to Common Use with Modesto Irrigation District for the crossing of its Highline Lateral adjacent to Yosemite Avenue, for an area of approximately 300 square feet and authorizing the City Manager, or his designee, to execute the Agreement, for the Empire Sewer Trunk Line Replacement Project.
    - Resolution approving a License Agreement with Modesto Irrigation District for the crossing of its Lateral No. 1 adjacent to Garner Road, for an area of approximately 750 square feet and authorizing the City Manager, or his designee, to execute the Agreement, for the Empire Sewer Trunk Line Replacement Project.

    *Utilities; Jon Yuriar, 577-5399, jyuriar@modestogov.com*

**ACTION: Resolution 2018-476 (Kenoyer/Ah You; 7/0)** approving an Agreement Consenting to Common Use with Modesto Irrigation District for the crossing of its Highline Lateral adjacent to Yosemite Avenue, for an area of approximately 300 square feet and authorizing the City Manager, or his designee, to execute the Agreement, for the Empire Sewer Trunk Line Replacement Project.

**ACTION: Resolution 2018-477 (Kenoyer/Ah You; 7/0)** approving a License Agreement with Modesto Irrigation District for the crossing of its Lateral No. 1 adjacent to Garner Road, for an area of approximately 750 square feet and authorizing the City Manager, or his designee, to execute the Agreement, for the Empire Sewer Trunk Line Replacement Project.

Consent

18. Consider approving a Resolution requesting the State Water Resources Control Board pursue a comprehensive solution, which prioritizes non-flow measures to protect native fish species before requiring flow increases for Bay-Delta Plan - Substitute Environmental Document, and opposes any action and plan that does not address these items. (Funding Source: Water Fund)
    - Resolution requesting the State Water Resources Control Board pursue a

comprehensive solution which prioritizes non-flow measures to protect native fish species before requiring flow increases for Bay-Delta Plan - Substitute Environmental Document, and opposes any action and plan that does not address these items.

*Utilities; William Wong, 571-5801, wwong@modestogov.com*

**ACTION: Resolution 2018-478 (Kenoyer/Ah You; 7/0)** requesting the State Water Resources Control Board pursue a comprehensive solution which prioritizes non-flow measures to protect native fish species before requiring flow increases for Bay-Delta Plan - Substitute Environmental Document, and opposes any action and plan that does not address these items.

Consent

19. Consider accepting Airport Hangar 1S Roof Replacement project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $364,201 to Best Contracting Services, Inc. of Gardena, CA. (Funding Source: County Aircraft Tax Fund - 4330)
    - Resolution accepting the Airport Hangar 1S Roof Replacement Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $364,201.35 to Best Contracting Services, Inc. of Gardena, CA.

    *Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com*

**ACTION: Resolution 2018-479 (Kenoyer/Ah You; 7/0)** accepting the Airport Hangar 1S Roof Replacement Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $364,201.35 to Best Contracting Services, Inc. of Gardena, CA.

## COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer attended the following events: MAMA awards at the Gallo Center last Tuesday, Ukraine educators delegation visiting Modesto; Modesto RecFest, and she ran a 5K for the Breast Cancer awareness.

Councilmember Madrigal announced the Trunk or Treat event on Friday evening at the 10th Street Plaza; he also participated in the Dennett Dam Removal celebration and the Modesto RecFest.

Councilmember Zoslocki spoke regarding the visit by Congressman Jeff Denham and U.S. Transportation Undersecretary Derek Kan a few weeks ago; he also spoke about being a self-help County; on October 14, 2018, he attended the California Transportation Commission meeting in Stockton where approval was given for a baseline agreement for $21 million to repair State Route 132, and an additional $5.1 million.

Mayor Brandvold spoke in support of City of Modesto employees and dealing with issues in the City.

## CITY MANAGER COMMENTS & REPORTS

City Manager Lopez spoke regarding the planting of 50 trees in Downtown Modesto by Public Works Departments and Modesto Rotary Clubs.

## UNFINISHED BUSINESS

20. Consider an informational report with staff update on the King-Kennedy Memorial Center Door Replacement Project. (Funding Source: Not Applicable)
*Parks, Recreation & Neighborhoods; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION:** Director Laurie Smith gave an update on the King-Kennedy Memorial Center Door Replacement Project, security and pest problems.

## NEW BUSINESS

21. Consider approving a First Amendment to the City Manager's Employment Agreement to include the City Manager's Performance Goals. (Funding Source: Not Applicable)
    - Resolution approving a First Amendment to the City Manager's Employment Agreement to include the City Manager's Performance Goals, and authorizing the Mayor or his designee to execute the Amendment.

    *City Manager; Edgar Garcia, 571-5101, edgarcia@modestogov.com*

**ACTION: Resolution 2018-480 (Kenoyer/Ah You; 7/0)** approving a First Amendment to the City Manager's Employment Agreement to include the City Manager's Performance Goals, and authorizing the Mayor or his designee to execute the Amendment.

22. Consider approving the First Amendment to the Land Exchange Agreement between the City and Stanislaus Food Products to extend the time for compliance of certain conditions by one year. (Funding Source: General Fund)
    - Resolution approving the First Amendment to the Land Exchange Agreement between the City and Stanislaus Food Products, and authorizing the City Manager, or his designee to execute the Amendment.

    *Community & Economic Development; Jaylen French, 571-2938, jfrench@modestogov.com*

**ACTION: Resolution 2018-481 (Madrigal/Grewal; 7/0)** approving the First Amendment to the Land Exchange Agreement between the City and Stanislaus Food Products, and authorizing the City Manager, or his designee to execute the Amendment.

*Councilmember Grewal left meeting at 7:30 p.m.*

23. Consider approving the annual rate increases and property tax payments at three wells leased from Modesto and Empire Traction Company; the land license for the property at 236 Codoni; the Rental Agreement with Pacific Mobile Structures for the modular at 236 Codoni; two wells leased with Beard Land Improvement Company and ratifying

past expenditures that exceeded Council authority for total amounts as described in the Summary Table (Attachment 7). (Funding Source: Water Fund 4100-45050-53070 and 4100-45050-53072)

- Resolution approving annual rate increases and property tax payments for Wells 291, 292, and 308 leased from Modesto and Empire Traction Company in the amount of $10,344 and a total amount not to exceed $720,145 through December of 2024, ratifying past expenditures that exceeded Council authority, and authorizing the Purchasing Manager, or her designee, to approve any future Consumer Price Index increases.
- Resolution approving annual rate increases to the land license for the property at 236 Codoni in the amount of $57,204 and a total amount not to exceed $67,003 through February of 2020, ratifying past expenditures that exceeded Council authority, and authorizing the Purchasing Manager, or her designee, to approve any future Consumer Price Index increases.
- Resolution ratifying the payments made per the Rental Agreement with Pacific Mobile Structures for the modular at 236 Codoni over the $50,000 in the amount of $377,576 and a total amount not to exceed $61,078 through February of 2020, and authorizing the Purchasing Manager, or her designee, to approve any future Consumer Price Index increases.
- Resolution approving annual rate increases and property tax payments for Wells 225 and 279 leased from Beard Land Improvement Company in the amount of $14,098 and a total amount not to exceed $489,067 through December of 2024, ratifying past expenditures that exceeded Council authority, and authorizing the Purchasing Manager, or her designee, to approve any future Consumer Price Index increases.

*Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Resolution 2018-482 (Kenoyer/Zoslocki; 6/0; Grewal absent)** approving annual rate increases and property tax payments for Wells 291, 292, and 308 leased from Modesto and Empire Traction Company in the amount of $10,344 and a total amount not to exceed $720,145 through December of 2024, ratifying past expenditures that exceeded Council authority, and authorizing the Purchasing Manager, or her designee, to approve any future Consumer Price Index increases.

**ACTION: Resolution 2018-483 (Kenoyer/Zoslocki; 6/0; Grewal absent)** approving annual rate increases to the land license for the property at 236 Codoni in the amount of $57,204 and a total amount not to exceed $67,003 through February of 2020, ratifying past expenditures that exceeded Council authority, and authorizing the Purchasing Manager, or her designee, to approve any future Consumer Price Index increases.

**ACTION: Resolution 2018-484 (Kenoyer/Zoslocki; 6/0; Grewal absent)** ratifying the payments made per the Rental Agreement with Pacific Mobile Structures for the modular at 236 Codoni over the $50,000 in the amount of $377,576 and a total amount not to exceed $61,078 through February of 2020, and authorizing the Purchasing Manager, or her designee, to approve any future Consumer Price Index increases.

**ACTION: Resolution 2018-485 (Kenoyer/Zoslocki; 6/0; Grewal absent)** approving annual

rate increases and property tax payments for Wells 225 and 279 leased from Beard Land Improvement Company in the amount of $14,098 and a total amount not to exceed $489,067 through December of 2024, ratifying past expenditures that exceeded Council authority, and authorizing the Purchasing Manager, or her designee, to approve any future Consumer Price Index increases.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 7:47 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(d)(1) of the Government Code)**
Name of case: County of Stanislaus v. City of Modesto (Geer Rd. Landfill)
Case No. 667396

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
**One Case (Pursuant to Section 54956.9(d)(2) of the Government Code)**

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
**One Case (Pursuant to Section 54956.9(a) of the Government Code)**
Name of case(s): Mirl Morse v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ9077212 and ADJ9070231

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**
**(Pursuant to Section 54956.8 of the Government Code)**
Property & Property Owners:

| APN | Address | Owner Name |
|---|---|---|
| 029-015-008 | 611 N. Franklin St., Modesto, CA | Melton & Olmsted Enterprises Inc. |
| 007-024-003 & 004 & 007-037-010 | 3643 Maze Blvd., Modesto, CA | Nita M. Wagner, as Trustee of the Nita M. Wagner Living Trust; Jane M. Roos & Ralph E. Roos; John Schallberger & Marie Schallberger, Trustees, of the Revocable Trust Dated November 3, 1992; Hans J. Wagner & Carla Wagner; Donald Wagner; Julia A. Wagner, as Trustee of the Julia A. Wagner 1992 Trust, as their interests appear of record; Hans J. Wagner, III, Trustee of the Hans J. Wagner III 2015 Trust |
| 101-002-022 | 522 North Franklin St., Modesto, CA | Ronald & Jo Anne R. Gresham |
| 101-002-007 &008 | 612 North Franklin St. & 309 Beech St., Modesto CA | William Brent & Stephanie Burnside |

Negotiating Parties:
For City: James Staudinger, CPSI
Adam U. Lindgren, City Attorney

For Property Owner: Property Owners

Under Negotiation: Price and Terms

Attest:_____
Stephanie Lopez, City Clerk

# MINUTES

City of Modesto

## CITY COUNCIL MEETING

**Chambers, Basement Level**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**
**Tuesday November 06, 2018, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
Absent: None

Pledge of Allegiance to the Flag

Invocation: Mark Hammond, Celebration Center

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

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

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of the City of Modesto's 2nd Chance Week of New and Gently Used Eye Glasses in Partnership with Lions In Sight. (Funding Source: Not Applicable)
   *Public Works; Vicki Rice, 577-5495, vrice@modestogov.com*

**ACTION:** Recycling Program Coordinator Vicki Rice gave a Presentation of the City of Modesto's 2nd Chance Week of New and Gently Used Eye Glasses in Partnership with Lions In Sight.

### MISCELLANEOUS

Legislation
Appointments
Other

2. Consider accepting the resignation of Frank Ploof from the City of Modesto Citizens' Housing and Community Development Committee. (Funding Source: Not Applicable)
   - Resolution accepting the resignation of Frank Ploof from the City of Modesto's Citizens' Housing and Community Development Committee.

   *Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2018-486 (Kenoyer/Grewal; 7/0)** accepting the resignation of Frank Ploof from the City of Modesto's Citizens' Housing and Community Development Committee.

## PUBLIC COMMENT PERIOD

- Dr. Bruce Valentine spoke regarding the California Dental Association Cares Modesto event at the Centre Plaza and parking.
- John Gunderson spoke regarding renaming Highway 132 to John Muir Highway and tourism.
- Dr. Monty Thornburg spoke regarding renaming Highway 132 to John Muir Highway, historic landmarks, and The Yosemite Tapestries.
- Dr. Dave Menshew spoke regarding renaming Highway 132 to John Muir Highway.
- Christina Clayton spoke regarding a possible homeless shelter on Calaveras Avenue in Modesto.
- Jesus Simon spoke regarding a possible homeless shelter on Calaveras Avenue in Modesto.
- Ernie Lavario spoke regarding a possible homeless shelter on Calaveras Avenue in Modesto.
- Jesuly Gutierrez spoke regarding a possible homeless shelter in Modesto and safety in her neighborhood.
- Jesus Santillan spoke regarding a possible homeless shelter in Modesto.
- Johnny Murillo spoke regarding a possible homeless shelter on Calaveras Avenue in Modesto.
- Luz Maldonado spoke regarding a possible homeless shelter on Calaveras Avenue in Modesto.
- Maggie Countryman spoke regarding her letter to the Grand Jury dated October 29, 2018 for an appeal to the Board of Zoning Adjustment.
- Dave Pratt spoke regarding homeless in Modesto and the Veterans Stand Down event on October 25, 2018.
- Loretta Carhart spoke regarding the California Dental Association event at the Modesto Centre Plaza; she also spoke regarding the roof on her garage.

- Ron DeLoach spoke regarding City Auditor Monica Houston.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**
**ACTION CONSENT ITEMS 3-10: (Kenoyer/Grewal; 7/0)**

**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 October 23, 2018 Council Meeting. (Funding Source: Not Applicable)
   - Motion approving the minutes from the October 23, 2018 Council Meeting.

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

**ACTION: Motion (Kenoyer/Grewal; 7/0)** approving the minutes from the October 23, 2018 Council Meeting.

Consent

4. Consider approving a Will Serve Letter and Outside Service Agreement for water and sewer service for the property located at 1324 McWilliams Way (APN: 029-038-013). (Funding Source: Sewer Fund, Water Fund, General Fund)
   - Resolution approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and Progressive Ag, LLC, a limited liability company to connect to the City of Modesto's existing water system for the property located at 1324 McWilliams Way in Modesto (APN: 029-038-013), and authorizing the City Manager, or his designee, to approve the Will Serve Letter and execute the Outside Service Agreement.
   - Resolution approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and Progressive Ag, LLC, a limited liability company to connect to the City of Modesto's existing sewer system for the property located at 1324 McWilliams Way in Modesto (APN: 029-038-013), and authorizing the City Manager, or his designee, to sign the Will Serve Letter and execute the Outside Service Agreement.

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

**ACTION: Resolution 2018-487 (Kenoyer/Grewal; 7/0)** approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and Progressive Ag, LLC, a limited liability company to connect to the City of Modesto's existing water system for the property located at 1324 McWilliams Way in Modesto (APN: 029-038-013), and authorizing the City Manager, or his designee, to approve the Will Serve Letter and execute the Outside Service Agreement.

**ACTION: Resolution 2018-488 (Kenoyer/Grewal; 7/0)** approving a Will Serve Letter and

Outside Service Agreement between the City of Modesto and Progressive Ag, LLC, a limited liability company to connect to the City of Modesto's existing sewer system for the property located at 1324 McWilliams Way in Modesto (APN: 029-038-013), and authorizing the City Manager, or his designee, to sign the Will Serve Letter and execute the Outside Service Agreement.

