2021 LEGISLATIVE HISTORY

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MINUTES

City of Modesto

SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP

Held Via Teleconference
Tenth Street Place, 1010 10th Street
Modesto, California

Monday Jan 11, 2021 at 5:00 PM

Roll Call - Present: Councilmembers Rosa Escutia-Braaton, Ricci and David Wright (alternate)
Absent: Councilmember Kenoyer

PUBLIC COMMENTS

- Bianca Lopez spoke about the recent officer-involved shooting.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: 1-2

CONSENT

1. Consider approving an Agreement for Polygraph Services to Mansfield, Lierly & Associates, Citrus Heights, CA, for a one year Agreement with two one-year extension options, for an annual estimated cost of $45,225, and a total amount not to exceed $135,675 over three years, and forwarding to Council for approval. (Funding Source: General Fund)
   POLICE DEPARTMENT; Brandon Gillespie, 572-9500, gillespieb@modestopd.com

ACTION: Motion (Wright/Ricci; 3/0) approving an Agreement for Polygraph Services to Mansfield, Lierly & Associates, Citrus Heights, CA, for a one year Agreement with two one-year extension options, for an annual estimated cost of $45,225, and a total amount not to exceed $135,675 over three years, and forwarding to Council for approval.

2. Consider approving the Sole Source Agreement with ESRI Enterprise Advantage Program for Technical Advisory Services, Training and Service Credits for a one-year Agreement with a one-year extension option for an estimated annual amount of $92,200 and a total amount not to exceed $184,400 over two years, and forwarding to Council for approval. (Funding Source: BJAG Grant, SLESF)
POLICE DEPARTMENT; Brandon Gillespie, 572-9500, gillespieb@modestopd.com

ACTION: Motion (Wright/Ricci; 3/0) approving the Sole Source Agreement with ESRI Enterprise Advantage Program for Technical Advisory Services, Training and Service Credits for a one-year Agreement with a one-year extension option for an estimated annual amount of $92,200 and a total amount not to exceed $184,400 over two years, and forwarding to Council for approval

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:20 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 Jan 12, 2021 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold
Absent: None

Pledge of Allegiance to the Flag

Invocation: Mayor Brandvold read the invocation from Michael Schiefelbein, College Avenue United Church of Christ

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: No Closed Session matters

MISCELLANEOUS

1. Consider approving the appointment of Vionna Adams to the Disabled Access Appeals Board with a term expiration of January 1, 2025. (Funding Source: Not Applicable)
   Staff Recommendation:
   - Resolution approving the appointment of Vionna Adams to the Disabled Access Appeals Board with a term expiration of January 1, 2025.

   CED; Oscar Diaz, 571-5885, odiaz@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-001 approving the appointment of Vionna Adams to the Disabled Access Appeals Board with a term expiration of January 1, 2025.

2. Consider reappointing Julie Sherer, Rebecca Harrington and Monica Valencia to the Culture Commission with terms from January 1, 2021 to December 31, 2024. (Funding Source: Not Applicable)
   Staff Recommendation:

- Resolution reappointing Julie Sherer, Rebecca Harrington and Monica Valencia to the Culture Commission with terms from January 1, 2021 to December 31, 2024.

PRN; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: (Madrigal/Wright; 7/0) Resolution 2021-002 reappointing Julie Sherer, Rebecca Harrington and Monica Valencia to the Culture Commission with terms from January 1, 2021 to December 31, 2024.

3. Consider reappointing Denise Crosby, Behzad (Bert) Tabrizi and Rodney Cordova to the Modesto Convention and Visitors Bureau Board of Directors for a second two-year term from January 1, 2021 to December 31, 2022. (Funding Source: Not Applicable)
Staff Recommendation:
   - Resolution reappointing Denise Crosby, Behzad (Bert) Tabrizi and Rodney Cordova to the Modesto Convention and Visitors Bureau Board of Directors for a second two-year term from January 1, 2021 to December 31, 2022.

PRN; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: (Wright/Madrigal; 7/0) Resolution 2021-003 reappointing Denise Crosby, Behzad (Bert) Tabrizi and Rodney Cordova to the Modesto Convention and Visitors Bureau Board of Directors for a second two-year term from January 1, 2021 to December 31, 2022.

4. Consider reappointing Maria Arevalo, representing the Modesto golfing community at large, to the Golf Courses Advisory Committee for a second four-year term from January 1, 2021 to December 31, 2024. (Funding Source: Not Applicable)
Staff Recommendation:
   - Resolution reappointing Maria Arevalo, representing the Modesto golfing community at large, to the Golf Courses Advisory Committee for a second four-year term from January 1, 2021 to December 31, 2024.

PRN; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: (Escutia-Braaton/Kenoyer; 7/0) Resolution 2021-004 reappointing Maria Arevalo, representing the Modesto golfing community at large, to the Golf Courses Advisory Committee for a second four-year term from January 1, 2021 to December 31, 2024.

PUBLIC COMMENT PERIOD

- John Mataka spoke regarding the officer involved shooting in Modesto.
- Bianca Lopez spoke regarding police brutality in Modesto.
- Sebastian Jones requested the renaming of Mellis Park to Dr. Martin Luther King, Jr. Park.
- Sarah Johnson also spoke in support of renaming Mellis Park to Dr. Martin Luther King, Jr. Park.

- Jaimayia also spoke in support of renaming Mellis Park to Dr. Martin Luther King, Jr. Park.

- Yesi Moreno also spoke in support of renaming Mellis Park to Dr. Martin Luther King, Jr. Park.

- Julissa Ruiz Ramirez spoke regarding the officer involved shooting by Modesto Police Department and the mistreatment of her brother by Modesto Police Department.

- Emerson Drake spoke regarding the need for change at the City of Modesto and the officer involved shooting in Modesto.

- Tiffany Howard also spoke in support of renaming Mellis Park to Dr. Martin Luther King, Jr. Park.

- Ralph, former Councilmember from Stockton, also spoke in support of renaming Mellis Park to Dr. Martin Luther King, Jr. Park.

- Mani Grewal spoke regarding the County vaccination process.

- Kevin McClarty also spoke in support of renaming Mellis Park to Dr. Martin Luther King, Jr. Park.

- Mi-Shaye spoke regarding the officer involved shooting in Modesto.

- BCC Modesto also spoke in support of renaming Mellis Park to Dr. Martin Luther King, Jr. Park.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 5-15: (Kenoyer/Ricci; 7/0)

CONSENT ITEMS

Consent

5. Consider approving the minutes from the December 8, 2020 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the December 8, 2020 Council Meeting.

    CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: (Kenoyer/Ricci; 7/0) Motion approving the minutes from the December 8, 2020 Council Meeting.

Consent

6. Consider approving a resolution honoring the memory of local business leader, Rafael R. Armenta. (Funding Source: Not Applicable)
    - Resolution of the Council of the City of Modesto honoring the memory of Rafael R. Armenta, local business leader.

    CITY CLERK; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: (Kenoyer/Ricci; 7/0) Resolution 2021-005 of the Council of the City of Modesto honoring the memory of Rafael R. Armenta, local business leader.

Consent

7. Consider accepting the Monthly Investment Report for October 2020. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for October 2020.

    FINANCE DEPARTMENT; Calogero Maniscalco, 577-5219, cmaniscalco@modestogov.com

ACTION: (Kenoyer/Ricci; 7/0) Motion accepting the Monthly Investment Report for October 2020.

Consent

8. Consider accepting an informational report for the November 2020 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the November 2020 Accounts Payable Payment Register and Void report.

    FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com

ACTION: (Kenoyer/Ricci; 7/0) Motion accepting an informational report for the November 2020 Accounts Payable Payment Register and Void report.

Consent

9. Consider approving the Award of Bid and Agreement for Furnishing of City-Wide Shredding Services to Pacific Storage Company, Modesto, CA, for a two-year Agreement with three one-year extension options, for an annual estimated cost of $22,000 and a total amount not to exceed $110,000 over five years. (Funding Source: Various Funds)
    - Resolution approving the Award of Bid and Agreement for Furnishing of City-Wide Shredding Services to Pacific Storage Company, Modesto, CA, for a two-year Agreement with three one-year extension options, for an annual estimated cost of $22,000 and a total amount not to exceed $110,000 over five years; and authorizing the City Manager, or his designee, to execute the Agreement.

    FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Ricci; 7/0) Resolution 2021-006 approving the Award of Bid and Agreement for Furnishing of City-Wide Shredding Services to Pacific Storage Company,

Modesto, CA, for a two-year Agreement with three one-year extension options, for an annual estimated cost of $22,000 and a total amount not to exceed $110,000 over five years; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

10. Consider approving the Second Amendment to Agreement with The Baseball Club of Modesto, as successor in interest to HWS Baseball IV, LLC, to extend the term through December 31, 2027, waive the 2020 annual license fee payment, and defer the Fiscal Year 2020-2021 Capital Improvement Project deposit to Fiscal Year 2025-2026. (Funding Source: CIP Project 101019/General Fund)
    - Resolution approving the Second Amendment to Agreement with The Baseball Club of Modesto, as successor in interest to HWS Baseball IV, LLC, to extend the term through December 31, 2027, waive the 2020 annual license fee payment, defer the Fiscal Year 2020-2021 Capital Improvement Project deposit to Fiscal Year 2025-2026, and authorizing the City Manager, or designee, to execute the Second Amendment to Agreement.

    PRN; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: (Kenoyer/Ricci; 7/0) Resolution 2021-007 approving the Second Amendment to Agreement with The Baseball Club of Modesto, as successor in interest to HWS Baseball IV, LLC, to extend the term through December 31, 2027, waive the 2020 annual license fee payment, defer the Fiscal Year 2020-2021 Capital Improvement Project deposit to Fiscal Year 2025-2026, and authorizing the City Manager, or designee, to execute the Second Amendment to Agreement.

Consent

11. Consider approving the First Amendment to increase the amount of the Agreement with Moore and Associates for Transit Marketing Services by $100,000 from $375,000 to a new total amount of $475,000. (Funding Source: Transit Funds)
    - Resolution approving the First Amendment to increase the amount of the Agreement with Moore and Associates for Transit Marketing Services by $100,000 from $375,000 to a new total amount of $475,000, and authorizing the City Manager, or his designee, to execute the Amendment.

    PUBLIC WORKS; Adam Barth, 577-5298, abarth@modestogov.com

ACTION: (Kenoyer/Ricci; 7/0) Resolution 2021-008 approving the First Amendment to increase the amount of the Agreement with Moore and Associates for Transit Marketing Services by $100,000 from $375,000 to a new total amount of $475,000, and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

12. Consider approving an Amendment to the Purchasing Agreement with Univar USA Inc., San Jose, CA, for the purchase of sodium hypochlorite by $89,712 from $170,070 to $259,782 over five years and approving a Minibulk Storage Tank Agreement for storage of sodium hypochlorite at the Sutter Wastewater Treatment Plant. (Funding Source: Wastewater Fund)

- Resolution approving an Amendment to the Purchasing Agreement with Univar USA Inc., San Jose, CA, for the purchase of sodium hypochlorite by $89,712 from $170,070 to $259,782 over five years and authorizing the Purchasing Manager, or her designee, to execute the Agreement.
- Resolution approving a Minibulk Storage Tank Agreement for storage of sodium hypochlorite at the Sutter Wastewater Treatment Plant and authorizing the Purchasing Manager, or her designee, to execute the Agreement.

UTILITIES; Ben Koehler, 342-4502, bkoehler@modestogov.com

ACTION: (Kenoyer/Ricci; 7/0) Resolution 2021-009 approving an Amendment to the Purchasing Agreement with Univar USA Inc., San Jose, CA, for the purchase of sodium hypochlorite by $89,712 from $170,070 to $259,782 over five years and authorizing the Purchasing Manager, or her designee, to execute the Agreement.

ACTION: (Kenoyer/Ricci; 7/0) Resolution 2021-010 approving a Minibulk Storage Tank Agreement for storage of sodium hypochlorite at the Sutter Wastewater Treatment Plant and authorizing the Purchasing Manager, or her designee, to execute the Agreement.

Consent

13. Consider approving a First Amendment increasing the Agreement amount with Hach Company, Loveland, CO, for an Interface to the Ignition SCADA Database, by $7,482, from $53,514 to a new total of $60,996. (Funding Source: Wastewater Fund)
    - Resolution approving a First Amendment increasing the Agreement amount with Hach Company, Loveland, CO, for an Interface to the Ignition SCADA Database, by $7,482, from $53,514 to a new total of $60,996 and authorizing the City Manager, or his designee, to execute the Amendment.

    UTILITIES; Ben Koehler, 342-4502, bkoehler@modestogov.com

ACTION: (Kenoyer/Ricci; 7/0) Resolution 2021-011 approving a First Amendment increasing the Agreement amount with Hach Company, Loveland, CO, for an Interface to the Ignition SCADA Database, by $7,482, from $53,514 to a new total of $60,996 and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

14. Consider approving the plans and specifications for the Amtrak Station Roof and Restroom Renovation Project and awarding a construction contract to Commercial Waterproofing Systems; dba ERC Roofing & Waterproofing, Inc., Santa Ana, CA, in the amount of $445,470 plus $44,547 in contingency (if needed), for a total amount not to exceed $490,017 and amending the Fiscal Year 2020-21 Capital Improvement Program Budget in the amount of $116,987. (Funding Source: Local Transportation Funds-Regional Facilities and State of Good Repair)
    - Resolution approving plans and specifications for the Amtrak Station Roof and Restroom Renovation Project, accepting the bid, and approving a construction contract to Commercial Waterproofing Systems; dba ERC Roofing & Waterproofing, Inc., Santa Ana, CA, in the amount of $445,470 plus $44,547 in

contingency (if needed), for a total amount not to exceed $490,017 and authorizing the City Manager, or his designee, to execute the Agreement.

- Resolution amending the Fiscal Year 2020-21 Capital Improvement Program Budget in the amount of $116,987 to be transferred into the project from Local Transportation Fund and State of Good Repair in order to fund the construction phase of the Amtrak Station Roof and Restroom Renovation 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: (Kenoyer/Ricci; 7/0) Resolution 2021-012 approving plans and specifications for the Amtrak Station Roof and Restroom Renovation Project, accepting the bid, and approving a construction contract to Commercial Waterproofing Systems; dba ERC Roofing & Waterproofing, Inc., Santa Ana, CA, in the amount of $445,470 plus $44,547 in contingency (if needed), for a total amount not to exceed $490,017 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Kenoyer/Ricci; 7/0) Resolution 2021-013 amending the Fiscal Year 2020-21 Capital Improvement Program Budget in the amount of $116,987 to be transferred into the project from Local Transportation Fund and State of Good Repair in order to fund the construction phase of the Amtrak Station Roof and Restroom Renovation Project and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

Consent

15. Consider approving the plans and specifications for the Well 71 Surface Improvements Project and awarding a construction contract to Conco-West, Inc., Manteca, CA, in the amount of $2,376,000 plus $285,120 in contingency (if needed), for a total amount not to exceed $2,661,120; authorizing an increase in the Director's Authority from 8% ($190,080) to 12% ($285,120) to issue change orders; and amending the Fiscal Year 2020-21 Capital Improvement Program Budget in the amount of $275,175. (Funding Source: Water Fund)

    - Resolution approving plans and specifications for the Well 71 Surface Improvements Project, accepting the bid, and approving a construction contract to Conco-West, Inc., Manteca, CA, in the amount of $2,376,000 plus $285,120 for contingency (if needed) for a total amount not to exceed $2,661,120 and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution authorizing an increase in the Director's Authority to issue change orders for the Well 71 Surface Improvements Project from 8% ($190,080) to 12% ($285,120) of the construction contract amount of $2,376,000 with Conco-West, Inc., Manteca, CA.
    - Resolution amending the Fiscal Year 2020-21 Capital Improvement Program Budget in the amount of $275,175 to be transferred into the project from Water Fund reserves in order to fund the construction phase of the Well 71 Surface Improvements 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: (Kenoyer/Ricci; 7/0) Resolution 2021-014 approving plans and specifications for the Well 71 Surface Improvements Project, accepting the bid, and approving a construction contract to Conco-West, Inc., Manteca, CA, in the amount of $2,376,000 plus $285,120 for contingency (if needed) for a total amount not to exceed $2,661,120 and authorizing the City Manager, or his designee, to execute the Agreement

ACTION: (Kenoyer/Ricci; 7/0) Resolution 2021-015 authorizing an increase in the Director's Authority to issue change orders for the Well 71 Surface Improvements Project from 8% ($190,080) to 12% ($285,120) of the construction contract amount of $2,376,000 with Conco-West, Inc., Manteca, CA.

ACTION: (Kenoyer/Ricci; 7/0) Resolution 2021-016 amending the Fiscal Year 2020-21 Capital Improvement Program Budget in the amount of $275,175 to be transferred into the project from Water Fund reserves in order to fund the construction phase of the Well 71 Surface Improvements Project and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer spoke regarding the death of Stan Galas.

Councilmember Ricci spoke regarding: the pandemic and coming together as a community; blight mitigation and support of cleaning up Briggsmore Avenue; traffic on Woodland and Carpenter; an update on MJC Parking Permits; and the turmoil in Washington, DC.

Councilmember Madrigal requested an update on renaming Mellis Park; Parks Recreation & Neighborhoods Director Laurie Smith advised that this matter will be heard in late February or early March, 2021.

ACTION: Motion (Madrigal/Ricci; 7/0) bring item for discussion and action regarding renaming Mellis Park and King-Kennedy Memorial Center to Dr. Martin Luther King, Jr. Park and Dr. Martin Luther King, Jr. Center, as well as a report back regarding Mellis Park and the Mellis Family, to January 26, 2021 Council meeting.

Councilmember Wright requested the Charter Review Committee start meeting again and return to Council with recommendations.

CITY MANAGER COMMENTS & REPORTS

None.

City Attorney Sanchez recused himself from Item 16

NEW BUSINESS

16. Consider approving an Agreement with Neher & Associates for consultant services in the amount of $17,000 for the identified scope of services. (Funding Source: General Fund/City Council)
    - Resolution approving an Agreement with Neher & Associates, Sacramento, CA. for consultant services in the amount of $17, 000 for the identified scope of services and authorizing the Mayor to execute the Agreement.