Consent

5. Consider awarding Community Development Block Grant funds in an amount not to exceed $280,000 to the Housing Authority of the County of Stanislaus for the acquisition of 0 Vine Street. (Funding Source: Community Development Block Grant Funds)
   - Resolution approving the award of Community Development Block Grant funds in an amount not to exceed $280,000 to the Housing Authority of the County of Stanislaus for the acquisition of 0 Vine Street Modesto CA, and authorizing the City Manager or his designee to execute all related loan documents.

   *Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2018-489 (Kenoyer/Grewal; 7/0)** approving the award of Community Development Block Grant funds in an amount not to exceed $280,000 to the Housing Authority of the County of Stanislaus for the acquisition of 0 Vine Street Modesto CA, and authorizing the City Manager or his designee to execute all related loan documents.

Consent

6. Consider awarding Home Investment Partnership Funds in an amount not to exceed $800,000 to the Housing Authority of the County of Stanislaus (HACS), for the development of eight single family homes for mental health clients at risk of homelessness. (Funding Source: HOME Investment Partnership Funds)
   - Resolution approving the award of Home Investment Partnerships Program Funds in an amount not to exceed $800,000 to the Housing Authority of the County of Stanislaus for the development of 416 E. Coolidge Ave Modesto CA, and authorizing the City Manager or his designee to execute the Agreements.
   - Resolution amending the Fiscal Year 2018-19 Multi-year project budget to establish a non-capital project to be funded in the amount of $800,000 with Home Investment Partnership Program grant funds to the Housing Authority of Stanislaus County (101150) and up to 10% for eligible activity delivery costs in the amount of $80,000 for the development of an affordable housing project located at 416 E. Coolidge Avenue, Modesto CA, and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this Resolution.

   *Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2018-490 (Kenoyer/Grewal; 7/0)** approving the award of Home Investment Partnerships Program Funds in an amount not to exceed $800,000 to the Housing Authority of the County of Stanislaus for the development of 416 E. Coolidge Ave Modesto CA, and authorizing the City Manager or his designee to execute the Agreements.

**ACTION: Resolution 2018-491 (Kenoyer/Grewal; 7/0)** amending the Fiscal Year 2018-19 Multi-year project budget to establish a non-capital project to be funded in the amount of $800,000 with Home Investment Partnership Program grant funds to the Housing Authority of Stanislaus County (101150) and up to 10% for eligible activity delivery costs in the amount of $80,000 for the development of an affordable housing project located at 416 E. Coolidge Avenue, Modesto CA, and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this Resolution.

Consent

7. Consider approving a First Amendment to the Agreement with Final Cut Media, for the management services of the education and government television master control room in the Council Chambers to increase the Agreement amount by $202,070 from $202,070 to a new total amount of $404,140, and extending the term of the Agreement from November 13, 2018 to November 13, 2019. (Funding Source: Education & Government Cable Fund)
    - Resolution approving the First Amendment increasing the Agreement amount with Final Cut Media, for the management services of the education and government television master control room in the Council Chambers by $202,070 from $202,070 to a new total amount of $404,140, and extending the term of the Agreement from November 13, 2018 to November 13, 2019; and authorizing the City Manager, or his designee to execute the Amendment.

    *Information Technology; Kevin Harless, 571-5593, kharless@modestogov.com*

**ACTION: Resolution 2018-492 (Kenoyer/Grewal; 7/0)** approving the First Amendment increasing the Agreement amount with Final Cut Media, for the management services of the education and government television master control room in the Council Chambers by $202,070 from $202,070 to a new total amount of $404,140, and extending the term of the Agreement from November 13, 2018 to November 13, 2019; and authorizing the City Manager, or his designee to execute the Amendment.

Consent

8. Consider accepting the Congestion Mitigation and Air Quality Grant award in the amount of $500,000 to synchronize all the traffic signals outside the downtown area, and amending the Fiscal Year 2018-19 Non-Capital Improvement Program Budget in the amount of $500,000. (Funding Source: Congestion Mitigation and Air Quality Grant)
    - Resolution accepting the Congestion Mitigation and Air Quality (CMAQ) Grant award in the amount of $500,000 to synchronize all the traffic signals outside the downtown area, and authorizing the City Manager, or his designee, to execute all necessary documents.
    - Resolution amending the Fiscal Year 2018-2019 Non-Capital Improvement Program Budget, Project#101128 in the amount of $500,000, to fund Synchronizing the Traffic Signals Outside the Downtown Business District and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

    *Public Works; Mark Murphy, 577-5431, mmurphy@modestogov.com*

**ACTION: Resolution 2018-493 (Kenoyer/Grewal; 7/0)** accepting the Congestion Mitigation and Air Quality (CMAQ) Grant award in the amount of $500,000 to synchronize all the traffic signals outside the downtown area, and authorizing the City Manager, or his designee, to execute all necessary documents.

**ACTION: Resolution 2018-494 (Kenoyer/Grewal; 7/0)** amending the Fiscal Year 2018-2019 Non-Capital Improvement Program Budget, Project#101128 in the amount of $500,000, to fund Synchronizing the Traffic Signals Outside the Downtown Business District and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

Consent

9. Consider approving the First Amendment to the Consultant Services Agreement with Carollo Engineers, Inc. for the City's Compost Facility Groundwater Monitoring Wells work plan and installation in the amount of $20,700, with a possible contingency amount of $4,400, for a total not to exceed amount of $69,400. (Funding Source: Compost Fund)
    - Resolution approving the First Amendment to the Consultant Services Agreement with Carollo Engineers, Inc. for the City's Compost Facility Groundwater Monitoring Wells work plan and installation in the amount of $20,700, with a possible contingency amount of $4,400, for a total not to exceed amount of $69,400, and authorizing the City Manager, or his designee to execute the Amendment.

    *Public Works; Karin Neep, 577-5453, kneep@modestogov.com*

**ACTION: Resolution 2018-495 (Kenoyer/Grewal; 7/0)** approving the First Amendment to the Consultant Services Agreement with Carollo Engineers, Inc. for the City's Compost Facility Groundwater Monitoring Wells work plan and installation in the amount of $20,700, with a possible contingency amount of $4,400, for a total not to exceed amount of $69,400, and authorizing the City Manager, or his designee to execute the Amendment.

Consent

10. Consider approving the award of bid for the furnishing of On-Call Plumbing Services at City properties to Champion Industrial Contractors, Inc., Modesto, CA, for a two-year Agreement with three one-year extension options, for an annual cost not to exceed $68,000 and a total amount not to exceed $361,089 over five years, which includes potential Consumer Price Index increases. (Funding Source: Water Fund, General Fund, and Building Services Fund)
    - Resolution approving the award of furnishing of On-Call Plumbing Services at City properties to Champion Industrial Contractors, Inc., Modesto, CA, for a two- year Agreement with three one-year extension options, for an annual cost not to exceed $68,000 and a total amount not to exceed $361,089 over five years, which includes potential Consumer Price Index increases, and authorizing the Purchasing Manager, or her designee, to issue the Purchasing Agreement.

    *Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Resolution 2018-496 (Kenoyer/Grewal; 7/0)** approving the award of furnishing

of On-Call Plumbing Services at City properties to Champion Industrial Contractors, Inc., Modesto, CA, for a two- year Agreement with three one-year extension options, for an annual cost not to exceed $68,000 and a total amount not to exceed $361,089 over five years, which includes potential Consumer Price Index increases, and authorizing the Purchasing Manager, or her designee, to issue the Purchasing Agreement.

## COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer announced there is still time to vote today.

Councilmember Madrigal thanked everyone for their assistance with the Trunk of Treat event at the 10th Street Plaza.

## CITY MANAGER COMMENTS & REPORTS

None.

## UNFINISHED BUSINESS

11. Consider an informational report with staff update on the King-Kennedy Memorial Center Door Replacement Project. (Funding Source: Not Applicable)
*Parks, Recreation & Neighborhoods; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION:** Director Laurie Smith gave an update on the King-Kennedy Memorial Center Door Replacement Project, security and pest problems.

## HEARINGS

12. Hearing to consider adopting a Resolution of Necessity and directing the commencement of eminent domain proceedings and authorizing the making of deposits of probable compensation for the following two properties for the State Route 132 West Freeway/Expressway Phase 1 Project: A portion of 308 North Madison Street, Modesto, CA 95351 (APN 101-004-059) Owner: Jeffrey and Norina Manglona; and a portion of 1420 Kansas Avenue, Modesto, CA 95351 (APN 029-018-044) Owner: Harman Management Corp. (Funding Source: Streets Capital Facilities Fee (CFF), Regional Measure L funds, Stanislaus County Public Facilities Fee (PFF) funds)
    - Resolution of Necessity determining that the public interest and necessity require the acquisition of real property directing the commencement of eminent domain proceedings for the State Route 132 West Freeway/Expressway Phase 1 Project re: A portion of 308 North Madison Street, Modesto, CA 95351 (APN 101-004-059), Owner: Jeffrey and Norina Manglona.
    - Resolution of Necessity determining that the public interest and necessity require the acquisition of real property directing the commencement of eminent domain proceedings for the State Route 132 West Freeway/Expressway Phase 1 Project re: A portion of 1420 Kansas Avenue, Modesto, CA 95351 (APN 029-018-044),

Owner: Harman Management Corp.
*Community & Economic Development; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION: Resolution 2018-497 (Ridenour/Ah You; 7/0)** of Necessity determining that the public interest and necessity require the acquisition of real property directing the commencement of eminent domain proceedings for the State Route 132 West Freeway/Expressway Phase 1 Project re: A portion of 308 North Madison Street, Modesto, CA 95351 (APN 101-004-059), Owner: Jeffrey and Norina Manglona.

**ACTION: Resolution 2018-498 (Ridenour/Ah You; 7/0)** of Necessity determining that the public interest and necessity require the acquisition of real property directing the commencement of eminent domain proceedings for the State Route 132 West Freeway/Expressway Phase 1 Project re: A portion of 1420 Kansas Avenue, Modesto, CA 95351 (APN 029-018-044), Owner: Harman Management Corp.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 6:45 p.m.

## CLOSED SESSION

*All Closed Session Matters heard prior to meeting*

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**
**(Pursuant to Section 54956.8 of the Government Code)**
Property & Property Owners:

| APN | Address | Owner Name |
|---|---|---|
| 007-024-003, the<br>007-024-004 &<br>007-037-010 | 3643 Maze Bl., Modesto | Nita M. Wagner, as Trustee of<br>Nita M. Wagner Living Trust;<br>Jane M. Roos & Ralph E. Roos; |

John Schallberger & Marie Schallberger, Trustees, of the Revocable Trust Dated November 3, 1992; Hans J. Wagner & Carla Wagner; Donald Wagner; Julia A. Wagner, as Trustee of the Julia A. Wagner 1992 Trust, as their interests appear of record;
Hans J. Wagner, III, Trustee of the Hans J. Wagner III 2015 Trust

| | | |
|---|---|---|
| 081-031-013 | 824 N. Dakota Ave., Modesto | Alcamo Farms |
| 029-015-008 | 611 N Franklin St., Modesto | Melton-Olmsted |
| 007-039-012 | 1601 Elm Ave., Modesto | Johns |
| 007-024-001 | SE Corner of N. Dakota Ave. & Kansas Ave., Modesto | Faria |
| 101-002-007 &008 | 612 North Franklin St. & 309 Beech St., Modesto CA | William Brent & Stephanie Burnside |

Negotiating Parties:
City
Property Owners

City Negotiators: James Staudinger, CPSI
Adam U. Lindgren, City Attorney

Under Negotiation: Price and Terms

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCEA**
Negotiator: Norma Santoyo
Employee Organization: Modesto City Employees Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCMA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Confidential & Management Association

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

Employee Organization: Modesto Police Officers' Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MPNSA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Non-Sworn Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) –MPMA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCFFA**
Negotiator: Norma Santoyo
Employee Organization: Modesto City Firefighters Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**
Negotiator: Norma Santoyo
Employee Organization: Unrepresented Management and Confidential Employees

Attest:_____
Stephanie Lopez, City Clerk

# MINUTES

City of Modesto

## CITY COUNCIL MEETING

**Chambers, Basement Level**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**
**Tuesday November 13, 2018, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
Absent: None

Pledge of Allegiance to the Flag

Invocation: Rabbi Shalom Bochner, Congregation Beth Shalom

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

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

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to the Modesto Chamber of Commerce proclaiming November 24, 2018 as Small Business Saturday. (Funding Source: Not Applicable)
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Brandvold and the City Council presented a Proclamation to the Modesto Chamber of Commerce proclaiming November 24, 2018 as Small Business Saturday.

### PUBLIC COMMENT PERIOD

- Sean Cortes, Up With People, spoke regarding their program on March 22, 2019 at the Gallo Center.
- Carmen Sabatino spoke regarding $20 million spent on attorneys' fees by the City of Modesto.
- Mack Wilson spoke regarding equality and justice in Modesto.
- Alicia Lopez spoke regarding a possible homeless shelter on Calaveras Avenue.

- Angel Santillan-Gil spoke regarding a possible homeless shelter on Calaveras Avenue.
- Elizabeth Santillan spoke regarding a possible homeless shelter on Calaveras Avenue.
- Maggie Countryman spoke regarding her letter to the Federal Bureau of Investigation.
- Howard Carmen spoke regarding the homeless in Modesto and the Ninth Circuit Court ruling.
- Loretta Carhart spoke regarding the homeless in City parks and buses in Modesto.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**
**ACTION CONSENT ITEMS 2-15: (Kenoyer/Ah You; 7/0)**

**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, 2018 Council Meeting. (Funding Source: Not Applicable)
   - Motion approving the minutes from the November 6, 2018 Council Meeting.

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

**ACTION: Motion (Kenoyer/Ah You; 7/0)** approving the minutes from the November 6, 2018 Council Meeting.

Consent
3. Consider approving a Fifth Amendment to the Agreement with Modesto Executive Air Charter, Inc. dba Sky Trek Aviation ("Sky Trek"), authorizing a 20-year extension set to expire in 2053, and adjusting the Agreement's schedule of fees to bring the fees up to market rates beginning in 2029. (Funding Source: Airport Fund)
   - Resolution approving a Fifth Amendment to the Lease Agreement with Modesto Executive Air Charter, Inc., dba Sky Trek Aviation ("Sky Trek"), extending the Agreement for 20 years, adjusting the schedule of fees, and authorizing the City Manager, or his designee, to execute the Amendment to the Agreement.

   *City Manager; Edgar Garcia, 571-5101, edgarcia@modestogov.com*

**ACTION: Resolution 2018-499 (Kenoyer/Ah You; 7/0)** approving a Fifth Amendment to the Lease Agreement with Modesto Executive Air Charter, Inc., dba Sky Trek Aviation ("Sky Trek"), extending the Agreement for 20 years, adjusting the schedule of fees, and authorizing the City Manager, or his designee, to execute the Amendment to the Agreement.

Consent
4. Consider approving the plans and specifications, accepting the bid, and awarding the

construction contract to George Reed, Inc. of Modesto, California, in the amount of $309,311 for the Bus Turnout Improvements Southbound Dale Road South of Veneman Avenue Project, CML 5059 (197). (Funding Source: Congestion Mitigation and Air Quality, Regional Surface Transportation Program, Transportation Development Act (TDA) funds, and Local Transportation Funds)

- Resolution approving the plans and specifications, accepting the bid, and awarding the construction contract to George Reed, Inc. of Modesto, California, in the amount of $ 309,311 for the Bus Turnout Improvements Southbound Dale Road South of Veneman Avenue Project, and authorizing the City Manager, or his designee to execute the contract.