    CITY COUNCIL; Ted Brandvold, 571-5597, tbrandvold@modestogov.com

ACTION: (Madrigal/Ricci; 3 /4; Escutia-Braaton, Kenoyer, Wright, Zoslocki no) Resolution approving an Agreement with Neher & Associates, Sacramento, CA. for consultant services in the amount of $17, 000 for the identified scope of services and authorizing the Mayor to execute the Agreement. **(MOTION FAILED)**

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:10 p.m.

Attest:_____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto

ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP

Held Via Teleconference

Wednesday Jan 13, 2021 at 5:30 PM

Roll Call – Present: Mayor Brandvold, Councilmembers Madrigal, Ricci
Absent: None

PUBLIC COMMENTS

None.

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

CONSENT

Consent

1. Consider approving the Award of Bid and Service Agreement for Potable Water Delivery Services to Dempsey's Water Systems, Modesto, CA for a two year Agreement with three one-year extension options, for an estimated cost for the first year of $13,350 and a total amount not to exceed $57,186 over five years and forwarding to Council for approval. (Funding Source: Compost Fund)
   FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: Motion (Ricci/Madrigal; 3/0) approving the Award of Bid and Service Agreement for Potable Water Delivery Services to Dempsey's Water Systems, Modesto, CA for a two year Agreement with three one-year extension options, for an estimated cost for the first year of $13,350 and a total amount not to exceed $57,186 over five years and forwarding to Council for approval.

Consent

2. Consider accepting the grant award for Federal Transit Administration Section 5339 funds in the amount of $2,006,514 and Congestion Mitigation and Air Quality funds in the amount of $1,200,000, and authorizing the City Manager, or his designee, to execute and file the Annual Certifications and Assurances, and all other necessary documents with 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 (Ricci/Madrigal; 3/0) accepting the grant award for Federal Transit Administration Section 5339 funds in the amount of $2,006,514 and Congestion Mitigation and Air Quality funds in the amount of $1,200,000, and authorizing the City Manager, or his designee, to execute and file the Annual Certifications and Assurances, and all other necessary documents with the Federal Transit Administration, and forwarding to Council for approval.

Removed from Consent

3. Consider approving the Joint Powers Agency Agreement to form the Stanislaus Regional Transit Authority, and appoint two members to the Authority's Board, and forwarding to Council for approval. (Funding Source: Local Transportation Funds, State Transit Assistance, Farebox Revenue & Federal Transit Administration)
   CITY MANAGER; Caluha Barnes, 577-5223, cbarnes@modestogov.com

ACTION: Motion (Madrigal/Ricci; 3/0) approving the Joint Powers Agency Agreement to form the Stanislaus Regional Transit Authority, and appoint two members to the Authority's Board, and forwarding to Council for approval.

UNFINISHED BUSINESS

4. Consider accepting an update regarding Starship Robot Grocery Delivery Program and forwarding to Council for direction. (Funding Source: Not Applicable)
   CED; Jaylen French, 571-2938, jfrench@modestogov.com

ACTION: No reportable action.

NEW BUSINESS

5. Consider accepting an update and possible direction regarding the City's support to local businesses during the COVID-19 Pandemic. (Funding Source: Not Applicable)
   CITY MANAGER; Scotty Douglass, 577-5223, sdouglass@modestogov.com

ACTION: Motion (Ricci/Madrigal; 3/0) (i) directing staff to explore an Ordinance to lower delivery fees to the end of the pandemic; (ii) to evaluate the current Fiscal Year and next Fiscal Year budgets for potential funding that can be allocated to the end of the pandemic to support local businesses; (iii) to reach out to the County to explore funding to expand support City-wide to small businesses similar to the Downtown RAD Card; (iv) to work with Mr. Aaronson of the CVB to discuss a city-wide program hosted by the CVB, and (v) to explore the feasibility of a food voucher program to support restaurants city-wide using grant funds.

6. Consider accepting an update regarding possible submittal of Cannabis Equity Grants Program and forwarding to Council for direction. (Funding Source: Not Applicable)
   - As Above

   CITY MANAGER; Scotty Douglass, 577-5223, sdouglass@modestogov.com

ACTION: Motion (Madrigal/Ricci; 3/0) directing staff to bring an action item to the 1/26/2021 Council Meeting to direct staff to apply for Tier 1 of the Cannabis Equity Grant Program by the 2/1/2021 Deadline.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:11 p.m.

Attest: _____
Joseph Lopez, City Manage

MINUTES

City of Modesto
SPECIAL AUDIT COMMITTEE /COUNCIL WORKSHOP
Held Via Teleconference

Thursday Jan 21, 2021 at 10:00 AM

Roll Call – Present: Mayor Brandvold, Councilmembers Wright and Ricci (alternate)
Absent: Councilmember Escutia-Braaton
Also Present: Councilmember Kenoyer

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: No Consent Items

NEW BUSINESS

1. Consider accepting a progress update for the Risk Assessment and Implementation Plan conducted by Management Strategies and forwarding to Council for approval. (Funding Source: Various)
HUMAN RESOURCES; Christina Alger, 571-5126, calger@modestogov.com

ACTION: Motion (Wright/Ricci; 3/0) accepting a progress update for the Risk Assessment and Implementation Plan conducted by Management Strategies and forwarding to Council for approval.

2. Consider accepting the results of the California Public Employees' Retirement System (CalPERS) Review of Hourly Compensated Contract Exclusions of the City of Modesto, and forwarding to Council. (Funding Source: Not Applicable)
HUMAN RESOURCES; Dawn Kelley, 577-5490, dkelley@modestogov.com

ACTION: Motion (Wright/Ricci; 3/0) accepting the results of the California Public Employees' Retirement System (CalPERS) Review of Hourly Compensated Contract Exclusions of the City of Modesto, and forwarding to Council.

3. Consider approving the Auditors' Reports and Schedule of Passenger Facility Charge Revenues and Expenditures for Fiscal Year ended June 30, 2020, and forwarding to Council for approval. (Funding Source: Not Applicable)
FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com

ACTION: Motion (Wright/Ricci; 3/0) approving the Auditors' Reports and Schedule of Passenger Facility Charge Revenues and Expenditures for Fiscal Year ended June 30, 2020, and forwarding to Council for approval.

4. Consider approving the Fiscal Year 2019-2020 Single Audit Report for the City of Modesto from external auditors Hudson Henderson & Company, Inc. and forwarding to Council for approval. (Funding Source: Not Applicable)
FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com

ACTION: Motion (Ricci/Wright; 3/0) approving the Fiscal Year 2019-2020 Single Audit Report for the City of Modesto from external auditors Hudson Henderson & Company, Inc. and forwarding to Council for approval.

5. Consider approving the audited financial statements and various audit reports for Fiscal Year 2019-2020 audited by external auditors Hudson Henderson & Company, Inc. for the City's Comprehensive Annual Financial Report, twelve Community Facilities Districts, and various Joint Powers Agencies and forwarding to Council for approval. (Funding Source: Not Applicable)
FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com

ACTION: Motion (Wright/Ricci; 3/0) approving the audited financial statements and various audit reports for Fiscal Year 2019-2020 audited by external auditors Hudson Henderson & Company, Inc. for the City's Comprehensive Annual Financial Report, twelve Community Facilities Districts, and various Joint Powers Agencies and forwarding to Council for approval.

6. Consider approving the Auditors' Reports and Schedule of Measure L Program Revenues and Expenditures for Fiscal Year Ended June 30, 2020, and forwarding to Council for approval. (Funding Source: Not Applicable)
FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com

ACTION: Motion (Wright/Ricci; 3/0) approving the Auditors' Reports and Schedule of Measure L Program Revenues and Expenditures for Fiscal Year Ended June 30, 2020, and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 11:10 a.m.

Attest: _____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
(Held Via Teleconference)

Monday Jan 25, 2021 at 3:00 PM

Roll Call – Present: Councilmembers Zoslocki, Kenoyer and Wright
Absent: None

PUBLIC COMMENTS

None.

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

CONSENT

1. Consider approving the recommended budget adjustments to Fiscal Year 2020-21 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval. (Funding Source: Various Funds)
BUDGET; Steve Christensen, 577-5390, schristensen@modestogov.com

ACTION: Motion (Wright/Kenoyer; 3/0) approving the recommended budget adjustments to Fiscal Year 2020-21 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval.

2. Consider accepting an informational report on the September and October 2020 grant applications and awards and forwarding to Council for approval. (Funding Source: Not Applicable)
FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com

ACTION: Motion (Wright/Kenoyer; 3/0) accepting an informational report on the September and October 2020 grant applications and awards and forwarding to Council for approval.

3. Consider approving the extension of termination dates of two annual Purchasing Agreements and forwarding to Council for approval. (Funding Source: Various Funds)
FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: Motion (Wright/Kenoyer; 3/0) approving the extension of termination dates of two annual Purchasing Agreements and forwarding to Council for approval.

4. Consider approving an Agreement with Thousand Oaks Executive Center, LLC. for the lease of 40 parking spaces located on APN 034-018-014 in the amount of $15,000 annually and forwarding to Council for approval. (Funding Source: General Fund)
PRN; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: Motion (Wright/Kenoyer; 3/0) approving an Agreement with Thousand Oaks Executive Center, LLC. for the lease of 40 parking spaces located on APN 034-018-014 in the amount of $15,000 annually and forwarding to Council for approval.

5. Consider approving the Consolidation and Water Service Agreement between the City of Modesto and Riverdale Park Tract Community Services District. (Funding Source: Water Fund)
UTILITIES; Jim Alves, 571-5557, jalves@modestogov.com

ACTION: Motion (Wright/Kenoyer; 3/0) approving the Consolidation and Water Service Agreement between the City of Modesto and Riverdale Park Tract Community Services District.

UNFINISHED BUSINESS

6. Consider accepting a report on the annual review of approved water rate increases for Fiscal Year 2020-21 and forwarding to Council for approval. (Funding Source: Water Fund)
UTILITIES; Jesse Franco, 571-5175, jfranco@modestogov.com

ACTION: Motion (Kenoyer/Wright; 3/0) accepting a report on the annual review of approved water rate increases for Fiscal Year 2020-21 **(Option No. 4 – 2% increase)** and forwarding to Council for approval.

NEW BUSINESS

7. Consider approving a five-year Agreement with two one-year extension options with Digital Assurance Certification, LLC (DAC) to provide post-issuance securities and tax compliance services related to the City's debt portfolio for an estimated annual cost of up to $12,000 and a total amount not to exceed $84,000 over seven years and forwarding to Council for approval. (Funding Source: General, Redevelopment Successor Agency, Water, Wastewater, and Golf Funds)
FINANCE DEPARTMENT; Cal Maniscalco, 577-5219, cmaniscalco@modestogov.com

ACTION: Motion (Wright/Kenoyer; 3/0) approving a five-year Agreement with two one-year extension options with Digital Assurance Certification, LLC (DAC) to provide post-issuance securities and tax compliance services related to the City's debt portfolio for an estimated annual cost of up to $12,000 and a total amount not to exceed $84,000 over seven years and forwarding to Council for approval.

8. Consider a legislative update from the City's legislative advocates, Townsend Public Affairs and Van Scoyoc Associates. (Funding Source: Not Applicable)
CITY MANAGER; Edgar Garcia, 571-5101, edgarcia@modestogov.com

ACTION: No reportable action.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:07 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 Jan 26, 2021 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold
Absent: None

Pledge of Allegiance to the Flag

Invocation: Mayor Brandvold read the Invocation from Lyn Crase, Emmanuel Lutheran Church

City Clerk's Announcements: Mayor Brandvold requested Item No. 10 be heard after Consent

Declaration of Conflicts of Interest: None

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

PUBLIC COMMENT PERIOD

- Mani Grewal gave an update on COVID-19 vaccinations in Stanislaus County.
- Brandon Dodge spoke regarding struggling restaurants in Modesto during the COVID-19 pandemic; he requested the City adopt an emergency Ordinance.
- Emerson Drake spoke regarding the January 12, 2021 Council meeting; he also spoke regarding the City's monthly check register.
- Sebastian Jones apologized for his outburst at January 12, 2021 Council meeting.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 1-3: (Kenoyer/Escutia-Braaton; 7/0)

CONSENT ITEMS

Consent

1. Consider approving the minutes from the January 12, 2021 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the January 12, 2021 Council Meeting.

    CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Motion approving the minutes from the January 12, 2021 Council Meeting.

Consent

2. Consider approving the submittal of a grant application for Urban Forest Management Activities from the California Department of Forestry and Fire Protection. (Funding Source: Green Waste Fund 4892, CAL FIRE)
    - Resolution approving the submittal of a grant application for Urban Forest Management Activities from the California Department of Forestry and Fire Protection, and authorizing the City Manager, or his designee, to execute the Grant Application.

    PUBLIC WORKS; Michael Hoesch, 342-4566, mhoesch@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-017 approving the submittal of a grant application for Urban Forest Management Activities from the California Department of Forestry and Fire Protection, and authorizing the City Manager, or his designee, to execute the Grant Application.

Consent

3. Consider rejecting all bids for the Tank 12 Recoat & Repairs 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 Tank 12 Recoat & Repairs Project and authorizing staff to re-advertise the project for bids at a future date.

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

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-018 rejecting all bids for the Tank 12 Recoat & Repairs Project and authorizing staff to re-advertise the project for bids at a future date.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer spoke regarding the passing of Joseph Sanchez.

Councilmember Madrigal also spoke regarding the passing of Joseph Sanchez and his contribution to Project Prom.

Councilmember Escutia-Braaton announced the formation of the District 1 Community Advisory Committee.

Councilmember Ricci thanked City staff for their assistance with vaccinations in the City of Modesto and his "100 Ideas" Project.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in Modesto Bee on 01/06/2021

4. Hearing to consider an Ordinance to amend to Section 9-4-9 of the Zoning Code to prezone 32.88 acres of unincorporated area to Heavy Industrial, (P)M-2 zone, property located east of Lodi Avenue and north of Whitmore Avenue; and approving the filing of an application to the Stanislaus Local Agency Formation Commission for the reorganization of approximately 32.88 acres of land designated I (Industrial), located east of Lodi Avenue and north of Whitmore Avenue for annexation to the City of Modesto. (Funding Source: Applicant-Funded)
    - Motion introducing and waiving the first reading of an Ordinance amending Section 9-4-9 of the Zoning Code to prezone 32.88 acres of unincorporated area to Heavy Industrial, (P)M-2 zone, property located east of Lodi Avenue and north of Whitmore Avenue.
    - Resolution approving the filing of an application to the Stanislaus Local Agency Formation Commission for the reorganization of approximately 32.88 acres of land designated I (Industrial), located east of Lodi Avenue and north of Whitmore Avenue for annexation to the City of Modesto.
    - 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. 2014042081): prezone 32.88 acres to heavy industrial, P-M--2 zone, and to annex the same area to the City of Modesto

    CED; Cindy van Empel, 577-5267, cvanempel@modestogov.com

ACTION: (Zoslocki/Kenoyer; 7/0) Motion introducing and waiving the first reading of **Ordinance 3726-C.S.** amending Section 9-4-9 of the Zoning Code to prezone 32.88 acres of unincorporated area to Heavy Industrial, (P)M-2 zone, property located east of Lodi Avenue and north of Whitmore Avenue.

ACTION: (Zoslocki/Wright; 7/0) Resolution 2021-019 approving the filing of an application to the Stanislaus Local Agency Formation Commission for the reorganization of approximately 32.88 acres of land designated I (Industrial), located east of Lodi Avenue and north of Whitmore Avenue for annexation to the City of Modesto.

ACTION: (Zoslocki/Wright; 7/0) Resolution 2021-020 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. 2014042081): prezone 32.88 acres to heavy industrial, P-M--2 zone, and to annex the same area to the City of Modesto

Published in Modesto Bee on 01/06/2021

5. Hearing to consider a proposed rezoning of 0.46 acres located at 133 Tuolumne Boulevard from Medium-High Density Residential Zone, R-3, to Planned Development Zone, P-D(610) to allow the remodel of a 11,423 square foot, two-story building to accommodate a mixture of neighborhood commercial, professional office and multi-family residential uses. (Funding Source: Developer Funded)
    - Motion introducing and waiving the first reading of an Ordinance amending Section 32-3-9 of the Zoning Map to rezone .46 acres from Medium-High Density Residential (R-3) Zone to Planned Development Zone P-D(610), property located at 133 Tuolumne Boulevard.
    - Resolution approving a Development Plan for Planned Development Zone P-D(610).
    - 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. 2014042081): Rezone of 133 Tuolumne Boulevard from Medium-High Density Residential (R-3) Zone to Planned Development Zone P-D(610)

    CED; Katharine Martin, 577-5267, kamartin@modestgov.com

ACTION: Motion (Madrigal/) continue item to next meeting and requesting staff to reach out to the neighborhood. (MOTION FAILED FOR LACK OF SECOND)

ACTION: (Escutia-Braaton/Zoslocki; 7/0) Motion introducing and waiving the first reading of an **Ordinance 3727-C.S.** amending Section 32-3-9 of the Zoning Map to rezone .46 acres from Medium-High Density Residential (R-3) Zone to Planned Development Zone P-D(610), property located at 133 Tuolumne Boulevard.

ACTION: (Madrigal/Wright; 7/0) Resolution 2021-021 approving a Development Plan for Planned Development Zone P-D(610).

ACTION: (Madrigal/Ricci; 7/0) Resolution 2021-022 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. 2014042081): Rezone of 133 Tuolumne Boulevard from Medium-High Density Residential (R-3) Zone to Planned Development Zone P-D(610)

Published in the Modesto Bee on 01/06/2021.

6. Hearing to consider a proposed amendment to Village One Precise Plan No. 30, to amend the circulation and utility plans of the Precise Plan, property located between Fine Avenue and Claus Road, south of Sharon Avenue and north of Merle Avenue. (Funding Source: Developer Funded)
    - Motion introducing and waiving the first reading of an Ordinance amending the Precise Plan for Area No. 30 in the Village One Specific Plan to amend the circulation and utility plans of the Precise Plan, property located between Fine Avenue and Claus Road, south of Sharon Avenue and north of Merle Avenue.
    - Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR (State

Clearinghouse No. 2014042081): Amendment to Village One Precise Plan for Area No. 30, to amend the circulation and utility plans of the Precise Plan, property located between Fine Avenue and Claus Road, south of Sharon Avenue and north of Merle Avenue.