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

**ACTION: Resolution 2018-500 (Kenoyer/Ah You; 7/0)** approving the plans and specifications, accepting the bid, and awarding the construction contract to George Reed, Inc. of Modesto, California, in the amount of $ 309,311 for the Bus Turnout Improvements Southbound Dale Road South of Veneman Avenue Project, and authorizing the City Manager, or his designee to execute the contract.

Consent

5. Consider accepting Federal Regional Surface Transportation Program (RSTP) Grant funds in the amount of $2,081,000; accepting Regional Improvement Program (RIP) funds in the amount of $500,000; amending the Fiscal Year 2018-2019 Capital Improvement Project (CIP) budget for Project #100614 in the amount of $2,581,000 for the State Route 132 West Freeway/Expressway Phase 1 Project; and increasing funding to purchase property necessary for right of way to support the construction of the State Route 132 West Freeway/Expressway Phase 1 Project in a total amount not to exceed $14,516,081. (Funding Source: Federal RSTP Funds, RIP Funds, Streets Capital Facility Fees, Federal High Priority Demonstration Program (DEMO), and Stanislaus County Public Facility Fee (PFF) Funds)
   - Resolution accepting Federal Regional Surface Transportation Program (RSTP) grant funds in the amount of $2,081,000 and authorizing the City Manager to execute necessary federal grant fund documents.
   - Resolution accepting Regional Improvement Program (RIP) grant funds in the amount of $500,000 and authorizing the City Manager to execute necessary grant fund documents.
   - Resolution amending the Fiscal Year 2018-2019 Capital Improvement Project (CIP) budget for Project #100614 upon receipt of the Authorization to Proceed (E-76) from Caltrans for the Federal Regional Surface Transportation Program (RSTP) and the Regional Improvement Program (RIP) funds in the total amount of $2,581,000 for the State Route 132 West Freeway/Expressway Project and authorizing the City Manager, or his designee, to implement the provisions to this resolution.
   - Resolution increasing funding to purchase property necessary for right of way to support the construction of the State Route 132 West Freeway/Expressway Phase 1 Project upon receipt of the Authorization to Proceed (E-76) from Caltrans in a total

amount not to exceed $14,516,081.
*Community & Economic Development; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION: Resolution 2018-501 (Kenoyer/Ah You; 7/0)** accepting Federal Regional Surface Transportation Program (RSTP) grant funds in the amount of $2,081,000 and authorizing the City Manager to execute necessary federal grant fund documents.

**ACTION: Resolution 2018-502 (Kenoyer/Ah You; 7/0)** accepting Regional Improvement Program (RIP) grant funds in the amount of $500,000 and authorizing the City Manager to execute necessary grant fund documents.

**ACTION: Resolution 2018-503 (Kenoyer/Ah You; 7/0)** amending the Fiscal Year 2018-2019 Capital Improvement Project (CIP) budget for Project #100614 upon receipt of the Authorization to Proceed (E-76) from Caltrans for the Federal Regional Surface Transportation Program (RSTP) and the Regional Improvement Program (RIP) funds in the total amount of $2,581,000 for the State Route 132 West Freeway/Expressway Project and authorizing the City Manager, or his designee, to implement the provisions to this resolution.

**ACTION: Resolution 2018-504 (Kenoyer/Ah You; 7/0)** increasing funding to purchase property necessary for right of way to support the construction of the State Route 132 West Freeway/Expressway Phase 1 Project upon receipt of the Authorization to Proceed (E-76) from Caltrans in a total amount not to exceed $14,516,081.

Consent
6. Consider approving the recommended budget adjustments to Fiscal Year 2018-19 Annual Operating and Capital Improvement Project Budget. (Funding Source: Waste to Energy Fund)
   - Resolution amending Fiscal Year 2018-19 Annual Operating and Capital Improvement Project Fund Budgets.

   *Finance; Kaceey Culbertson, 577-5479, kculbertson@modestogov.com*

**ACTION: Resolution 2018-505 (Kenoyer/Ah You; 7/0)** amending Fiscal Year 2018-19 Annual Operating and Capital Improvement Project Fund Budgets.

Consent
7. Consider accepting an informational report for the September 2018 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
   - Motion accepting an informational report for the September 2018 Accounts Payable Payment Register and Void report.

   *Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 7/0)** accepting an informational report for the September 2018 Accounts Payable Payment Register and Void report.

Consent
8. Consider accepting the Monthly Investment Report for August 2018. (Funding Source:

Various Funds)

- Motion accepting the Monthly Investment Report for August, 2018.

*Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 7/0)** accepting the Monthly Investment Report for August, 2018.

Consent

9. Consider approving a Professional Services Agreement with Ralph Andersen & Associates, Rocklin, CA to conduct a classification and compensation study and review of internal job and salary alignment, in an amount not to exceed $150,000, for a term of November 13, 2018 to November 12, 2019. (Funding Source: General Fund)
    - Resolution approving a Professional Services Agreement with Ralph Andersen & Associates, Rocklin, CA to conduct a classification and compensation study and review of internal job and salary alignment, in an amount not to exceed $150,000, for a term of November 13, 2018 to November 12, 2019 and authorizing the City Manager, or his designee, to execute the Agreement.

    *Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION: Resolution 2018-506 (Kenoyer/Ah You; 7/0)** approving a Professional Services Agreement with Ralph Andersen & Associates, Rocklin, CA to conduct a classification and compensation study and review of internal job and salary alignment, in an amount not to exceed $150,000, for a term of November 13, 2018 to November 12, 2019 and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

10. Consider approving the plans and specifications for the project titled, "High Friction Surface Treatment" on Scenic Avenue, accepting the bid; and approving a construction contract with American Civil Constructors West Coast LLC, of Benicia, CA, in the amount of $212,200. (Funding Source: Highway Safety Improvement Program Cycle 6 Grant, Surface Transportation Fund)
    - Resolution approving the plans and specifications for the project titled "High Friction Surface Treatment", accepting the bid; approving a construction contract with American Civil Constructors West Coast LLC, of Benicia, CA, in the amount of $212,200; and authorizing the City Manager, or his designee, to execute the contract.

    *Public Works; Mark Murphy, 577-5214, mmurphy@modestogov.com*

**ACTION: Resolution 2018-507 (Kenoyer/Ah You; 7/0)** approving the plans and specifications for the project titled "High Friction Surface Treatment", accepting the bid; approving a construction contract with American Civil Constructors West Coast LLC, of Benicia, CA, in the amount of $212,200; and authorizing the City Manager, or his designee, to execute the contract.

Consent

11. Consider approving a Second Amendment to the Agreement with Brown and Caldwell, Inc., Rancho Cordova, CA, for design and construction services for Replacement Well

226 in the amount of $86,413 for the identified scope of services, plus $17,520 in additional services (if needed), for a total amount not to exceed $369,452. (Funding Source: Water Fund)

- Resolution approving a Second Amendment to the Agreement with Brown and Caldwell, Inc., Rancho Cordova, CA, for Design and Construction Services for the Replacement Well 226 Project in the amount of $86,413 for the identified scope of services, plus $17,520 in additional services (if needed) for a total amount not to exceed $369,452, and authorizing the City Manager, or his designee, to execute the Second Amendment to the Agreement.

*Utilities; Robert Davalos, 571-5869, rdavalos@modestogov.com*

**ACTION: Resolution 2018-508 (Kenoyer/Ah You; 7/0)** approving a Second Amendment to the Agreement with Brown and Caldwell, Inc., Rancho Cordova, CA, for Design and Construction Services for the Replacement Well 226 Project in the amount of $86,413 for the identified scope of services, plus $17,520 in additional services (if needed) for a total amount not to exceed $369,452, and authorizing the City Manager, or his designee, to execute the Second Amendment to the Agreement.

Consent

12. Consider accepting the current Local Limits Report for Industrial and Commercial wastewater discharges and rescinding Resolution No. 2006-022. (Funding Source: Wastewater Fund)

    - Resolution accepting the current Local Limits Report for Industrial and Commercial wastewater discharges and rescinding Resolution No. 2006-022.

    *Utilities; Thomas Sinclair, 577-6240, tsinclairmodestogov.com*

**ACTION: Resolution 2018-509 (Kenoyer/Ah You; 7/0)** accepting the current Local Limits Report for Industrial and Commercial wastewater discharges and rescinding Resolution No. 2006-022.

Consent

13. Consider accepting Cannery Segregation Pump Replacement project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $2,644,788 to Monterey Mechanical Company, of Oakland, California. (Funding Source: Wastewater Fund)

    - Resolution accepting the Cannery Segregation Pump Replacement project (project number 100764) as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $2,644,788 to Monterey Mechanical Company, of Oakland, California.

    *Utilities; Collin Yerzy, 571-8560, cyerzy@modestogov.com*

**ACTION: Resolution 2018-510 (Kenoyer/Ah You; 7/0)** accepting the Cannery Segregation Pump Replacement project (project number 100764) as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $2,644,788 to Monterey Mechanical Company, of Oakland, California.

Consent

14. Consider accepting Cannery Segregation Diversion Line Structure project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $1,438,594 to Gateway Pacific Contractors, Inc., of Sacramento, CA. (Funding Source: Wastewater Fund)
    - Resolution accepting the Cannery Segregation Line Diversion Structure project (project number 100679) as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $1,438,594 to Gateway Pacific Contractors, Inc., of Sacramento, CA.

    *Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com*

**ACTION: Resolution 2018-511 (Kenoyer/Ah You; 7/0)** accepting the Cannery Segregation Line Diversion Structure project (project number 100679) as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $1,438,594 to Gateway Pacific Contractors, Inc., of Sacramento, CA.

Consent

15. Consider accepting Rumble Sewer Trunk Replacement project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $2,545,256 to Rolfe Construction, of Atwater, CA. (Funding Source: Wastewater Fund)
    - Resolution accepting the Rumble Sewer Trunk Replacement project (project number 100678) as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $2,545,256 to Rolfe Construction, of Atwater, CA.

    *Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com*

**ACTION: Resolution 2018-512 (Kenoyer/Ah You; 7/0)** accepting the Rumble Sewer Trunk Replacement project (project number 100678) as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $2,545,256 to Rolfe Construction, of Atwater, CA.

## COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer spoke regarding new businesses in Modesto: Tint World on Prescott, The McHenry Museum (downstairs), and The Sweet Potato Pie Company; she also spoke about the Veterans Parade.

Councilmember Ah You spoke regarding comfort kits for young children through Jeff Pishney and Love Modesto.

Councilmember Grewal announced the Interfaith Thanksgiving Celebration on November 19, 2018 at Modesto Centre Plaza.

## CITY MANAGER COMMENTS & REPORTS

None.

## UNFINISHED BUSINESS

16. Consider an informational report on the status of the Housing & Urban Development (HUD), Office of Inspector General (OIG) audit review of practices related to the City's HUD program. (Funding Source: Not Applicable)
*Community & Economic Development; Jaylen French, 341-2938, jfrench@modestogov.com*

**ACTION:** Community Development Manager Jessica Narayan presented an informational report on the status of the Housing & Urban Development (HUD), Office of Inspector General (OIG) audit review of practices related to the City's HUD program.

17. Consider an informational report on the status of the investigations related to the City's past procurement practices and subsequent advancements. (Funding Source: Not Applicable)
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION:** City Manager Joe Lopez and Finance Director DeAnna Christensen presented an informational report on the status of the investigations related to the City's past procurement practices and subsequent advancements.

18. Consider an informational report with staff update on the King-Kennedy Memorial Center Door Replacement Project. (Funding Source: Not Applicable)
*Parks, Recreation & Neighborhoods; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION:** Parks, Recreation & Neighborhoods Director Laurie Smith gave an update on the King-Kennedy Memorial Center Door Replacement Project.

## HEARINGS

*Published in the Modesto Bee on November 2, 2018*

19. Hearing to consider approving the application of Star Nonemergent Transportation, LLC to operate as a non-emergency medical transport service in the City of Modesto. (Funding Source: General Fund)
    - Resolution accepting the application of Star Nonemergent Transportation, LLC and issuing a permit to operate as a non-emergency medical transport company in the City of Modesto.

    *Police; Galen Carroll, 572-9501, carrollg@modestopd.com*

**ACTION: Resolution 2018-513 (Grewal/Ah You; 7/0)** accepting the application of Star Nonemergent Transportation, LLC and issuing a permit to operate as a non-emergency medical transport company in the City of Modesto.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 7:05 p.m.

## CLOSED SESSION

*All Closed Session Matters heard prior to meeting*

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
**Three Cases (Pursuant to Section 54956.9(d)(1) of the Government Code)**

Name of case: County of Stanislaus v. City of Modesto (Geer Rd. Landfill)
Case No. 667396

Del Rio Property Owners Association v. City of Modesto
Case No. 9000419

Patrick Green v. COM
Case No. 2020908

Attest:_____
Stephanie Lopez, City Clerk

# MINUTES

**City of Modesto**

# ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP

**King-Kennedy Memorial Center**
**601 North Martin Luther King Drive**
**Modesto, California**

**Wednesday, November 14, 2018, at 2:00 p.m.**

Roll Call: Present: Councilmembers Zoslocki, Mayor Brandvold, and Councilmember Madrigal
Absent: None

## PUBLIC COMMENTS

None.

## CONSENT

Consent

1. Consider approving the Delegated Maintenance Agreement with the California Department of Transportation, District 10 for street sweeping services and tree maintenance, and forwarding to Council for approval. (Funding Source: Storm Drain Fund)

   *Public Works; Bill Sandhu, 341-2906, bsandhu@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Madrigal; 3/0)** approving the Delegated Maintenance Agreement with the California Department of Transportation, District 10 for street sweeping services and tree maintenance, and forwarding to Council for approval.

Consent

2. Consider approving an Agreement with Iteris, Santa Ana, CA, for the Traffic Signal Synchronization Outside the Downtown project in the amount of $349,158 for the identified scope of services, plus $34,916 for additional services (if needed), for an Agreement total not to exceed $384,074, and forwarding to Council for approval. (Funding Source: Congestion Mitigation and Air Quality)

   *Public Works; Mark Murphy, 577-5468, mmurphy@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Madrigal; 3/0)** approving an Agreement with Iteris, Santa Ana, CA, for the Traffic Signal Synchronization Outside the Downtown project in the amount of $349,158 for the identified scope of services, plus $34,916 for additional services (if needed), for an Agreement total not to exceed $384,074, and forwarding to Council for approval.

Consent

3. Consider an Ordinance amending Municipal Code Section 3-2.1401.1 to determine and designate speed limit changes, and forwarding to Council for approval. (Funding Source: Traffic Operations - Surface Transportation Fund – 1700)

   *Public Works; Mark Murphy, 577-5468, mmurphy@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Madrigal; 3/0)** approving an Ordinance amending Municipal Code Section 3-2.1401.1 to determine and designate speed limit changes, and forwarding to Council for approval.

*Removed from Consent*

4. Consider declaring a property as surplus property and approving a lot line adjustment and a dedication of public right of way, located at the southwest corner of Millbrook and Hillglen Avenues (APN: 085-028-091 & 085-028-098) and forwarding to Council for approval. (Funding Source: Wastewater Fund)

   *Utilities; Jesse Franco , 571-5175, jfranco@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Madrigal; 3/0)** Consider declaring a property as surplus property and approving a lot line adjustment and a dedication of public right of way, located at the southwest corner of Millbrook and Hillglen Avenues (APN: 085-028-091 & 085-028-098) and forwarding to Council for approval.