CED; Katharine Martin, 577-5267, kamartin@modestogov.com

ACTION: Motion (Wright/Escutia-Braaton; 5/2; Kenoyer, Madrigal no) continuing item to the February 2, 2021 Council meeting after staff has completed community outreach.

Recess at 8:50 p.m.
Reconvened at 9:05 p.m.

Published in the Modesto Bee on 01/15/2021

7. Hearing to consider approving the application of Amwest Ambulance and issue a permit to operate as a non-emergency medical transport company in the City of Modesto (Funding Source: General Fund)
    - Resolution approving the application of Amwest Ambulance, and authorizing the issuance of a permit to operate as a non-emergency medical transport company in the City of Modesto.

    POLICE DEPARTMENT; Brandon Gillespie, 572-9501, gillespieb@modestopd.com

ACTION: (Madrigal/Zoslocki; 7/0) Resolution 2021-023 approving the application of Amwest Ambulance, and authorizing the issuance of a permit to operate as a non-emergency medical transport company in the City of Modesto.

NEW BUSINESS

8. Consider accepting Mayor Brandvold's Proposed Budget Priorities and Direction for Fiscal Year 2021-2022. (Funding Source: Not Applicable)
    - Motion accepting Mayor Brandvold's Proposed Budget Priorities and Direction for Fiscal Year 2021-2022.

    CITY COUNCIL; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: (Wright/Escutia-Braaton; 6/1; Zoslocki no) Motion accepting Mayor Brandvold's Proposed Budget Priorities and Direction for Fiscal Year 2021-2022.

9. Consider approving a State of California Cannabis Equity Grants Program for Local Jurisdictions application up to $75,000 for the purpose of funding a cannabis equity assessment and evaluating a potential program, and authorizing the City Manager or designee to complete and submit the grant application (Funding Source: General Funds)
    - Resolution approving a State of California Cannabis Equity Grants Program for Local Jurisdictions application up to $75,000 for the purpose of funding a cannabis equity assessment and evaluating a potential program, and authorizing City Manager or designee to complete and submit the grant application

    CED; Marcus Tucker, 577-5473, mtucker@modestogov.com

ACTION: (Madrigal/Ricci; 6/1; Zoslocki no) Resolution 2021-024 approving a State of California Cannabis Equity Grants Program for Local Jurisdictions application up to $75,000 for the purpose of funding a cannabis equity assessment and evaluating a potential program, and authorizing City Manager or designee to complete and submit the grant application

10. Consider approving the Culture Commission's recommendation to rename Mellis Park to Dr. Martin Luther King Jr. Park; permanently recognize the Mellis family with the establishment of a bronze plaque, statue, or renaming of another park; and postpone the decision to rename the King-Kennedy Memorial Center to the Dr. Martin Luther King, Jr. Center. (Funding Source: General Fund)
    - Resolution approving the Culture Commission's recommendation to rename Mellis Park to Dr. Martin Luther King, Jr. Park; permanently recognize the Mellis family with the establishment of a bronze plaque, statue, or renaming of another park; and postpone the decision to rename the King-Kennedy Memorial Center to the Dr. Martin Luther King, Jr. Center.

    PRND; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: (Ricci/Wright; 7/0) Resolution 2021-025 approving the Culture Commission's recommendation to rename Mellis Park to Dr. Martin Luther King, Jr. Park; permanently recognize the Mellis family with the establishment of a bronze plaque, statue, or renaming of another park; and postpone the decision to rename the King-Kennedy Memorial Center to the Dr. Martin Luther King, Jr. Center.

11. Consider approving the Joint Powers Agency Agreement to form the Stanislaus Regional Transit Authority, and appoint two Councilmembers to the Stanislaus Regional Transit Authority Board of Directors. (Funding Source: Local Transportation Funds, State Transit Assistance, Farebox Revenue & Federal Transit Administration)
    - Resolution approving the Joint Powers Agency Agreement to form the Stanislaus Regional Transit Authority, and authorizing the City Manager, or his designee, to sign the Agreement.
    - Resolution appointing two Councilmembers to the Stanislaus Regional Authority Board of Directors.

    CITY MANAGER; Caluha Barnes, 577-5223, cbarnes@modestogov.com

ACTION: (Kenoyer/Ricci; 7/0) Resolution 2021-026 approving the Joint Powers Agency Agreement to form the Stanislaus Regional Transit Authority, and authorizing the City Manager, or his designee, to sign the Agreement.

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2021-027 appointing **Councilmembers Kenoyer and Zoslocki** to the Stanislaus Regional Authority Board of Directors.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 10:20 p.m.

CLOSED SESSION

All Closed Session matters heard prior to meeting.

CONSENT

1. Consider appointing Real Property Negotiators Suzann Arnold, Senior Right of Way Agent and Tony Sierra, Relocation Manager for Property: APN: 135-029-022.

- Motion appointing Real Property Negotiators Suzann Arnold, Senior Right of Way Agent and Tony Sierra, Relocation Manager for Property: APN: 135-029-022.

City Attorney, Jose M. Sanchez, 577-5284, jsanchez@modestogov.com

ACTION: Motion (Kenoyer/Zoslocki; 7/0) appointing Real Property Negotiators Suzann Arnold, Senior Right of Way Agent and Tony Sierra, Relocation Manager for Property: APN: 135-029-022.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS:
(Pursuant to Section 54956.8 of the Government Code)
Property: 4125 Sisk Road, Modesto CA 95356 – APN 135-029-022
Property Owners: Kimberly Anne Soranno, Trustee of the Leonard J. Soranno Marital Trust
Negotiating Parties:
For City: Suzann Arnold –Senior Right of Way Agent-Bender Rosenthal,Inc.
Tony Sierra –Relocation Manager - Bender Rosenthal, Inc.
For Owner: Mr. Arnold J. Wolf – Freeman Firm
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): Django Valledor v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ12473895

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
One Case (Pursuant to Section 54956.9(d)(1) of the Government Code)
Name of Case: WLMBS, Inc. dba Burnside Body Shop v. City of Modesto, et al.
Superior Court of California, County of Stanislaus
Stanislaus County Case No.: CV 20-003270

Attest:_____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Thursday Jan 28, 2021 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Ricci, Wright, Mayor Brandvold
Absent: Councilmembers Madrigal, Zoslocki

Pledge of Allegiance to the Flag

PUBLIC COMMENT PERIOD

None.

NEW BUSINESS

1. Discussion of the duties of the City Auditor. (Funding Source: Not Applicable)
   - Retired City Auditor Ann-Marie Hogan will work with the Mayor and Council in development of an understanding of the roles and responsibilities of the Office of the City Auditor.

   CITY COUNCIL; Ted Brandvold, 571-5169, tbrandvold@modestogov.com

ACTION: No reportable action.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:36 p.m.

Attest:_____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto

ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP

(Held Via Teleconference)

Monday Feb 01, 2021 at 2:00 PM

Roll Call - Present: Mayor Brandvold; Councilmember Madrigal
Absent: Councilmember Ricci
Also Present: Councilmembers Kenoyer, Wright

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: 1-3

CONSENT

Consent

1. Consider approving the award of bid for the purchase of Supervisory Control and Data Acquisition System (SCADA) Network Communications Equipment to NetXperts Inc., Walnut Creek, CA for a total amount not to exceed $113,225 and forwarding to Council for approval. (Funding Source: Wastewater Fund)
   FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: Motion (Madrigal/Mayor Brandvold; 2/0; Ricci absent) approving the award of bid for the purchase of Supervisory Control and Data Acquisition System (SCADA) Network Communications Equipment to NetXperts Inc., Walnut Creek, CA for a total amount not to exceed $113,225 and forwarding to Council for approval.

Consent

2. Consider approving the award of bid for the purchase of two packer trucks to Western Truck Center, Stockton, CA, for a total amount not to exceed $501,078; the award of bid for purchase of a one-ton truck with Utility Body to American Chevrolet, Modesto, CA, for a total amount not to exceed $80,123; the award of bid for the purchase of two thermal striping machines to MRL Equipment Company, Billings, MT for a total amount not to exceed $146,498; the award of bid for three street sweepers to Owen Equipment, Fairfield, CA for a total amount not to exceed $957,885; the award of bid for the purchase of two BMW Motorcycles to Cycle Specialties, Modesto, CA for a total amount not to exceed $59,342; the award of bid for a utility truck with compressor to Towne Ford, Redwood City, CA for a total amount not to exceed $123,530; the award of bid for a low-profile dump truck to PB Loader, Fresno, CA for

a total amount not to exceed $99,191; and the award of bid for ten Ford Police Interceptors to Napa Ford, Napa, CA for a total amount not to exceed $406,977, and forwarding to Council for approval. (Funding Source: Fleet Replacement Fund and Surface Transportation Fund)
FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: Motion (Madrigal/Mayor Brandvold; 2/0; Ricci absent) Consider approving the award of bid for the purchase of two packer trucks to Western Truck Center, Stockton, CA, for a total amount not to exceed $501,078; the award of bid for purchase of a one-ton truck with Utility Body to American Chevrolet, Modesto, CA, for a total amount not to exceed $80,123; the award of bid for the purchase of two thermal striping machines to MRL Equipment Company, Billings, MT for a total amount not to exceed $146,498; the award of bid for three street sweepers to Owen Equipment, Fairfield, CA for a total amount not to exceed $957,885; the award of bid for the purchase of two BMW Motorcycles to Cycle Specialties, Modesto, CA for a total amount not to exceed $59,342; the award of bid for a utility truck with compressor to Towne Ford, Redwood City, CA for a total amount not to exceed $123,530; the award of bid for a low-profile dump truck to PB Loader, Fresno, CA for a total amount not to exceed $99,191; and the award of bid for ten Ford Police Interceptors to Napa Ford, Napa, CA for a total amount not to exceed $406,977, and forwarding to Council for approval.