## NEW BUSINESS

5. Consider accepting the Fiscal Year 2017-18 Annual Report of Funds Held for Future Improvements and making findings related to each security on file and forwarding to Council for approval. (Funding Source: Developer Deposits)

   *Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Madrigal; 3/0)** accepting the Fiscal Year 2017-18 Annual Report of Funds Held for Future Improvements and making findings related to each security on file and forwarding to Council for approval.

6. Consider accepting the Capital Facilities Fees Annual Report for Fiscal Year 2017-18 and making findings related to each of the fee categories and forwarding to Council for approval. (Funding Source: Capital Facilities Fees)

   *Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Motion (Madrigal/Mayor Brandvold; 3/0)** accepting the Capital Facilities Fees Annual Report for Fiscal Year 2017-18 and making findings related to each of the fee categories and forwarding to Council for approval.

7. Consider approving amended Bylaws for the Modesto Convention & Visitors Bureau, proceeding with the formation of a Modesto Tourism Marketing District and forwarding to Council for approval. (Funding Source: Transient Occupancy Tax)

   *Parks, Recreation & Neighborhoods; Laurie Smith, 577-5347, lsmith@modestogov.cm*

**ACTION: Motion (Madrigal/Mayor Brandvold; 3/0)** approving amended Bylaws for the Modesto Convention & Visitors Bureau, proceeding with the formation of a Modesto Tourism Marketing District, **with the amendment that the majority of members are residents of the City of Modesto**, and forwarding to Council for approval.

8. Consider accepting an informational 6-month report for Hot Patch Agreements and forwarding to Council for approval. (Funding Source: Not Applicable)

   *Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Madrigal; 3/0)** accepting an informational 6-month report for Hot Patch Agreements and forwarding to Council for approval.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 3:03 p.m.

Attest:_____
Joseph Lopez, City Manager

# MINUTES

**City of Modesto**

# SPECIAL FINANCE COMMITTEE / COUNCIL WORKSHOP

**Second Floor, Room 2008**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**

**Monday, November 26, 2018, at 3:00 p.m.**

Roll Call: Present: Councilmembers Grewal, Ah You (arrived at 3:04 p.m.), and Zoslocki
Also Present: Councilmember Kenoyer

## PUBLIC COMMENTS

None.

## CONSENT

Consent

1. Consider approving a Third Amendment to the service Agreement with Loomis Armored US, LLC Houston, Texas for armored car transport, in the amount of $13,425 from $88,588 to a new total amount of $102,013; approving a Second Amendment increasing the cash service Agreement with Loomis Armored US, LLC Houston, Texas for cash processing services, in the amount of $86,575 from $571,299 to a new total amount of $657,874, and extending the term of both Agreements from December 31, 2018 to March 31, 2019 and forwarding to Council for approval. (Funding Source: Various Funds)

   *Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 3/0)** approving a Third Amendment to the service Agreement with Loomis Armored US, LLC Houston, Texas for armored car transport, in the amount of $13,425 from $88,588 to a new total amount of $102,013; approving a Second Amendment increasing the cash service Agreement with Loomis Armored US, LLC Houston, Texas for cash processing services, in the amount of $86,575 from $571,299 to a new total amount of $657,874, and extending the term of both Agreements from December 31, 2018 to March 31, 2019 and forwarding to Council for approval.

Consent

2. Consider approving a two-year retail and legal advertising contract with the Modesto Bee in the amount of $200,000 (McClatchy Newspaper Group) and forwarding to Council for approval. (Funding Source: General Fund, Solid Waste Fund, Water Fund, Wastewater Fund, Community Facility District Funds, Landscaping Districts, Bus Fund and Housing Urban Development Funds)

   *Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 3/0)** approving a two-year retail and legal advertising contract with the Modesto Bee in the amount of $200,000 (McClatchy Newspaper Group) and forwarding to Council for approval.

Consent

3. Consider approving the recommended budget adjustments to Fiscal Year 2018-19 Annual Operating and Capital Improvement Project Budget and forwarding to Council for approval. (Funding Source: Air Quality Capital Facility Fee Fund and Streets Capital Facility Fee Fund)

   *Finance; Kaceey Culbertson, 577-5497, kculbertson@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 3/0)** approving the recommended budget adjustments to Fiscal Year 2018-19 Annual Operating and Capital Improvement Project Budget and forwarding to Council for approval.

Consent

4. Consider approving a Memorandum of Understanding with the Stanislaus Council of Governments that sets forth the basic structure for cooperative planning and decision making between the City of Modesto and Stanislaus Council of Governments as it relates to Federal Transit Administration funding, and forwarding to Council for approval. (Funding Source: Not Applicable)

   *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 3/0)** approving a Memorandum of Understanding with the Stanislaus Council of Governments that sets forth the basic structure for cooperative planning and decision making between the City of Modesto and Stanislaus Council of Governments as it relates to Federal Transit Administration funding, and forwarding to Council for approval.

*Removed from Consent*

5. Consider approving the First Amendment to the sole source Agreement with Avail Technologies, Inc., State College, PA, for cellular modems utilized by the Modesto

Area Express electric buses, for a cost of $26,650, and a total Agreement cost not to exceed $342,794, and forwarding to Council for approval. (Funding Source: Transit Funds)

*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Zoslocki/Kenoyer; 3/0)** approving the First Amendment to the sole source Agreement with Avail Technologies, Inc., State College, PA, for cellular modems utilized by the Modesto Area Express electric buses, for a cost of $26,650, and a total Agreement cost not to exceed $342,794, and forwarding to Council for approval.

Consent

6. Consider accepting the Congestion Mitigation and Air Quality Grant funds in the amount of $919,996 to upgrade the City of Modesto's Automated Traffic Management System equipment and communications; and amending the Fiscal Year 2018-2019 Capital Improvement Program Budget in the amount of $919,996, and forwarding to Council for approval. (Funding Source: Congestion Mitigation and Air Quality Grant)

   *Public Works; Mark Murphy, 577-5214, mmurphy@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 3/0)** accepting the Congestion Mitigation and Air Quality Grant funds in the amount of $919,996 to upgrade the City of Modesto's Automated Traffic Management System equipment and communications; and amending the Fiscal Year 2018-2019 Capital Improvement Program Budget in the amount of $919,996, and forwarding to Council for approval.

Consent

7. Consider approving the award of bid and Agreement for a Global Positioning System (GPS) and Telematics System for the City's fleet to AssetWorks, LLC, Wayne, PA for a two-year Agreement with three one-year extension options, for an annual cost not to exceed $116,850 and a total cost not to exceed $594,236 over five years and forwarding to Council for approval. (Funding Source: Fleet Operating Fund)

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

**ACTION: Motion (Kenoyer/Zoslocki; 3/0)** approving the award of bid and Agreement for a Global Positioning System (GPS) and Telematics System for the City's fleet to AssetWorks, LLC, Wayne, PA for a two-year Agreement with three one-year extension options, for an annual cost not to exceed $116,850 and a total cost not to exceed $594,236 over five years and forwarding to Council for approval.

Consent

8. Consider approving the award of bid to Environmental Systems, Modesto CA, for Street Sweeping services on an as needed basis for an annual estimated amount of $75,000, and a total amount not to exceed $375,000 over a five year period, and forwarding to Council for approval. (Funding Source: Surface Transportation Fund)

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

**ACTION: Motion (Kenoyer/Zoslocki; 3/0)** approving the award of bid to Environmental Systems, Modesto CA, for Street Sweeping services on an as needed basis for an annual estimated amount of $75,000, and a total amount not to exceed $375,000 over a five year period, and forwarding to Council for approval.

Consent

9. Consider approving an increase to the Purchasing Agreement with Subsite, LLC, Petaluma, CA, for a Closed Circuit Television (CCTV) equipment retrofit in the amount of $10,268, for a new cost not to exceed $137,308, and forwarding to Council for approval. (Funding Source: Wastewater Fund)

   *Utilities; Robert Englent, 577-6222, renglent@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 3/0)** approving an increase to the Purchasing Agreement with Subsite, LLC, Petaluma, CA, for a Closed Circuit Television (CCTV) equipment retrofit in the amount of $10,268, for a new cost not to exceed $137,308, and forwarding to Council for approval.

**NEW BUSINESS**

10. Consider approving a First Amendment to the Agreement with Shibumi Consulting Services, LLC, Tempe, AZ, to perform support services that includes training, rate restructuring, troubleshooting and data extraction from the utility billing system for the Customer Services Division of the Finance Department, and other City departments, to extend the termination date to December 11, 2023, for an amount not to exceed

    $500,000 and forwarding to Council for approval. (Funding Source: Water, Wastewater and Storm Drain Funds)

    *Finance; Jennifer Martin, 571-5892, jmartin@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; 3/0)**

11. Consider approving an increase of $660,000 to the Fiscal Year 2018-19 Blanket Purchase Orders described in the Summary Table for a total amount not to exceed $1,200,000 and forwarding to Council for approval. (Funding Source: General Fund, Fleet Fund, Surface Transportation Fund, Bus Fund, Solid Waste Fund, Compost Fund, Parking Fund, Building Services Fund, Storm Drain Fund, Water Services Fund and Wastewater Fund)

    *Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; 3/0)** approving an increase of $660,000 to the Fiscal Year 2018-19 Blanket Purchase Orders described in the Summary Table for a total amount not to exceed $1,200,000 and forwarding to Council for approval.

12. Consider approving the extension of termination dates of various Purchasing Agreements and forwarding to Council for approval. (Funding Source: Various Funds)

    *Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; 3/0)** approving the extension of termination dates of various Purchasing Agreements and forwarding to Council for approval.

13. Consider approving a discount for National Express Transit Corporation employees who purchase a Transportation Center parking lot monthly pass and forwarding to Council for approval. (Funding Source: Parking Services Enterprise Fund)

    *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; 3/0)** approving a discount for National Express Transit Corporation employees who purchase a Transportation Center parking lot monthly pass and forwarding to Council for approval.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 3:32 p.m.

Attest:_____
Joseph Lopez, City Manager

# MINUTES

City of Modesto

## CITY COUNCIL MEETING

**Chambers, Basement Level**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**
**Tuesday November 27, 2018, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
Absent: None

Pledge of Allegiance to the Flag

Invocation: Michael Schiefelbein, College Avenue United Church of Christ

City Clerk's Announcements: Item 9 – Removed from Consent

Declaration of Conflicts of Interest: None

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

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Acknowledgement of Crystal Creamery for sponsoring the City of Modesto Holiday Parade for 10 years. (Funding Source: Not Applicable)
*Parks, Recreation & Neighborhoods; Ashley Weaver, 577-5428, aweaver@modestogov.com*

**ACTION:** Mayor Brandvold and the City Council acknowledged Crystal Creamery for sponsoring the City of Modesto Holiday Parade for 10 years.

### MISCELLANEOUS

Legislation
Appointments
Other

2. Consider reappointing Stella Beratlis as the City of Modesto's Poet Laureate for the 2018-2020 term. (Funding Source: Not Applicable )
   - Resolution reappointing Ms. Stella Beratilis as the City of Modesto's Poet Laureate with a term expiration of June 30, 2020.

*Community & Economic Development; Jaylen French, 341-2938, jfrench@modestogov.com*

**ACTION: Resolution 2018-514 (Kenoyer/Zoslocki; 7/0)** reappointing Ms. Stella Beratilis as the City of Modesto's Poet Laureate with a term expiration of June 30, 2020.

## PUBLIC COMMENT PERIOD

- Maryann Spikes spoke regarding the homeless at Beard Brook Park.
- Carmen Sabatino spoke regarding overspending in the City of Modesto and City Auditor Monica Houston.
- Alan Garren, Glory ReVive Ministries, spoke regarding the homeless in Beard Brook Park.
- Sebastian Jones spoke regarding City Auditor Monica Houston.
- Melanie Slagle spoke regarding the homeless in Beard Brook Park.
- Jason Roysdon spoke regarding the homeless in Beard Brook Park; Councilmember Madrigal requested a report back at the next Council meeting.
- Dave Pratt spoke regarding the Trunk or Treat Event in Ceres.
- Jennifer Rosales spoke regarding the homeless and need for affordable housing in Modesto.
- Joseph Hoffman announced an award from Veterans to the City of Modesto as 2018 City of the Year Award.
- Howard Carmen spoke regarding the homeless in Modesto.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**
**ACTION CONSENT ITEMS: 3-8; 10-17: (Kenoyer/Ridenour; 7/0)**

## 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 November 13, 2018 Council Meeting. (Funding Source: Not Applicable)
   - Motion approving the minutes from the November 13, 2018 Council Meeting.

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

**ACTION: Motion (Kenoyer/Ridenour; 7/0)** approving the minutes from the November 13, 2018 Council Meeting.

Consent

4. Consider amending Section 3 and 6 of the Housing and Urban Development Policies & Procedures Manual. (Funding Source: Community Development Block Grant, HOME Investment Partnerships and Emergency Solutions Grant Funds)
   - Resolution amending Section 3 and 6 of the Housing and Urban Development Policies & Procedures Manual.

   *Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2018-515 (Kenoyer/Ridenour; 7/0)** amending Section 3 and 6 of the Housing and Urban Development Policies & Procedures Manual.

Consent

5. Consider approving an informational report on the July and August 2018 grant application and awards. (Funding Source: Not Applicable)
   - Motion accepting an informational report for the July and August 2018 grant application and awards.

   *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 7/0)** accepting an informational report for the July and August 2018 grant application and awards.

Consent

6. Consider accepting an informational report for the October 2018 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
   - Motion accepting an informational report for the October 2018 Accounts Payable Payment Register and Void report.

   *Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 7/0)** accepting an informational report for the October 2018 Accounts Payable Payment Register and Void report.

Consent

7. Consider accepting the Monthly Investment Report for September 2018. (Funding Source: Various Funds)
   - Motion accepting the Monthly Investment Report for September, 2018.

   *Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 7/0)** accepting the Monthly Investment Report for September, 2018.

Consent

8. Consider approving a Memorandum of Understanding with the Modesto Rotary Club

regarding the purchase, installation and donation of a full-size basketball court at Catherine Everett Park. (Funding Source: Community Donations and Parks Fund)

- Resolution approving a Memorandum of Understanding with the Modesto Rotary Club regarding the purchase, installation and donation of a full-size basketball court at Catherine Everett Park and authorizing the City Manager, or his designee, to execute the MOU.

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

**ACTION: Resolution 2018-516 (Kenoyer/Ridenour; 7/0)** approving a Memorandum of Understanding with the Modesto Rotary Club regarding the purchase, installation and donation of a full-size basketball court at Catherine Everett Park and authorizing the City Manager, or his designee, to execute the MOU.

*Removed from Consent*

9. Consider authorizing payment to Storer Transit Systems in the amount of $390,000 for fixed cost adjustments for the Fiscal Year 2016-17 operation of Modesto Area Dial-A-Ride and amending Fiscal Year 2018-2019 Operating Budget in the amount of $390,000 to Cost Center 53473 – Transportation Dial-A-Ride to fund the payment issued to Storer Transit Systems. (Funding Source: Transit Funds)
    - Resolution authorizing payment to Storer Transit Systems in the amount of $390,000 for a fixed cost adjustment for the Fiscal Year 2016-17 operation of Modesto Area Dial-A-Ride.
    - Resolution amending Fiscal Year 2018-19 Operating Budget in the amount of $390,000 to fund payment issued to Storer Transit Systems, and authorizing the City Manager, or his designee, to implement the provisions of the Resolution.