Consent

3. Consider approving an On-Call Agreement for Electrical Engineering Design Services, with Pezzoni Engineering, Inc., Modesto, CA, for a term of one year, with two one year extension options, for an annual cost not to exceed $100,000, and a total cost not to exceed $300,000 over three years, and an On-Call Agreement for Mechanical Engineering Design Services, with Lee and Ro, Inc., Walnut Creek, CA, for a term of one year, with two one year extension options, for an annual cost not to exceed $100,000, and a total cost not to exceed $300,000 over three years and forwarding to Council for approval. (Funding Source: Various Capital Improvement Program Projects)
UTILITIES; Cristian Ciotau, 577-5260, cciotau@modestogov.com

ACTION: Motion (Madrigal/Mayor Brandvold; 2/0; Ricci absent) approving an On-Call Agreement for Electrical Engineering Design Services, with Pezzoni Engineering, Inc., Modesto, CA, for a term of one year, with two one year extension options, for an annual cost not to exceed $100,000, and a total cost not to exceed $300,000 over three years, and an On-Call Agreement for Mechanical Engineering Design Services, with Lee and Ro, Inc., Walnut Creek, CA, for a term of one year, with two one year extension options, for an annual cost not to exceed $100,000, and a total cost not to exceed $300,000 over three years and forwarding to Council for approval.

NEW BUSINESS

4. Consider accepting the July-September 2020 Permitting Efficiency Report (Funding Source: Development User Fees)

CED; Oscar Diaz, 571-5885, odiaz@modestogov.com

ACTION: Motion (Madrigal/Mayor Brandvold; 2/0; Ricci absent) accepting the July-September 2020 Permitting Efficiency Report; **staff is directed to return with a report to discuss the permit simplicity program with recommendations to implement a permit simplicity program no later than the next Economic Development Committee on March 1, 2021.**

5. Consider approving the First Amendment to the License Agreement with Modesto on Ice, Inc., to extend the term through January 31, 2026 and waive the annual license fee for the 2020-2021 season and forwarding to Council for approval. (Funding Source: Modesto Centre Plaza and Parking Fund)
PRN; Laurie Smith, 577-7347, lsmith@modestogov.com

ACTION: Motion (Madrigal/Mayor Brandvold; 2/0; Ricci absent) approving the First Amendment to the License Agreement with Modesto on Ice, Inc., to extend the term through January 31, 2026 and waive the annual license fee for the 2020-2021 season and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 2:35 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 Feb 02, 2021 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold
Absent None

Pledge of Allegiance to the Flag

Invocation: Mayor Brandvold read the Invocation from Anthony Bargas, The Center Church

City Clerk's Announcements: Item 7 – continued to April 6, 2021 Council meeting

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Sanchez reported on Closed Session matters; he announced the settlement of "City of Modesto v. Foy & Associates" in the amount of $5,859,092

PUBLIC COMMENT PERIOD

- John Mataka spoke regarding Modesto Police Officer Joseph Lamantia and the recent shooting of Trevor Seever; he also spoke in support of changing Mellis Park to Dr. Martin Luther King, Jr. Park.

- Ariana Soto-Zuniga spoke in support of firing Modesto Police Officer Joseph Lamantia.

- Kyle Seever spoke regarding the shooting of his brother Trevor Sever by Modesto Police Officer Joseph Lamantia.

- Sebastian Jones thanked Mayor Brandvold for his service to the City of Modesto; he also spoke regarding changing the name of Mellis Park and the King-Kennedy Center to Dr. Martin Luther King, Jr. Park and Center.

- Kevin McClarty spoke in support of renaming of Mellis Park and the King-Kennedy Center to Dr. Martin Luther King Park and Center; he suggested renaming 10th Street Plaza to Robert F. Kennedy Plaza.

- Julissa Ruiz Ramirez spoke regarding the shooting of Trevor Seever.

- Ramon Rodriguez spoke in support of firing of Modesto Police Officer Joseph Lamantia for the shooting Trevor Seever.

- Emerson Drake spoke regarding Meyers Nave legal services billings and transparency; he also spoke regarding his Public Records Act Request from July of 2019.

- Gabby Lopez spoke in support of justice for Trevor Seever and the firing of Modesto Police Officer Joseph Lamantia.

- Kelly Boot spoke regarding the shooting of her nephew Trevor Seever.

- Trina Gibbs spoke in support of firing Modesto Police Officer Joseph Lamantia for shooting Trevor Seever.

- Alyssa spoke in support of firing Officer Joseph Lamantia and the shooting of Trevor Seever.

- Stephen Allen spoke regarding the shooting of Trevor Seever by Officer Joseph Lamantia.

- Kayla Alcala spoke in support of firing Police Officer Joseph Lamantia in the shooting of her cousin Trevor Seever; she also spoke in support of a Civilian Review Board.

- Interim Police Chief Brandon Gillespie spoke regarding the investigation of the shooting of Trevor Seever; Mayor Brandvold gave his sympathies to the family of Trevor Seever.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 1-6; 8 (Kenoyer/Wright; 7/0)

CONSENT ITEMS

Consent

1. Consider approving the minutes from the January 26, 2021 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the January 26, 2021 Council Meeting.

    CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Motion approving the minutes from the January 26, 2021 Council Meeting.

Consent

2. Consider approving final adoption of **Ordinance No. 3726-C.S.** to amend to Section 9-4-9 of the Zoning Code to prezone 32.88 acres of unincorporated area to Heavy Industrial, (P)M-2 zone, property located east of Lodi Avenue and north of Whitmore Avenue; and approving the filing of an application to the Stanislaus Local Agency Formation Commission for the reorganization of approximately 32.88 acres of land designated I (Industrial), located east of Lodi Avenue and north of Whitmore Avenue for annexation to the City of Modesto. (Funding Source: Applicant-Funded)
    - Motion approving final adoption of **Ordinance No. 3726-C.S.** to amend to Section 9-4-9 of the Zoning Code to prezone 32.88 acres of unincorporated area to Heavy Industrial, (P)M-2 zone, property located east of Lodi Avenue and north of Whitmore Avenue; and approving the filing of an application to the Stanislaus Local Agency Formation Commission for the reorganization of approximately 32.88 acres of land designated I (Industrial), located east of Lodi Avenue and north of Whitmore Avenue for annexation to the City of Modesto.

    CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Motion approving final adoption of **Ordinance No. 3726-C.S.** to amend to Section 9-4-9 of the Zoning Code to prezone 32.88 acres of unincorporated area to Heavy Industrial, (P)M-2 zone, property located east of Lodi Avenue and north of Whitmore Avenue; and approving the filing of an application to the Stanislaus Local Agency Formation Commission for the reorganization of approximately 32.88 acres of land designated I (Industrial), located east of Lodi Avenue and north of Whitmore Avenue for annexation to the City of Modesto.

Consent

3. Consider approving final adoption of **Ordinance No. 3727-C.S.** amending Section 32-3-9 of the Zoning Map to rezone .46 acres from Medium-High Density Residential (R-3) Zone to Planned Development Zone P-D(610), property located at 133 Tuolumne Boulevard. (Funding Source: Developer Funded)
    - Motion approving final adoption of **Ordinance 3727-C.S.** amending Section 32-3-9 of the Zoning Map to rezone .46 acres from Medium-High Density Residential (R-3) Zone to Planned Development Zone P-D(610), property located at 133 Tuolumne Boulevard.

    CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Motion approving final adoption of **Ordinance 3727-C.S.** amending Section 32-3-9 of the Zoning Map to rezone .46 acres from Medium-High Density Residential (R-3) Zone to Planned Development Zone P-D(610), property located at 133 Tuolumne Boulevard.

Consent

4. Consider approving a First Amendment to the Legal Services Agreement with Nossaman LLP to adjust the blended hourly rate from $385 to $425 to continue to provide Eminent Domain Legal Services for State Route 132 West

Freeway/Expressway Phase 1 Project, with no increase to the not to exceed amount of $2,000,000 for the Agreement. (Funding Source: Streets Capital Facility Fees, Regional Measure L)

- Resolution approving a First Amendment to the Legal Services Agreement with Nossaman LLP to adjust the blended hourly rate from $385 to $425 to continue to provide Eminent Domain Legal Services for State Route 132 West Freeway/Expressway Phase 1 Project, with no increase to the not to exceed amount of $2,000,000 for the Agreement, and authorizing the City Manager, or his designee, to execute the Amendment.