    *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2018-517 (Kenoyer/Ah You; 7/0)** authorizing payment to Storer Transit Systems in the amount of $390,000 for a fixed cost adjustment for the Fiscal Year 2016-17 operation of Modesto Area Dial-A-Ride.

**ACTION: Resolution 2018-518 (Kenoyer/Ah You; 7/0)** Fiscal Year 2018-19 Operating Budget in the amount of $390,000 to fund payment issued to Storer Transit Systems, and authorizing the City Manager, or his designee, to implement the provisions of the Resolution.

Consent

10. Consider approving a sole source Purchase Agreement with Maintenance Connection, Inc., Davis, CA for a smartphone enabled computerized maintenance management system that enables Building Services to efficiently track work orders, for a one time cost of $16,400 and an annual cost of $4,278 for the first twelve-month period, for an estimated total cost not to exceed $21,000. (Funding Source: Building Services Fund 5800)
    - Resolution approving a sole source Purchase Agreement with Maintenance Connection, Inc., Davis, CA for a smartphone enabled computerized maintenance management system that enables Building Services to efficiently track work orders, for a one time cost of $16,400 and an annual cost of $4,278 for the first twelve-

month period, for an estimated total cost not to exceed $21,000, and authorizing the Purchasing Manager, or her designee, to issue the Purchasing Agreements.

*Public Works; Bill Sandhu, 341-2906, bsandhu@modestogov.com*

**ACTION: Resolution 2018-519 (Kenoyer/Ridenour; 7/0)** approving a sole source Purchase Agreement with Maintenance Connection, Inc., Davis, CA for a smartphone enabled computerized maintenance management system that enables Building Services to efficiently track work orders, for a one time cost of $16,400 and an annual cost of $4,278 for the first twelve-month period, for an estimated total cost not to exceed $21,000, and authorizing the Purchasing Manager, or her designee, to issue the Purchasing Agreements.

Consent

11. Consider approving the Delegated Maintenance Agreement with the California Department of Transportation, District 10 for street sweeping services and tree maintenance. (Funding Source: Storm Drain Fund)
    - Resolution approving the Delegated Maintenance Agreement with the California Department of Transportation (Caltrans), District 10 for street sweeping services and tree maintenance, and authorizing the City Manager, or his designee to execute the Agreement.

    *Public Works; Bill Sandhu, 341-2906, bsandhu@modestogov.com*

**ACTION: Resolution 2018-520 (Kenoyer/Ridenour; 7/0)** approving the Delegated Maintenance Agreement with the California Department of Transportation (Caltrans), District 10 for street sweeping services and tree maintenance, and authorizing the City Manager, or his designee to execute the Agreement.

Consent

12. Consider rejecting all bids received for Request for Bids 1819-06 for Asphalt Materials to the Public Works Department, Streets Division. (Funding Source: Surface Transportation Fund)
    - Resolution rejecting all bids received for Request for Bid No. RFB 1819-06 for Asphalt Materials and authorizing staff to reissue a RFB at a future date, with amended item descriptions.

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

**ACTION: Resolution 2018-521 (Kenoyer/Ridenour; 7/0)** rejecting all bids received for Request for Bid No. RFB 1819-06 for Asphalt Materials and authorizing staff to reissue a RFB at a future date, with amended item descriptions.

Consent

13. Consider accepting Tertiary Bypass Line Improvements project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $212,772 to Myers-Rados, a Joint Venture, Santa Ana, CA. (Funding Source: Wastewater Fund)
    - Resolution accepting the Tertiary Bypass Line Improvements Project as complete, authorizing all necessary steps to file with the County Recorder, releasing

securities, and releasing payments totaling $212,772 to Myers-Rados, a Joint Venture, Santa Ana, CA.

*Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com*

**ACTION: Resolution 2018-522 (Kenoyer/Ridenour; 7/0)** accepting the Tertiary Bypass Line Improvements Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $212,772 to Myers-Rados, a Joint Venture, Santa Ana, CA.

Consent

14. Consider accepting New Del Rio Well 68 project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $580,119 to Roadrunner Drilling & Pump Company, Inc., of Woodland, CA. (Funding Source: Water Fund)
    - Resolution accepting the New Del Rio Well 68 Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $580,019 to Roadrunner Drilling & Pump Company, Inc., of Woodland, CA.

    *Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com*

**ACTION: Resolution 2018-523 (Kenoyer/Ridenour; 7/0)** accepting the New Del Rio Well 68 Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $580,019 to Roadrunner Drilling & Pump Company, Inc., of Woodland, CA.

Consent

15. Consider accepting 2015-2016 Sanitary Sewer Collection System Replacement project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $1,527,041 to Rolfe Construction, of Atwater, CA. (Funding Source: Wastewater Fund)
    - Resolution accepting the 2015-2016 Sanitary Sewer Collection System Replacement Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $1,527,041 to Rolfe Construction, of Atwater, CA.

    *Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com*

**ACTION: Resolution 2018-524 (Kenoyer/Ridenour; 7/0)** accepting the 2015-2016 Sanitary Sewer Collection System Replacement Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $1,527,041 to Rolfe Construction, of Atwater, CA.

Consent

16. Consider accepting Roselle Avenue Widening project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $3,432,609 to DSS Company, DBA Knife River Construction of Stockton, CA. (Funding Source: Village One CFD Fund)
    - Resolution accepting the Roselle Avenue Widening Project as complete,

authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $3,432,609 to DSS Company, DBA Knife River Construction Stockton, CA.

*Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com*

**ACTION: Resolution 2018-525 (Kenoyer/Ridenour; 7/0)** accepting the Roselle Avenue Widening Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $3,432,609 to DSS Company, DBA Knife River Construction Stockton, CA.

Consent

17. Consider approving the plans and specifications for the Modesto Amtrak North Parking Lot Expansion Project; awarding a construction contract with Garrett Thompson Construction, Inc., of Modesto, CA, in the amount of $441,900; and amending the Fiscal Year 2018-2019 Capital Improvement Project Program Budget in the amount of $103,645. (Funding Source: Local Transportation Fund)
    - Resolution approving plans and specifications for the Modesto Amtrak North Parking Lot Expansion project, accepting the bid, and approving a construction contract with Garrett Thompson Construction, Inc., of Modesto, CA, in the amount of $441,900 and authorizing the City Manager, or his designee, to execute the contract.
    - Resolution amending the Fiscal Year 2018-19 Capital Improvement Program Budget in the amount of $103,645 to be transferred into the project from the Local Transportation Fund in order to fully fund the construction, contingency, construction administration and design support during construction for the Modesto Amtrak North Parking Lot Expansion Project and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

    *Utilities; Robert Davalos, 571-5869, rdavalos@modestogov.com*

**ACTION: Resolution 2018-526 (Kenoyer/Ridenour; 7/0)** approving plans and specifications for the Modesto Amtrak North Parking Lot Expansion project, accepting the bid, and approving a construction contract with Garrett Thompson Construction, Inc., of Modesto, CA, in the amount of $441,900 and authorizing the City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2018-527 (Kenoyer/Ridenour; 7/0)** amending the Fiscal Year 2018-19 Capital Improvement Program Budget in the amount of $103,645 to be transferred into the project from the Local Transportation Fund in order to fully fund the construction, contingency, construction administration and design support during construction for the Modesto Amtrak North Parking Lot Expansion Project and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

## COUNCIL COMMENTS & REPORTS

Councilmember Madrigal attended the following events: West Modesto Monthly Community Meeting on November 14, 2018, yesterday he attended the South Modesto Businesses United Annual Christmas Tree Lighting; he announced the upcoming Annual South Modesto

Businesses United Annual Posada on December 5, 2018 at Los Amigos Tire.

Councilmember Ridenour requested an update from Chief Ernst regarding the Camp Fire in Butte County; Chief Ernst reported that the Modesto Fire Department sent two units to the outskirts of Chico, CA and they were there over 16 days.

Councilmember Kenoyer attended the following events: November 15, 2018 - Recycle Day at The State Theater; November 19, 2018 - Interfaith Thanksgiving Celebration; on November 21, 2018, she assisted with the Gospel Mission dinner and attended the South Modesto Christmas Tree lighting.

Councilmember Zoslocki spoke regarding the Public Comment Period.

Councilmember Ah You will not be able to attend the Christmas Parade in Downtown Modesto on Saturday; she thanked Collins Electric and City staff for their help with the Parade.

## CITY MANAGER COMMENTS & REPORTS

None.

## UNFINISHED BUSINESS

18. Consider an informational report with staff update on the King-Kennedy Memorial Center Door Replacement Project. (Funding Source: Not Applicable)
*Parks, Recreation & Neighborhoods; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION:** Parks, Recreation & Neighborhoods Director Laurie Smith gave an update on the King-Kennedy Memorial Center Door Replacement Project and the project has been completed.

## NEW BUSINESS

19. Consider approving the Second Amendment to the Agreement with Property Specialists, Inc. (dba CPSI) for additional right of way services for the State Route 132 West Freeway/Expressway - Phase 1 Project by $1,492,450 from $1,759,687 to a new total amount of $3,252,137; and amending the Fiscal Year 2018-2019 Capital Improvement Program (CIP) Budget, project #100614, in the amount of $1,492,450 for the Project. (Funding Source: Streets Capital Facility Fees (CFF), Regional Measure L Funds)
    - Resolution approving the Second Amendment to the Agreement with Property Specialists, Inc. (dba CPSI) for additional right of way services for the State Route 132 West Freeway/Expressway - Phase 1 Project in the amount of $1,356,773, plus $135,677 for additional services (if needed), from $1,759,687 to a new total

amount of $3,252,137, and authorizing the City Manager, or his designee to execute the Second Amendment.

- Resolution amending the Fiscal Year 2018-2019 Capital Improvement Program (CIP) Budget, project #100614 in the amount of $1,492,450 for the State Route 132 West Freeway/Expressway - Phase 1 Project and appropriation of funds from the Streets Capital Facility Fees fund reserves and authorizing the City Manager, or his designee to implement the provisions of this resolution.

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

**ACTION: Resolution 2018-528 (Ridenour/Ah You; 7/0)** approving the Second Amendment to the Agreement with Property Specialists, Inc. (dba CPSI) for additional right of way services for the State Route 132 West Freeway/Expressway - Phase 1 Project in the amount of $1,356,773, plus $135,677 for additional services (if needed), from $1,759,687 to a new total amount of $3,252,137, and authorizing the City Manager, or his designee to execute the Second Amendment.

**ACTION: Resolution 2018-529 (Ridenour/Ah You; 7/0)** amending the Fiscal Year 2018-2019 Capital Improvement Program (CIP) Budget, project #100614 in the amount of $1,492,450 for the State Route 132 West Freeway/Expressway - Phase 1 Project and appropriation of funds from the Streets Capital Facility Fees fund reserves and authorizing the City Manager, or his designee to implement the provisions of this resolution.

20. Consider accepting Codoni Sewer Force Main Emergency Repair project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $120,866 to Rolfe Construction, of Atwater, CA. (Funding Source: Wastewater Fund)

    - Resolution accepting the Codoni Sewer Force Main Emergency Repair as complete, authorizing all necessary steps to file with the County Recorder, release securities, and authorize payments totaling $120,866 to Rolfe Construction, of Atwater, California.

    *Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Resolution 2018-530 (Zoslocki/Grewal; 7/0)** accepting the Codoni Sewer Force Main Emergency Repair as complete, authorizing all necessary steps to file with the County Recorder, release securities, and authorize payments totaling $120,866 to Rolfe Construction, of Atwater, California.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 7:20 p.m.

## CLOSED SESSION

ACTION: *All Closed Session Matters heard prior to meeting*

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCEA**
Negotiator: Norma Santoyo
Employee Organization: Modesto City Employees Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCMA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Confidential & Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MPOA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Officers' Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MPNSA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Non-Sworn Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) –MPMA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCFFA**
Negotiator: Norma Santoyo
Employee Organization: Modesto City Firefighters Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**
Negotiator: Norma Santoyo
Employee Organization: Unrepresented Management and Confidential Employees

Attest:_____
Stephanie Lopez, City Clerk

# MINUTES

City of Modesto

## CITY COUNCIL MEETING

**Chambers, Basement Level**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**
**Tuesday December 04, 2018, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You (arrived at 5:33 p.m.), Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
Absent: None

Pledge of Allegiance to the Flag

Invocation: Pat Nagle, Redeemer Church

City Clerk's Announcements: Item 5 - Removed from Consent

Declaration of Conflicts of Interest: Councilmember Grewal – Item 5

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

### MISCELLANEOUS

Legislation
Appointments
Other

1. Consider accepting the resignation of John Wilson from the City of Modesto Culture Commission. (Funding Source: Not Applicable)
   - Resolution accepting the resignation of John Wilson from the City of Modesto Culture Commission.

   *Community & Economic Development; Robert Kimball, 571-5540, rkimball@modestogov.com*

**ACTION: Resolution 2018-531 (Kenoyer/Zoslocki; 7/0)** accepting the resignation of John Wilson from the City of Modesto Culture Commission.

### PUBLIC COMMENT PERIOD

- Maggie Countryman spoke regarding the July 25, 2013 Board of Zoning Adjustment meeting.

- Carmen Sabatino spoke regarding accountability and transparency at the City of Modesto and legal fees.

- Kevin McClarty spoke regarding the need for more amenities and transportation in Modesto.

- Rickey McGill spoke regarding the need for African American employees at the City of Modesto and transparency.

- Sebastian Jones spoke regarding the City Council and City Auditor.

- Loretta Carhart spoke regarding repair work done on her home.

- Dave Pratt announced that Congressman Josh Harder would be at the Veterans Center on Tuesday.

- Juan Telles spoke regarding plans for Downtown Modesto and City Auditor Monica Houston.

- Howard Carmen spoke regarding the Christmas Parade on Saturday, the Salvation Army and the City Auditor.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**
**ACTION CONSENT ITEMS 2-4; 6-8: (Kenoyer/Madrigal; 7/0)**

**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 27, 2018 Council Meeting. (Funding Source: Not Applicable)
   - Motion approving the minutes from the November 27, 2018 Council Meeting.

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

**ACTION: Motion (Kenoyer/Madrigal; 7/0)** approving the minutes from the November 27, 2018 Council Meeting.

Consent
3. Consider accepting the Culture Commission Annual Report for Fiscal Year 2017-2018. (Funding Source: Not Applicable)
   - Resolution accepting the Culture Commission Annual Report for Fiscal Year 2017-2018.

   *Community & Economic Development; Robert Kimball, 571-5540, rkimball@modestogov.com*

**ACTION: Resolution 2018-532 (Kenoyer/Madrigal; 7/0)** accepting the Culture Commission Annual Report for Fiscal Year 2017-2018.

Consent

4. Consider accepting an informational report on our actuarial valuation for other post-employment benefits (OPEB) as of June 30, 2017 for the City's funding status of the City's liability for obligations to provide retiree medical benefits. (Funding Source: Not Applicable)
   - Resolution accepting an actuarial valuation report of other post-employment benefits (OPEB) as of June 30, 2017 pursuant to updated financial reporting and accounting requirements from the Governmental Accounting Standards Board (GASB) Statements 74 and 75.

   *Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Resolution 2018-533 (Kenoyer/Madrigal; 7/0)** accepting an actuarial valuation report of other post-employment benefits (OPEB) as of June 30, 2017 pursuant to updated financial reporting and accounting requirements from the Governmental Accounting Standards Board (GASB) Statements 74 and 75.

*Removed from Consent; Councilmember Grewal absent due to conflict of interest*

5. Consider approving the amended By-Laws for the Modesto Convention & Visitors Bureau. (Funding Source: Destination Modesto Fund (TOT) and Convention and Visitor Bureau Funds)
   - Resolution approving the amended By-Laws for the Modesto Convention and Visitors Bureau.

   *Parks, Recreation & Neighborhoods; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Resolution 2018-534 (Kenoyer/Zoslocki; 6/0; Grewal absent due to conflict of interest)** approving the amended By-Laws for the Modesto Convention and Visitors Bureau.

Consent

6. Consider approving the Second Amendment to the Agreement with BrightView Golf Course Maintenance, Inc. (formerly known as ValleyCrest Golf Maintenance, Inc.), in partnership with KemperSports Management, for golf course management and maintenance services; to extend the Agreement term for one year to December 31, 2019; and to increase the annual compensation by $78,861 in an amount not to exceed $2,608,304 for the one year extension, and an overall not to exceed $9,941,157 for the four year term of this Agreement. (Funding Source: Golf Fund and General Fund)
   - Resolution approving a Second Amendment to the Agreement with BrightView Golf Course Maintenance, Inc. (formerly known as ValleyCrest Golf Maintenance, Inc.), in partnership with KemperSports Management, for golf course management and maintenance services; to extend the Agreement term for one year to December

31, 2019; to increase annual compensation by $78,861, in an amount not to exceed $2,608,304 for the one year extension; and authorizing the City Manager, or his designee, to execute the Second Amendment.

*Parks, Recreation & Neighborhoods; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Resolution 2018-535 (Kenoyer/Madrigal; 7/0)** approving a Second Amendment to the Agreement with BrightView Golf Course Maintenance, Inc. (formerly known as ValleyCrest Golf Maintenance, Inc.), in partnership with KemperSports Management, for golf course management and maintenance services; to extend the Agreement term for one year to December 31, 2019; to increase annual compensation by $78,861, in an amount not to exceed $2,608,304 for the one year extension; and authorizing the City Manager, or his designee, to execute the Second Amendment.

Consent

7. Consider approving a Second Amendment to the Agreement with Del Rio CC Foundation (The First Tee), Modesto, CA, in an amount not to exceed $25,000, for continued management of the Municipal Golf Course and to extend the Agreement for an additional one-year term to December 31, 2019, for a total Agreement amount not to exceed $100,000 for the four year term. (Funding Source: Golf Fund and General Fund)
   - Resolution approving a Second Amendment to the Agreement with Del Rio CC Foundation, (The First Tee), Modesto, CA, in an amount not to exceed $25,000, for continued management of the Municipal Golf Course; to extend the Agreement for an additional one-year term to December 31, 2019, for a total Agreement amount not to exceed $100,000 for the four year term; and authorizing the City Manager, or his designee, to execute the Amendment.

   *Parks, Recreation & Neighborhoods; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Resolution 2018-536 (Kenoyer/Madrigal; 7/0)** approving a Second Amendment to the Agreement with Del Rio CC Foundation, (The First Tee), Modesto, CA, in an amount not to exceed $25,000, for continued management of the Municipal Golf Course; to extend the Agreement for an additional one-year term to December 31, 2019, for a total Agreement amount not to exceed $100,000 for the four year term; and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

8. Consider an Ordinance amending Municipal Code Section 3-2.1401.1 to determine and designate speed limit changes. (Funding Source: Traffic Operations - Surface Transportation Fund – 1700)
   - Motion introducing and waiving the first reading of an Ordinance amending Section 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to speed limits.

   *Public Works; Mark Murphy, 577-5214, mmurphy@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 7/0)** introducing and waiving the first reading of **Ordinance No. 3690-C.S.** amending Section 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to speed limits.

## COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer attended the Christmas with Santa event on Saturday at the Senior Center and Christmas Parade; she also attended the Garden Club Table Setting event today at Del Rio Country Club.

Councilmember Madrigal also attended the Christmas Parade and tree lighting events on Saturday; he announced the South Modesto Business United Posada event on December 6, 2018 at Los Amigos Tire on Crows Landing Road.

## CITY MANAGER COMMENTS & REPORTS

None.

## UNFINISHED BUSINESS

9. Consider accepting an informational 6-month report for Hot Patch Agreements. (Funding Source: Not Applicable)
   - Motion accepting an informational 6-month report for Hot Patch Work.

   *Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Motion (Ridenour/Grewal; 7/0)** accepting an informational 6-month report for Hot Patch Work.

10. Consider accepting an informal report regarding the homeless in Beard Brook Park. (Funding Source: Not Applicable)
    *Utilities; Will Wong, 571-5801, wwong@modestogov.com*

**ACTION:** Parks, Recreation & Neighborhoods Director Laurie Smith gave a report on the bathroom at Beard Brook Park: costs will be $10,000 to demolish the building and $140,000 to replace the bathroom; Utilities Director Will Wong gave a report regarding the pump station at the restroom in Beard Brook Park: costs will be $20,000-$25,000; also, the property is in the floodplain.

## NEW BUSINESS

11. Consider adopting the Cannabis Business Tax previously approved by voters, at rates ranging from two-and-a-half to eight percent (2.5% to 8%) of gross receipts depending on the type of cannabis business within the City of Modesto; adopting the annual Commercial Cannabis Permit Fee for approved cannabis businesses to pay for on-going administration and monitoring of approved businesses; and approving a First Amendment to the Professional Services Agreement with HdL Companies to increase the number of cannabis-related business applications to be reviewed and to conduct

annual compliance monitoring in the amount of $1,114,500, for a total Agreement amount not to exceed $1,164,250 over five years. (Funding Source: Cannabis Business Fees)

- Resolution adopting the previously approved cannabis business tax at rates ranging from two-and-a-half to eight percent (2.5% to 8%), depending on the business type, gross receipts of all engaged in cannabis businesses in the City.
- Resolution adopting the Annual Commercial Cannabis Permit Fee for the City Commercial Cannabis Permit related to cannabis businesses.
- Resolution approving a First Amendment to the Professional Services Agreement with HdL Companies to increase the number of cannabis-related business applications to be reviewed and to conduct annual compliance monitoring in the amount of $1,114,500 for a total contract amount of $1,164,250 over five years, and authorizing the City Manager, or his designee, to execute the Amendment.

*Community & Economic Development; Steve Mitchell, 577-5267, smitchell@modestogov.com*

**ACTION: Resolution 2018-537 (Ah You/Grewal; 7/0)** adopting the previously approved cannabis business tax at rates ranging from two-and-a-half to eight percent (2.5% to 8%), depending on the business type, gross receipts of all engaged in cannabis businesses in the City.

**ACTION: Resolution 2018-538 (Ah You/Grewal; 7/0)** adopting the Annual Commercial Cannabis Permit Fee for the City Commercial Cannabis Permit related to cannabis businesses.

**ACTION: Resolution 2018-539 (Ah You/Grewal; 7/0)** approving a First Amendment to the Professional Services Agreement with HdL Companies to increase the number of cannabis-related business applications to be reviewed and to conduct annual compliance monitoring in the amount of $1,114,500 for a total contract amount of $1,164,250 over five years, and authorizing the City Manager, or his designee, to execute the Amendment.

12. Consider accepting the State of California Active Transportation Program (ATP) grant in the amount of $3,943,022 for the Paradise Road Area Pedestrian and Bicycle Safety Improvements project and amending the Fiscal Year 2018-2019 Capital Improvement Project (CIP) Budget for design and construction in the total amount up to $3,943,022 for the Paradise Road Area Pedestrian and Bicycle Safety Improvements Project. (Funding Source: State of California ATP Grant and Local Funds – Measure L)

- Resolution accepting the State of California Active Transportation Program Grant in the amount of $3,943,022 for the Paradise Road Area Pedestrian and Bicycle Safety Improvements, and authorizing the City Manager, or his designee, to execute all necessary grant documents.
- Resolution amending the Fiscal Year 2018-2019 Capital Improvement Project (CIP) Budget for project #101042 upon receipt of the authorization to proceed (E-76) from Caltrans for the Active Transportation Program (ATP) funds for design and construction in the total amount up to $3,943,022 for the Paradise Road Area Pedestrian and Bicycle Safety Improvements Project and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

*Community & Economic Development; Vickey Dion, 571-5542,*

*vdion@modestogov.com*

**ACTION: Motion (Madrigal/Grewal; 7/0) directing staff to work with the California Transportation Commission (CTC) to expedite the timelines for the project.**

**ACTION: Resolution 2018-540 (Kenoyer/Ridenour; 7/0)** accepting the State of California Active Transportation Program Grant in the amount of $3,943,022 for the Paradise Road Area Pedestrian and Bicycle Safety Improvements, and authorizing the City Manager, or his designee, to execute all necessary grant documents.

**ACTION: Resolution 2018-541 (Kenoyer/Ridenour; 7/0)** amending the Fiscal Year 2018-2019 Capital Improvement Project (CIP) Budget for project #101042 upon receipt of the authorization to proceed (E-76) from Caltrans for the Active Transportation Program (ATP) funds for design and construction in the total amount up to $3,943,022 for the Paradise Road Area Pedestrian and Bicycle Safety Improvements Project and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 9:40 p.m.

## CLOSED SESSION

*All Closed Session Matters heard prior to meeting*

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
**Two Cases (Pursuant to Section 54956.9(d)(1) of the Government Code)**

Name of case: County of Stanislaus v. City of Modesto (Geer Rd. Landfill)
Case No. 667396

Peltier v. City of Modesto
Case No. 2022652

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCEA**
Negotiator: Norma Santoyo
Employee Organization: Modesto City Employees Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCMA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Confidential & Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MPOA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Officers' Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MPNSA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Non-Sworn Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) –MPMA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCFFA**
Negotiator: Norma Santoyo
Employee Organization: Modesto City Firefighters Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**
Negotiator: Norma Santoyo
Employee Organization: Unrepresented Management and Confidential Employees

Attest:_____
Stephanie Lopez, City Clerk

# MINUTES

City of Modesto

## CITY COUNCIL MEETING

**Chambers, Basement Level**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**
**Tuesday December 11, 2018, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
Absent: None

Pledge of Allegiance to the Flag

Invocation: Unknown

City Clerk's Announcements: Item 5 - continued to January 22, 2019;
Items 8 and 13 - Removed from Consent

Declaration of Conflicts of Interest: Councilmember Ridenour – Item 20

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

### ELECTION ITEMS

1. Consider approving the certificate of canvass of votes from the November 6, 2018 Election. (Funding Source: Elections)
   - Resolution of the Council of the City of Modesto confirming the canvass of the General Municipal Election which was held in the City of Modesto on November 6, 2018 and declaring the results of said election.

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

**ACTION: Resolution 2018-542 (Kenoyer/Grewal; 7/0)** of the Council of the City of Modesto confirming the canvass of the General Municipal Election which was held in the City of Modesto on November 6, 2018 and declaring the results of said election.

### PUBLIC COMMENT PERIOD

- Maggie Countryman spoke regarding her appeal.

- Carmen Sabatino spoke regarding the hiring of non-profits and consultants in the City of Modesto.

- Wendy Byrd spoke regarding the City Auditor and moving forward as a community; she recommends community members be on a panel to hire the next City Auditor, as well as a Citizens' Auditing Committee.

- Keenon Krick, United Cerebral Palsy, spoke regarding the Request for Proposals for bus bench advertising.

- Loretta Carhart spoke regarding work done on her garage roof.

- Howard Carmen spoke regarding last week's meeting, oversight, and the Carpenter Road project.

- Cecil Russell announced the creation of a new map for the City of Modesto and raising money for the new Valley Children's Hospital; he thanked Jessica Coleman, Jennifer Mullens, Nancy Young and Councilmember Ridenour.

- Wendy Heath spoke regarding trash in Modesto.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**
**ACTION CONSENT ITEMS 2-4; 6-7; 9-12; 14-18: (Kenoyer/Grewal; 7/0)**

**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 December 4, 2018 Council Meeting. (Funding Source: Not Applicable)
   - Motion approving the minutes from the December 4, 2018 Council Meeting.

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

**ACTION: Motion (Kenoyer/Grewal; 7/0)** approving the minutes from the December 4, 2018 Council Meeting.

Consent
3. Consider final adoption of **Ordinance No. 3690-C.S.** amending Municipal Code Section 3-2.1401.1 to determine and designate speed limit changes. (Funding Source: Traffic Operations - Surface Transportation Fund – 1700)
   - Motion approving final adoption of **Ordinance No. 3690-C.S.** amending Section 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to speed limits.

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

**ACTION: Motion (Kenoyer/Grewal; 7/0)** approving final adoption of **Ordinance No. 3690-C.S.** amending Section 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto

Municipal Code relating to speed limits.

Consent

4. Consider appointing a new Vice Mayor for calendar year 2019. (Funding Source: Not applicable)
   - Resolution designating Councilmember Jenny Kenoyer to serve as Vice Mayor for the ensuing year pursuant to Section 603 of the Charter of the City of Modesto.

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

**ACTION: Resolution 2018-543 (Kenoyer/Grewal; 7/0)** designating Councilmember Jenny Kenoyer to serve as Vice Mayor for the ensuing year pursuant to Section 603 of the Charter of the City of Modesto.

*Continued to January 22, 2019 Council meeting*

5. Consider approving the 2019 City of Modesto Standing Committees and City Council Committees. (Funding Source: Not Applicable)
   - Motion approving the 2019 City of Modesto Standing Committees and City Council Committees.

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

**ACTION:** Continued to January 22, 2019 Council meeting.

Consent

6. Consider approving an Agreement with EAH to submit a joint application for Affordable Housing and Sustainable Communities (AHSC) Program Funds in the amount of $14.8 million dollars for the construction of Archway Commons Phase II. (Funding Source: AHSC Program Funds)
   - Resolution approving an Agreement with EAH to submit a joint application for Affordable Housing and Sustainable Communities (AHSC) Program Funds in the amount of $14.8 million dollars for the construction of Archway Commons Phase II, and authorizing the City Manager or his designee to execute any documents and/or Agreements related to the AHSC Grant.

   *Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2018-544 (Kenoyer/Grewal; 7/0)** approving an Agreement with EAH to submit a joint application for Affordable Housing and Sustainable Communities (AHSC) Program Funds in the amount of $14.8 million dollars for the construction of Archway Commons Phase II, and authorizing the City Manager or his designee to execute any documents and/or Agreements related to the AHSC Grant.

Consent

7. Consider authorizing staff to apply for a Homeless Management Information System (HMIS) Grant in the amount of $150,000 to build capacity of HMIS. (Funding Source: HUD HMIS Capacity Building Funds)

- Resolution authorizing staff to apply for a Homeless Management Information System (HMIS) Grant in the amount of $150,000 to build capacity of HMIS and authorizing the City Manager or his designee to sign any documents related to the application.

*Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2018-545 (Kenoyer/Grewal; 7/0)** authorizing staff to apply for a Homeless Management Information System (HMIS) Grant in the amount of $150,000 to build capacity of HMIS and authorizing the City Manager or his designee to sign any documents related to the application.