CITY ATTORNEY; Jose Sanchez, 577-5284, jsanchez@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-028 approving a First Amendment to the Legal Services Agreement with Nossaman LLP to adjust the blended hourly rate from $385 to $425 to continue to provide Eminent Domain Legal Services for State Route 132 West Freeway/Expressway Phase 1 Project, with no increase to the not to exceed amount of $2,000,000 for the Agreement, and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

5. Consider accepting an informational report on the September and October 2020 grant applications and award. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the September and October 2020 grant applications and awards.

    FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Motion accepting an informational report for the September and October 2020 grant applications and awards.

Consent

6. Consider approving an agreement for polygraph services with Mansfield, Lierly & Associates, Citrus Heights, CA, for a one (1) year agreement with two (2) one-year extension options, for an annual estimated cost of $45,225, and a total amount not to exceed $135,675 over three years. (Funding Source: General Fund)
    - Resolution approving an agreement for polygraph services with Mansfield, Lierly & Associates, Citrus Heights, CA, for a one (1) year agreement with two (2) one-year extension options, for an annual estimated cost of $45,225, and a total amount not to exceed $135,675 over three years; and authorizing the City Manager, or his designee, to execute the agreement.

    POLICE DEPARTMENT; Brandon Gillespie, 572-9500, gillespieb@modestopd.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-029 approving an agreement for polygraph services with Mansfield, Lierly & Associates, Citrus Heights, CA, for a one (1) year agreement with two (2) one-year extension options, for an annual estimated cost of $45,225, and a total amount not to exceed $135,675 over three years; and authorizing the City Manager, or his designee, to execute the agreement.

Consent

7. Consider accepting the grant award for Federal Transit Administration Section 5339 funds in the amount of $2,006,514 and Congestion Mitigation and Air Quality funds in the amount of $1,200,000, and authorizing the City Manager, or his designee, to execute and file the Annual Certifications and Assurances, and all other necessary documents with the Federal Transit Administration. (Funding Source: Transit Funds)
    - Resolution accepting the grant award for Federal Transit Administration Section 5339 funds in the amount of $2,006,514 and Congestion Mitigation and Air Quality funds in the amount of $1,200,000, and authorizing the City Manager, or his designee, to execute and file the Annual Certifications and Assurances, and all other necessary documents with the Federal Transit Administration.

    PUBLIC WORKS; Adam Barth, 577-5298, abarth@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-030 accepting the grant award for Federal Transit Administration Section 5339 funds in the amount of $2,006,514 and Congestion Mitigation and Air Quality funds in the amount of $1,200,000, and authorizing the City Manager, or his designee, to execute and file the Annual Certifications and Assurances, and all other necessary documents with the Federal Transit Administration.

Consent

8. Consider approving an Agreement with TRC Engineers, Inc., for Construction Management and Inspection Services for the 2016 Pavement Rehabilitation Project, STPL-5059 (205) in the amount of $188,046, plus $18,804 in additional services (if needed), for a total amount not to exceed $206,850. (Funding Source: CA Department of Transportation and Local Control Measure L Funds)
    - Resolution approving an Agreement with TRC Engineers, Inc., for Construction Management and Inspection Services for the 2016 Pavement Rehabilitation Project, STPL-5059 (205) in the amount of $188,046 plus $18,804 in additional services (if needed), for a total amount not to exceed $206,850, and authorizing the City Manager, or his designee, to execute the Agreement.

    UTILITIES; Greg Showerman, 571-5860, gshowerman@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-031 approving an Agreement with TRC Engineers, Inc., for Construction Management and Inspection Services for the 2016 Pavement Rehabilitation Project, STPL-5059 (205) in the amount of $188,046 plus $18,804 in additional services (if needed), for a total amount not to exceed $206,850, and authorizing the City Manager, or his designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

Councilmember Escutia-Braaton thanked staff for their assistance and hard work during the recent storm.

Councilmember Ricci read a letter from a friend who is in the hospital with COVID-19.

Councilmember Kenoyer spoke in support of the previous Council's comments.

Councilmember Madrigal spoke in support of the Modesto Centre Plaza vaccination site; he sends condolences to the family of Trevor Seever; he also announced a new vaccination site in South Modesto at Familia Pharmacy.

Councilmember Wright thanked City staff for their hard work during the recent storms; he also thanked staff for the settlement of health care claims litigation at no cost to the City.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on 01/06/2021; Continued from the January 26, 2021 Council meeting.

9. Hearing to consider a proposed amendment to Village One Precise Plan No. 30, to amend the circulation and utility plans of the Precise Plan for property located between Fine Avenue and Claus Road, south of Sharon Avenue and north of Merle Avenue. (Funding Source: Developer Funded)
    - Motion introducing and waiving the first reading of an Ordinance amending the Precise Plan for Area No. 30 in the Village One Specific Plan to amend the circulation and utility plans of the Precise Plan, property located between Fine Avenue and Claus Road, south of Sharon Avenue and north of Merle Avenue.
    - Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR (State Clearinghouse No. 2014042081): Amendment to Village One Precise Plan for Area No. 30, to amend the circulation and utility plans of the Precise Plan, property located between Fine Avenue and Claus Road, south of Sharon Avenue and north of Merle Avenue.

    CED; Katharine Martin, 577-5267, kamartin@modestogov.com

ACTION: (Zoslocki/Ricci; 7/0) Motion introducing and waiving the first reading of an **Ordinance No. 3728-C.S.** amending the Precise Plan for Area No. 30 in the Village One Specific Plan to amend the circulation and utility plans of the Precise Plan, property located between Fine Avenue and Claus Road, south of Sharon Avenue and north of Merle Avenue.

ACTION: (Zoslocki/Wright; 7/0) Resolution 2021-032 finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR (State Clearinghouse No. 2014042081): Amendment to Village One Precise Plan for Area No. 30, to amend the circulation and utility plans of the Precise Plan, property located between Fine Avenue and Claus Road, south of Sharon Avenue and north of Merle Avenue.

NEW BUSINESS

10. Consider adopting an urgency Ordinance establishing a temporary limit of fifteen percent (15%) on fees by third-party food delivery services to restaurants in Modesto during the COVID-19 pandemic. (Funding Source: General Fund)
    - Motion introducing, waiving the first reading of, and adopting an urgency Ordinance establishing a temporary limit of 15% on fees by third-party food delivery services to restaurants in Modesto during the COVID-19 pandemic.

    CED; Jaylen French, 577-5566, jfrench@modestogov.com

ACTION: (Ricci/Escutia-Braaton; 6/1; Wright no) Motion introducing, waiving the first reading of, and adopting an **Urgency Ordinance No. 3729-C.S.** establishing a temporary limit of 15% on fees by third-party food delivery services to restaurants in Modesto during the COVID-19 pandemic.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:35 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: City of Modesto v. Foy & Associates
Superior Court of California, County of Stanislaus
Stanislaus County Case No.: CV 19-003083

R. Alexander Acosta v. Riverstone Capital, LLC
United States District Court, Central District of California
Case No.: 19-CV-778-MWF

City of Modesto, et al. v. The Dow Chemical Company, et al. (PCE) California Superior Court
Case No: CGC-98-999345 and CGC-98-999643, consolidated

CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION
One Case (Pursuant to Section 54956.9(d)(2) of the Government Code)

Attest:_____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto

SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP

Held Via Teleconference

Monday Feb 08, 2021 at 5:00 PM

Roll Call – Present: Councilmembers Kenoyer, Escutia-Braaton, Ricci
Absent: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

1. Consider the application and issuance of a permit to operate as a non-emergency medical transport company to Falcon Critical Care in the City of Modesto, and forward to Council for approval (Funding Source: General Fund)
   POLICE DEPARTMENT; Brandon Gillespie, 572-9501, gillespieb@modestopd.com

ACTION: Motion (Escutia-Braaton/Ricci; 3/0) approving the application and issuance of a permit to operate as a non-emergency medical transport company to Falcon Critical Care in the City of Modesto, and forward to Council for approval

NEW BUSINESS

2. Consider a Memorandum of Understanding with the Stanislaus County Fire Warden's Office and the City of Modesto for hazardous materials emergency response for no annual cost, over a three-year term, and forwarding to Council for approval. (Funding Source: General Fund)
   FIRE DEPARTMENT; Alan Ernst, 572-9590, aernst@modestofire.com

ACTION: Motion (Ricci/Escutia-Braaton; 3/0) approving a Memorandum of Understanding with the Stanislaus County Fire Warden's Office and the City of Modesto for hazardous materials emergency response for no annual cost, over a three-year term, and forwarding to Council for approval.

3. Consider approving the payment for the furnishing of Police Officer Standards and Training Academy services with San Joaquin Delta College and/or Stanislaus County Sheriff's Department Regional Training Division for an estimated annual cost of $100,000 and a total amount not to exceed $500,000 over five years, and forwarding to Council for approval. (Funding Source: General Fund)
POLICE DEPARTMENT; Brandon Gillespie, 572-9500, gillespieb@modestopd.com

ACTION: Motion (Ricci/Escutia-Braaton; 3/0) approving the payment for the furnishing of Police Officer Standards and Training Academy services with San Joaquin Delta College and/or Stanislaus County Sheriff's Department Regional Training Division for an estimated annual cost of $100,000 and a total amount not to exceed $500,000 over five years, and forwarding to Council for approval.