*Removed from Consent*

8. Consider approving a two-year retail and legal advertising contract with the Modesto Bee in the amount of $200,000 (McClatchy Newspaper Group). (Funding Source: General Fund, Solid Waste Fund, Water Fund, Wastewater Fund, Community Facility District Funds, Landscaping Districts, Bus Fund and Housing Urban Development Funds)
   - Resolution approving a two-year retail and legal advertising contract with the Modesto Bee in the amount of $200,000 (McClatchy Newspaper Group); and authorizing the City Manager, or his designee, to execute the contract.

   *Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Resolution 2018-546 (Ridenour/Grewal; 7/0)** approving a two-year retail and legal advertising contract with the Modesto Bee in the amount of $200,000 (McClatchy Newspaper Group); and authorizing the City Manager, or his designee, to execute the contract.

Consent

9. Consider approving a Third Amendment to the service Agreement with Loomis Armored US, LLC Houston, Texas for armored car transport, in the amount of $13,425 from $88,588 to a new total amount of $102,013; approving a Second Amendment increasing the cash service Agreement with Loomis Armored US, LLC Houston, Texas for cash processing services, in the amount of $86,575 from $571,299 to a new total amount of $657,874, and extending the term of both Agreements from December 31, 2018 to March 31, 2019. (Funding Source: Various Funds)
   - Resolution approving a Third Amendment to the service Agreement with Loomis Armored US, LLC Houston, Texas for armored car transport, in the amount of $13,425 from $88,588 to a new total amount of $102,013; approving a Second Amendment increasing the cash service Agreement with Loomis Armored US, LLC Houston, Texas for cash processing services, in the amount of $86,575 from $571,299 to a new total amount of $657,874, and extending the term of both Agreements from December 31, 2018 to March 31, 2019; and authorizing the City Manager, or his designee, to execute the Amendments.

   *Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Resolution 2018-547 (Kenoyer/Grewal; 7/0)** approving a Third Amendment to the service Agreement with Loomis Armored US, LLC Houston, Texas for armored car transport, in the amount of $13,425 from $88,588 to a new total amount of $102,013; approving a Second Amendment increasing the cash service Agreement with Loomis Armored US, LLC Houston, Texas for cash processing services, in the amount of $86,575 from $571,299 to a new total amount of $657,874, and extending the term of both Agreements from December 31, 2018 to March 31, 2019; and authorizing the City Manager, or his designee, to execute the Amendments.

Consent

10. Consider approving the extension of termination dates of various Purchasing Agreements. (Funding Source: Various Funds)
    - Resolution approving Purchase Agreements with various vendors as defined under Attachment A; approving termination dates for the services stated herein; and authorizing the Purchasing Manager, or her designee, to issue the identified Annual Purchase Agreements termination dates approved by Council.

    *Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Resolution 2018-548 (Kenoyer/Grewal; 7/0)** approving Purchase Agreements with various vendors as defined under Attachment A; approving termination dates for the services stated herein; and authorizing the Purchasing Manager, or her designee, to issue the identified Annual Purchase Agreements termination dates approved by Council.

Consent

11. Consider approving the recommended budget adjustments to Fiscal Year 2018-19 Annual Operating and Capital Improvement Program Budget. (Funding Source: Air Quality Capital Facility Fee Fund and Streets Capital Facility Fee Fund)
    - Resolution amending Fiscal Year 2018-19 Annual Operating and Capital Improvement Project Fund Budgets.

    *Finance; Kaceey Culbertson, 577-5479, kculbertson@modestogov.com*

**ACTION: Resolution 2018-549 (Kenoyer/Grewal; 7/0)** amending Fiscal Year 2018-19 Annual Operating and Capital Improvement Project Fund Budgets.

Consent

12. Consider approving a First Amendment to the Agreement with Shibumi Consulting Services, LLC, Tempe, AZ, to perform support services that include training, rate restructuring, troubleshooting and data extraction from the utility billing system for the Customer Services Division of the Finance Department, and other City departments, to extend the termination date to December 11, 2023, for an amount not to exceed $500,000. (Funding Source: Water, Wastewater and Storm Drain Funds)
    - Resolution approving a First Amendment to the Agreement with Shibumi Consulting Services, LLC, Tempe, AZ, to perform support services that include training, rate restructuring, troubleshooting and data extraction from the utility billing system for the Customer Services Division of the Finance Department, and other City departments, to extend the termination date to December 11, 2023, for

an amount not to exceed $500,000; and authorizing the City Manager, or his designee, to execute the Amendment.

*Finance; Jennifer Martin, 571-5892, jmartin@modestogov.com*

**ACTION: Resolution 2018-550 (Kenoyer/Grewal; 7/0)** approving a First Amendment to the Agreement with Shibumi Consulting Services, LLC, Tempe, AZ, to perform support services that include training, rate restructuring, troubleshooting and data extraction from the utility billing system for the Customer Services Division of the Finance Department, and other City departments, to extend the termination date to December 11, 2023, for an amount not to exceed $500,000; and authorizing the City Manager, or his designee, to execute the Amendment.

*Removed from Consent*

13. Consider accepting the bid and awarding a construction contract to Daktronics, Inc. of Brookings, South Dakota for the John Thurman Field Video Board Replacement project in the amount of $558,992; amending the Fiscal Year 2018-2019 Multi-Year Operating Budget to adjust the Non-Capital Project #101019 for John Thurman Field Capital Improvements to appropriate an interfund loan from the Wastewater Fund and in an amount not to exceed $539,891; and approving an interfund loan of $539,891 from the Wastewater Fund to the John Thurman Field Capital Improvement Fund for the project titled "John Thurman Field Video Board Replacement" and establishing a repayment schedule, amortized over 6 years. (Funding Source: Wastewater Fund/John Thurman Capital Improvement Fund)
    - Resolution accepting the bid and awarding a construction contract to Daktronics, Inc. of Brookings, South Dakota for the John Thurman Field Video Board Replacement project in the amount of $558,992, and authorizing the City Manager, or his designee, to execute the contract.
    - Resolution amending the Fiscal Year 2018-2019 Multi-Year Operating Budget to adjust the Non-Capital Project #101019 for John Thurman Field Capital Improvements to appropriate an interfund loan from the Wastewater Fund in an amount not to exceed $539,891.
    - Resolution approving an interfund loan of $539,891 from the Wastewater Fund to the John Thurman Field Capital Improvement Fund for the project titled "John Thurman Field Video Board Replacement" and establishing a repayment schedule, amortized over 6 years.

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

**ACTION: Resolution 2018-551 (Zoslocki/Madrigal; 7/0)** accepting the bid and awarding a construction contract to Daktronics, Inc. of Brookings, South Dakota for the John Thurman Field Video Board Replacement project in the amount of $558,992, and authorizing the City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2018-552 (Zoslocki/Madrigal; 7/0)** amending the Fiscal Year 2018-2019 Multi-Year Operating Budget to adjust the Non-Capital Project #101019 for John Thurman Field Capital Improvements to appropriate an interfund loan from the Wastewater

Fund in an amount not to exceed $539,891.

**ACTION: Resolution 2018-553 (Zoslocki/Madrigal; 7/0)** approving an interfund loan of $539,891 from the Wastewater Fund to the John Thurman Field Capital Improvement Fund for the project titled "John Thurman Field Video Board Replacement" and establishing a repayment schedule, amortized over 6 years.

**ACTION: Motion (Zoslocki/Madrigal; 7/0) directing staff to return to the January Finance Committee meeting to discuss details of financing.**

Consent

14. Consider approving a Memorandum of Understanding with the Stanislaus Council of Governments that sets forth the basic structure for cooperative planning and decision making between the City of Modesto and Stanislaus Council of Governments as it relates to Federal Transit Administration funding. (Funding Source: Transit Funds)
    - Resolution approving a Memorandum of Understanding (MOU) with the Stanislaus Council of Governments (StanCOG) that sets forth the basic structure for cooperative planning and decision making between the City of Modesto and StanCOG as it relates to Federal Transit Administration (FTA) funding, and authorizing the City Manager, or his designee, to execute the MOU.

    *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2018-554 (Kenoyer/Grewal; 7/0)** approving a Memorandum of Understanding (MOU) with the Stanislaus Council of Governments (StanCOG) that sets forth the basic structure for cooperative planning and decision making between the City of Modesto and StanCOG as it relates to Federal Transit Administration (FTA) funding, and authorizing the City Manager, or his designee, to execute the MOU.

Consent

15. Consider approving the First Amendment to the Agreement with Avail Technologies, Inc., State College, PA, for cellular modems utilized by the Modesto Area Express electric buses, for a cost of $26,650, and a total Agreement cost not to exceed $342,794; and approving a budget adjustment in the amount of $26,650 to multi-year project 101132 to fund the purchase of cellular modems. (Funding Source: Transit Funds)
    - Resolution approving the First Amendment to the Agreement with Avail Technologies, Inc., State College, PA, for cellular modems utilized by Modesto Area Express (MAX) for a total cost not to exceed $342,794, for three years, and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution approving a budget adjustment to Fiscal Year 2018-2019 Multi-Year Budget for project 101132 in the amount of $26,650 to fund the First Amendment to the Agreement with Avail Technologies, Inc., State College, PA for cellular modems utilized by Modesto Area Express (MAX).

    *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2018-555 (Kenoyer/Grewal; 7/0)** approving the First Amendment to the Agreement with Avail Technologies, Inc., State College, PA, for cellular modems utilized

by Modesto Area Express (MAX) for a total cost not to exceed $342,794, for three years, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2018-556 (Kenoyer/Grewal; 7/0)** approving a budget adjustment to Fiscal Year 2018-2019 Multi-Year Budget for project 101132 in the amount of $26,650 to fund the First Amendment to the Agreement with Avail Technologies, Inc., State College, PA for cellular modems utilized by Modesto Area Express (MAX).

Consent

16. Consider approving a discount for National Express Transit Corporation employees who purchase a Transportation Center parking lot monthly pass. (Funding Source: Parking Services Enterprise Fund)
    - Resolution approving a discount for National Express Transit Corporation (NEXT) employees who purchase a Transportation Center parking lot monthly pass.

    *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2018-557 (Kenoyer/Grewal; 7/0)** approving a discount for National Express Transit Corporation (NEXT) employees who purchase a Transportation Center parking lot monthly pass.

Consent

17. Consider approving the award of bid and Agreement for Street Sweeping Services on an as needed basis to Environmental Systems, Modesto CA, for a two year Agreement with three one year extension options, for an annual cost of $75,000, and a total amount not to exceed $375,000 over five years. (Funding Source: Surface Transportation Fund)
    - Resolution approving the award of bid and Agreement for Street Sweeping Services on an as needed basis to Environmental Systems, Modesto CA, for a two year Agreement with three one year extension options, for an annual cost of $75,000, and a total amount not to exceed $375,000 over five years, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Agreement.

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

**ACTION: Resolution 2018-558 (Kenoyer/Grewal; 7/0)** approving the award of bid and Agreement for Street Sweeping Services on an as needed basis to Environmental Systems, Modesto CA, for a two year Agreement with three one year extension options, for an annual cost of $75,000, and a total amount not to exceed $375,000 over five years, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Agreement.

Consent

18. Consider rejecting all bids received for Request for Bid No. 1718-50 for Spoils Screening and Rock Crushing and authorizing staff to reissue the RFB at a future date, with an amended Scope of Services. (Funding Source: Water, Wastewater and Streets Funds)
    - Resolution rejecting all bids received for RFB No. 1718-50 for Spoils Screening and Rock Crushing Services; and authorizing staff to reissue the RFB at a future

date, with an amended Scope of Services.
*Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Resolution 2018-559 (Kenoyer/Grewal; 7/0)** rejecting all bids received for RFB No. 1718-50 for Spoils Screening and Rock Crushing Services; and authorizing staff to reissue the RFB at a future date, with an amended Scope of Services.

## COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer attended the South Modesto Businesses United Posada event in South Modesto; she also participated in the Spirit of Giving Run on Sunday.

Councilmember Madrigal thanked the South Modesto Businesses United for the Posada event; he also attended the funeral of Sheriff's Deputy Tony Hinostroza and the new Audi Dealership grand opening.

Councilmember Zoslocki spoke regarding grant monies received for regional road projects.

## CITY MANAGER COMMENTS & REPORTS

None.

## HEARINGS

*Published in the Modesto Bee on November 26, 2018*

19. Hearing to consider accepting the Capital Facilities Fees Annual Report for Fiscal Year 2017-18 and making findings related to each of the fee categories. (Funding Source: Capital Facilities Fees)
    - Resolution accepting the Capital Facilities Fees Annual Report for Fiscal Year 2017-2018 and making findings related to each of the fee categories.

    *Community & Economic Development; Jessica Narayan , 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2018-560 (Kenoyer/Zoslocki; 7/0)** accepting the Capital Facilities Fees Annual Report for Fiscal Year 2017-2018 and making findings related to each of the fee categories.

*Published in the Modesto Bee on November 26, 2018; Councilmember Ridenour absent due to conflict of interest*

20. Hearing to consider accepting the Fiscal Year 2017-18 Annual Report of Funds Held for Future Improvements and making findings related to each security on file. (Funding Source: Developer Deposits)
    - Resolution accepting the Fiscal Year 2017-18 Annual Report of Funds Held for Future Improvements, and making findings related to each security on file.

    *Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2018-561 (Zoslocki/Grewal; 6/0; Ridenour absent due to conflict of interest)** accepting the Fiscal Year 2017-18 Annual Report of Funds Held for Future Improvements, and making findings related to each security on file.

*Published in the Modesto Bee on December 1, 2018*

21. Hearing to consider amending Exhibit "B" of Modesto City Council Resolution No. 86-1184 to revise rental rates at Modesto Centre Plaza, authorizing the Director of Parks, Recreation and Neighborhoods to approve negotiated rental pricing and set service fees as needed, and rescinding Resolution No. 2015-22. (Funding Source: Community Center Operations Fund)
    - Resolution amending Exhibit "B" of Modesto City Council Resolution No. 86-1184 to revise rental rates at Modesto Centre Plaza, authorizing the Director of Parks, Recreation and Neighborhoods to approve negotiated rental pricing and set service fees as needed, and rescinding Resolution No. 2015-22.

    *Parks, Recreation & Neighborhoods; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Resolution 2018-562 (Kenoyer/Madrigal; 7/0)** amending Exhibit "B" of Modesto City Council Resolution No. 86-1184 to revise rental rates at Modesto Centre Plaza, authorizing the Director of Parks, Recreation and Neighborhoods to approve negotiated rental pricing and set service fees as needed, and rescinding Resolution No. 2015-22.

## NEW BUSINESS

22. Consider approving an increase of $660,000 to the Fiscal Year 2018-19 Blanket Purchase Orders described in the Summary Table for a total amount not to exceed $1,200,000. (Funding Source: General Fund, Fleet Fund, Surface Transportation Fund, Bus Fund, Solid Waste Fund, Compost Fund, Parking Fund, Building Services Fund, Storm Drain Fund, Water Services Fund and Wastewater Fund)
    - Resolution approving an increase of $660,000 to the Fiscal Year 2018-19 Blanket Purchase Orders described in the Summary Table for a total amount not to exceed $1,200,000, and authorizing the City Manager, or his designee, to increase the annual Blanket Purchase Orders.

    *Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Resolution 2018-563 (Kenoyer/Grewal; 7/0)** approving an increase of $660,000 to the Fiscal Year 2018-19 Blanket Purchase Orders described in the Summary Table for a total amount not to exceed $1,200,000, and authorizing the City Manager, or his designee, to increase the annual Blanket Purchase Orders;

**ACTION: Motion (Kenoyer/Grewal; 7/0) Council is waiving a policy of bidding procurement process that exceeds $50,000.**

23. Consider declaring a shelter crisis in the City of Modesto. (Funding Source: Not Applicable)
    - Resolution of the City of Modesto declaring a shelter crisis in Modesto, pursuant to

SB 850 (Chapter 48, Statutes of 2018 and Government Code 8698.2).
*City Manager; Edgar Garcia, 571-5101, edgarcia@modestogov.com*

**ACTION: Resolution 2018-564 (Ridenour/Grewal; 7/0)** of the City of Modesto declaring a shelter crisis in Modesto, pursuant to SB 850 (Chapter 48, Statutes of 2018 and Government Code 8698.2).

**ACTION: Motion (Ridenour/Grewal; 7/0) directing staff to report back/update to Council once a month**.

24. Consider authorizing the City Manager, or his designee, to negotiate, enter into, and execute an Agreement with the Downtown Streets Team (DST) program in conjunction with the County of Stanislaus, the Stanislaus Community Foundation, and the United Way of Stanislaus for a 3-year term, where the City's share shall not exceed $300,000 throughout the 3-year Agreement. (Funding Source: Litter Abatement Fees and Community Development Block Grants)
    - Resolution authorizing the City Manager, or his designee, to negotiate, enter into, and execute an agreement with the Downtown Streets Team in conjunction with the County of Stanislaus the Stanislaus Community Foundation, and the United Way of Stanislaus for a 3-year term, where the City's share shall not exceed $300,000 throughout the 3-year agreement.

    *City Manager; Edgar Garcia, 571-5101, edgarcia@modestogov.com*

**ACTION: Resolution 2018-565 (Ridenour/Grewal; 7/0))** authorizing the City Manager, or his designee, to negotiate, enter into, and execute an agreement with the Downtown Streets Team in conjunction with the County of Stanislaus the Stanislaus Community Foundation, and the United Way of Stanislaus for a 3-year term, where the City's share shall not exceed $300,000 throughout the 3-year agreement.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 9:45 p.m.

## CLOSED SESSION

*All Closed Session Matters heard prior to meeting*

## CONSENT ITEM

1. Consider appointing Real Property Negotiator Artin N. Shaverdian for Property: APN: 007-024-001

- Motion appointing Real Property Negotiator Artin N. Shaverdian for Property: APN: 007-024-001

City Attorney, Adam Lindgren, 577-5284, alindgren@modestogov.com

**ACTION: Motion (Ah You/Ridenour; 5/0; Grewal; Madrigal absent)** appointing Real Property Negotiator Artin N. Shaverdian for Property: APN: 007-024-001

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
**(Pursuant to Section 54957 of the Government Code)**
Title: City Clerk

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
**One Case (Pursuant to Section 54956.9(a) of the Government Code)**
Name of case(s): Thomas Ciccarelli v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ390189, ADJ367626 and ADJ105841

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
**One Case (Pursuant to Section 54956.9(d)(1) of the Government Code)**
Name of case: Doe v. City of Modesto
Case No. 2010602

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
**One Case (Pursuant to Section 54956.9(d)(4) of the Government Code)**

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**
**(Pursuant to Section 54956.8 of the Government Code)**
Property & Property Owners:

| APN | Address | Owner Name |
|---|---|---|
| 007-024-001 | SE Corner of N. Dakota Ave. & Kansas Ave., Modesto | Faria |

Negotiating Parties:
For City: Artin N. Shaverdian, Attorney for City of Modesto
For Property Owner: Property Owners
Under Negotiation: Price and Terms

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCEA**
Negotiator: Norma Santoyo
Employee Organization: Modesto City Employees Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCMA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Confidential & Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MPOA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Officers' Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MPNSA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Non-Sworn Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) –MPMA**
Negotiator: Norma Santoyo
Employee Organization: Modesto Police Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – MCFFA**
Negotiator: Norma Santoyo
Employee Organization: Modesto City Firefighters Association

**CONFERENCE WITH LABOR NEGOTIATOR:**
**(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**
Negotiator: Norma Santoyo
Employee Organization: Unrepresented Management and Confidential Employees

Attest:_____
Stephanie Lopez, City Clerk

# MINUTES

**City of Modesto**

# ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP

**Second Floor, Rom 2008**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**

**Wednesday, December 12, 2018, at 2:00 p.m.**

Roll Call: Present: Councilmember Ridenour (alternate), Mayor Brandvold, and Councilmember Madrigal
Absent: Councilmember Zoslocki

## PUBLIC COMMENTS

None.

## CONSENT

Consent

1. Consider approving the submission of the City's Local Transportation Funds Fiscal Year 2018-2019 Claim for Non-motorized Purposes (bike lanes and pedestrian pathways) in the amount of $187,909 to the Stanislaus Council of Governments and amending the Fiscal Year 2018-2019 Capital Improvement Program Budget in an amount not to exceed $187,909 and forwarding to Council for approval. (Funding Source: Local Transportation Funds)

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

**ACTION: Motion (Madrigal/Ridenour; 3/0)** approving the submission of the City's Local Transportation Funds Fiscal Year 2018-2019 Claim for Non-motorized Purposes (bike lanes and pedestrian pathways) in the amount of $187,909 to the Stanislaus Council of Governments and amending the Fiscal Year 2018-2019 Capital Improvement Program Budget in an amount not to exceed $187,909 and forwarding to Council for approval.

Consent

2. Consider approving an Agreement with West Yost Associates, Pleasanton, CA, for engineering design services for the Sutter Plant Parking and Entrance Project in the amount of $479,813, plus $47,981 for additional services, if needed, for an Agreement

total of $527,794, and forwarding to Council for approval. (Funding Source: Wastewater Fund)

*Utilities; Pete Kambel, 577-5444, pkambel@modestogov.com*

**ACTION: Motion (Madrigal/Ridenour; 3/0)** approving an Agreement with West Yost Associates, Pleasanton, CA, for engineering design services for the Sutter Plant Parking and Entrance Project in the amount of $479,813, plus $47,981 for additional services, if needed, for an Agreement total of $527,794, and forwarding to Council for approval.

## UNFINISHED BUSINESS

3. Consider accepting a report on the Property Assessed Clean Energy (PACE) program and providing direction on the proposed PACE policy, and forwarding to Council for approval. (Funding Source: Not applicable)

   *City Manager; Edgar Garcia, 571-5101, edgarcia@modestogov.com*

**ACTION: Motion (Madrigal/Ridenour; 3/0)** accepting report and directing staff to come back with additional data, have a policy with additional consumer protections, meet with stakeholders for additional input, and return to Committee.

## NEW BUSINESS

4. Consider authorizing staff to enter into a new License Agreement with Modesto On Ice, LLC to operate a seasonal ice skating rink and forwarding to Council for approval. (Funding Source: Parking Fund)

   *Parks, Recreation & Neighborhoods; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Motion (Madrigal/Ridenour; 3/0)** authorizing staff to enter into a new License Agreement with Modesto On Ice, LLC to operate a seasonal ice skating rink and forwarding to Council for approval.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 3:33 p.m.

Attest:_____
Joseph Lopez, City Manager

# MINUTES

**City of Modesto**

# SPECIAL FINANCE COMMITTEE / COUNCIL WORKSHOP

**Second Floor, Room 2008**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**

**Monday, December 17, 2018, at 3:00 p.m.**

Roll Call: Present: Councilmembers Ridenour (alternate), Mayor Brandvold (alternate) and Councilmember Zoslocki

## PUBLIC COMMENTS

None.

## CONSENT

Consent

1. Consider accepting an informational report on the September and October 2018 grant applications and awards and forwarding to Council for approval. (Funding Source: Not Applicable)

   *Finance; Julie Huang, 571-5574, jhuang@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Zoslocki; 3/0)** accepting an informational report on the September and October 2018 grant applications and awards and forwarding to Council for approval.

Consent

2. Consider approving the recommended budget adjustments to Fiscal Year 2018-19 Annual Operating and Capital Improvement Project Budget and forwarding to Council for approval. (Funding Source: Fire Department Unrestricted Non-Capital Projects)

   *Finance; Kaceey Culbertson, 577-5479, kculbertson@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Zoslocki; 3/0)** approving the recommended budget adjustments to Fiscal Year 2018-19 Annual Operating and Capital Improvement Project Budget and forwarding to Council for approval.

Consent

3. Consider approving the award of proposal and Agreement for citywide regulatory safety training and consultation to Bickmore, Sacramento, California, for a two year Agreement with three one-year extension options, for an annual cost not to exceed $85,120 and a total amount not to exceed $425,600 over five years and forwarding to Council for approval. (Funding Source: Various Funds)

   *Human Resources; Cathy Talongwa, 577-5403, ctalongwa@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Zoslocki; 3/0)** approving the award of proposal and Agreement for citywide regulatory safety training and consultation to Bickmore, Sacramento, California, for a two year Agreement with three one-year extension options, for an annual cost not to exceed $85,120 and a total amount not to exceed $425,600 over five years and forwarding to Council for approval.

Consent

4. Consider approving a Purchasing Agreement with MSC Industrial Supply Co. Inc., by utilizing the competitive bid process with NASPO ValuePoint, (Oregon), for the purchase and maintenance of bin stock items for a two year Agreement with three one-year extension options, for an annual cost not to exceed $110,000, and a total amount not to exceed $550,000 and forwarding to Council for approval. (Funding Source: Fleet & Wastewater Funds)

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

**ACTION: Motion (Mayor Brandvold/Zoslocki; 3/0)** approving a Purchasing Agreement with MSC Industrial Supply Co. Inc., by utilizing the competitive bid process with NASPO ValuePoint, (Oregon), for the purchase and maintenance of bin stock items for a two year Agreement with three one-year extension options, for an annual cost not to exceed $110,000, and a total amount not to exceed $550,000 and forwarding to Council for approval.

*Removed from Consent*

5. Consider approving an Agreement with Iteris, Santa Ana, CA, for the Traffic Signal System Engineering Services project in the amount of $218,378 for the identified scope of services, plus $31,622 for additional services (if needed), for an Agreement total not to exceed $250,000, and forwarding to Council for approval. (Funding Source: Measure L Funds)

   *Public Works; Mark Murphy, 577-5214, mmurphy@modestogov.com*

**ACTION: Motion (Zoslocki/Mayor Brandvold; 3/0)** approving an Agreement with Iteris, Santa Ana, CA, for the Traffic Signal System Engineering Services project in the amount of $218,378 for the identified scope of services, plus $31,622 for additional services (if needed),

for an Agreement total not to exceed $250,000, and forwarding to Council for approval.

Consent

6. Consider accepting the award for the State of Good Repair funds in the amount of $32,364 to rehabilitate the Downtown Transit Center and forwarding to Council for approval. (Funding Source: Senate Bill 1)

   *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Zoslocki; 3/0)** accepting the award for the State of Good Repair funds in the amount of $32,364 to rehabilitate the Downtown Transit Center and forwarding to Council for approval.

Consent

7. Consider accepting grant awards for Federal Transit Administration Section 5307 transit funds in the amount of $5,257,527 and Federal Transit Administration Section 5339 transit funds in the amount of $1,014,188, and forwarding to Council for approval. (Funding Source: Federal Transit Administration Section 5307 and Section 5339)

   *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Zoslocki; 3/0)** accepting grant awards for Federal Transit Administration Section 5307 transit funds in the amount of $5,257,527 and Federal Transit Administration Section 5339 transit funds in the amount of $1,014,188, and forwarding to Council for approval.

Consent

8. Consider approving a Purchasing Agreement with W.W. Grainger, Inc., Lake Forest, IL, by utilizing the competitive bid process with National Intergovernmental Purchasing Alliance (National IPA), University of California, Office of the President, for maintenance, repair and operation supplies for a two-year Agreement with three one-year extension options, for an annual cost not to exceed $113,500 and a total amount not to exceed $567,500, over five years and forwarding to Council for approval. (Funding Source: Wastewater, Water, Compost, Storm Drain, Airport, Modesto Fire, Parks and Fleet Funds)

   *Utilities; Laura Anhalt, 342-4502, lanhalt@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Zoslocki; 3/0)** approving a Purchasing Agreement with W.W. Grainger, Inc., Lake Forest, IL, by utilizing the competitive bid process with

National Intergovernmental Purchasing Alliance (National IPA), University of California, Office of the President, for maintenance, repair and operation supplies for a two-year Agreement with three one-year extension options, for an annual cost not to exceed $113,500 and a total amount not to exceed $567,500, over five years and forwarding to Council for approval.

## NEW BUSINESS

9. Consider approving the First Amendment increasing the Agreement amount with Grover Landscape Services, Inc., Modesto, CA, for Landscape services by $1,253,264, from $8,331,208 to a new total amount of $9,584,472, for site changes, additional repairs and service level increases, and forwarding to Council for approval. (Funding Source: General Fund – Parks Operations, Community Facilities District Funds, Joint Powers of Authority Tuolumne River Regional Park Fund, Miscellaneous City and Enterprise Funds)

   *Parks, Recreation & Neighborhoods; Kelly Gallagher, 342-2270, kgallagher@modestogov.com*

**ACTION: Motion (Zoslocki/Mayor Brandvold; 3/0)** approving the First Amendment increasing the Agreement amount with Grover Landscape Services, Inc., Modesto, CA, for Landscape services by $1,253,264, from $8,331,208 to a new total amount of $9,584,472, for site changes, additional repairs and service level increases, and forwarding to Council for approval.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 3:28 p.m.

Attest:_____
Joseph Lopez, City Manager

# MINUTES

City of Modesto

## SPECIAL CITY COUNCIL MEETING

**Chambers, Basement Level**
**Tenth Street Place, 1010 10th Street**
**Modesto, California**
**Wednesday December 19, 2018, at 2:00 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
Absent: None

Pledge of Allegiance to the Flag

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

### PUBLIC COMMENT PERIOD

None.

### HEARINGS

*Published in the Modesto Bee on December 8, 2018; Councilmember Ah You absent due to conflict of interest*

1. Hearing to consider approving the issuance of up to ten (10) commercial cannabis dispensary permits at various locations in the City with appropriate conditions. (Funding Source: Cannabis Permit Fees)
   - Resolution awarding commercial cannabis permits for retail cannabis dispensaries in the City of Modesto.

   *Community & Economic Development; Steve Mitchell, 577-5267, smitchell@modestogov.com*

**ACTION: Resolution 2018-566 (Kenoyer/Grewal; 6/0; Ah You absent)** awarding commercial cannabis permits for retail cannabis dispensaries in the City of Modesto. **(AS AMENDED)**

### MATTERS TOO LATE FOR THE AGENDA

None.

### ADJOURNMENT

This meeting adjourned at 4:50 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(d)(1) of the Government Code)**

Name of case: City of Modesto v. David Faria, et al.
Case No. CV18003092

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**
**(Pursuant to Section 54956.8 of the Government Code)**
Property & Property Owners:

| APN | Address | Owner Name |
|---|---|---|
| 007-024-001 | SE Corner of N. Dakota Ave. & Kansas Ave., Modesto | Faria |

Negotiating Parties:

For City: Artin N. Shaverdian, Attorney for City of Modesto
For Property Owner: Property Owners
Under Negotiation: Price and Terms

Attest:_____
Stephanie Lopez, City Clerk