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 Feb 09, 2021 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold
Absent: None

Pledge of Allegiance to the Flag

Invocation: Marvin Jacobo, City Ministry Network

City Clerk's Announcements: None

Declaration of Conflicts of Interest: Item 17 – Mayor Brandvold

Reports from Closed Session: No Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

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

ACTION: Mayor Brandvold presented the Proclamation proclaiming February as Black History Month in the City of Modesto.

MISCELLANEOUS

2. Consider approving the appointment of Amin Vohra as the Planning Commission representative to the Board of Zoning Adjustment for 2021, with a term expiration of December 31, 2021. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution approving the appointment of Amin Vohra as the 2021 Planning Commission representative to the Board of Zoning Adjustment with a term expiration of December 31, 2021.

CED; Steve Mitchell, 577-5267, smitchell@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-033 approving the appointment of Amin Vohra as the 2021 Planning Commission representative to the Board of Zoning Adjustment with a term expiration of December 31, 2021.

3. Consider approving the appointment of Carmen Morad as the Planning Commission representative to the Citizens Housing and Community Development Committee for 2021, with a term expiration of December 31, 2021. (Funding Source: Not Applicable)
Staff Recommendation:
    - Resolution approving the appointment of Carmen Morad as the Planning Commission representative to the Citizens Housing and Community Development Committee (CH&CDC) with a term expiration of December 31, 2021.

CED; Steve Mitchell, 577-5267, smitchell@modestogov.com

ACTION: (Escutia-Braaton/Madrigal; 7/0) Resolution 2021-034 approving the appointment of Carmen Morad as the Planning Commission representative to the Citizens Housing and Community Development Committee (CH&CDC) with a term expiration of December 31, 2021.

PUBLIC COMMENT PERIOD

- Mani Grewal gave an update on COVID-19 in Stanislaus County.
- Kyle Seever, brother of Trevor Seever, spoke regarding Modesto Police Officer Joseph Lamantia and the shooting of his brother and others in Modesto.
- Julissa Ruiz Ramirez spoke regarding Modesto Police Officer Joseph Lamantia and the shooting of Trevor Seever.
- John Mataka spoke in support of the firing of Modesto Police Officer Joseph Lamantia.
- Kevin McClarty thanked Mayor Brandvold for his service as Mayor; spoke regarding the City's application process for boards and commissions.
- Aeriane spoke regarding Modesto Police Officer Joseph Lamantia and the shooting of Trevor Seever.
- Marla Seever, aunt of Trevor Seever, spoke regarding his shooting by Modesto Police Officer Joseph Lamantia.
- Allison Seever, sister of Trevor Seever, spoke regarding the shooting of his brother by Modesto Police Officer Joseph Lamantia.
- Bianca Lopez spoke regarding Modesto Police Officer Joseph Lamantia, an internal investigation and independent review board.

- Darlene Ruiz, mother of Trevor Seever, spoke in support of firing Modesto Police Officer Joseph Lamantia and the shooting of her son.

- Ramon Rodriguez spoke regarding police brutality and Modesto Police Officer Joseph Lamantia.

- Kimberly Ricci spoke regarding Modesto Police Officer Joseph Lamantia and a civilian review board.

- Stephen Allen spoke regarding Modesto Police Officer Joseph Lamantia and the shooting of Trevor Seever; he also spoke regarding the harassment of Trevor's family.

- Sebastian Jones spoke regarding the vaccine clinic at the King-Kennedy Center; he also spoke regarding the shooting of Trevor Seever.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 4-16: (Kenoyer/Zoslocki; 7/0)

CONSENT ITEMS

Consent

4. Consider approving the minutes from the February 2, 2021 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the February 2, 2021 Council Meeting.

    CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Zoslocki; 7/0) approving the minutes from the February 2, 2021 Council Meeting

Consent

5. Consider approving final adoption of **Ordinance No. 3728-C.S** amending the Precise Plan for Area No. 30 in the Village One Specific Plan to amend the circulation and utility plans of the Precise Plan, property located between Fine Avenue and Claus Road, south of Sharon Avenue and north of Merle Avenue. (Funding Source: Developer Funded)
    - Motion approving final adoption of **Ordinance No. 3728-C.S.** amending the Precise Plan for Area No. 30 in the Village One Specific Plan to amend the circulation and utility plans of the Precise Plan, property located between Fine Avenue and Claus Road, south of Sharon Avenue and north of Merle Avenue.

    CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Motion approving final adoption of **Ordinance No. 3728-C.S**. amending the Precise Plan for Area No. 30 in the Village One Specific Plan to amend the circulation and utility plans of the Precise Plan, property located between Fine Avenue and Claus Road, south of Sharon Avenue and north of Merle Avenue.

Consent

6. Consider approving the recommended budget adjustments to Fiscal Year 2020-2021 Annual Operating and Capital Improvement Program Budgets. (Funding Source: Various Funds)
    - Resolution amending Fiscal Year 2020-2021 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager, to make the necessary steps to implement the provisions of this resolution.

    BUDGET; Steve Christensen, 577-5390, schristensen@modestgov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-035 amending Fiscal Year 2020-2021 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager, to make the necessary steps to implement the provisions of this resolution.

Consent

7. Consider accepting the public improvements of Kiernan Business Park East Phase 1 Grewal Parkway improvements, located east of the Kaiser Hospital on Dale Road as complete and authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder's Office, and to release securities upon expiration of statutory periods. (Funding Source: Not Applicable)
    - Resolution accepting the public improvements for of Kiernan Business Park East Phase 1 Grewal Parkway improvements, located east of the Kaiser Hospital on Dale Road as complete and authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder's Office, and to release securities upon expiration of statutory periods.

    CED; Tamorah Bryant, 577-5328, tbryant@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-036 accepting the public improvements for of Kiernan Business Park East Phase 1 Grewal Parkway improvements, located east of the Kaiser Hospital on Dale Road as complete and authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder's Office, and to release securities upon expiration of statutory periods.

Consent

8. Consider approving an Emergency Solutions Grant CARES Act Round 2 (ESG-CV2) Grant Agreement to Downtown Streets Team and Community Housing and Shelter Services in an amount not to exceed $500,000 plus activity delivery costs for a Camp2Home Rapid Rehousing program. (Funding Source: Emergency Solutions Grant CV2)
    - Resolution approving an Emergency Solutions Grant CARES Act Round 2 (ESG-CV2) Grant Agreement to Downtown Streets Team and Community Housing and Shelter Services in a total amount not to exceed $500,000 plus activity delivery costs for a Camp2Home Rapid Rehousing program and authorizing the City Manager or his designee to execute any documents and/or Agreements.

    CED; Jessica Narayan, 577-5211, jnarayan@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-037 approving an Emergency Solutions Grant CARES Act Round 2 (ESG-CV2) Grant Agreement to Downtown Streets Team and Community Housing and Shelter Services in a total amount not to exceed $500,000 plus activity delivery costs for a Camp2Home Rapid Rehousing program and authorizing the City Manager or his designee to execute any documents and/or Agreements.

Consent

9. Consider accepting an informational report for the December 2020 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the December 2020 Accounts Payable Payment Register and Void report.

    FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com

ACTION: Motion (Kenoyer/Zoslocki; 7/0) accepting an informational report for the December 2020 Accounts Payable Payment Register and Void report.

Consent

10. Consider accepting the Monthly Investment Report for November 2020. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for November 2020.

    FINANCE DEPARTMENT; Calogero Maniscalco, 577-5219, cmaniscalco@modestogov.com

ACTION: Motion (Kenoyer/Zoslocki; 7/0) accepting the Monthly Investment Report for November 2020.

Consent

11. Consider approving a five-year Agreement with two one-year extension options with Digital Assurance Certification, LLC (DAC) to provide Post-Issuance Securities and Tax Compliance Services related to the City's debt portfolio for an estimated annual cost of $12,000 and a total amount not to exceed $84,000 over seven years. (Funding Source: General, Redevelopment Successor Agency, Water, Wastewater, and Golf Funds)
    - Resolution approving an Agreement with Digital Assurance Certification (DAC) LLC, Orlando, Florida, for Post-Issuance Securities and Tax Compliance Services for seven years at an anticipated annual cost of up to $12,000 and a total amount not to exceed $84,0000 and authorizing the City Manager, or his designee, to execute the Agreement.

    FINANCE DEPARTMENT; Cal Maniscalco, 577-5219, cmaniscalco@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-038 approving an Agreement with Digital Assurance Certification (DAC) LLC, Orlando, Florida, for Post-Issuance Securities and Tax Compliance Services for seven years at an anticipated annual cost of up to $12,000

and a total amount not to exceed $84,0000 and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

12. Consider approving the extension of termination dates of two annual Purchasing Agreements. (Funding Source: Various Funds)
    - Resolution approving the extension of termination dates of two annual Purchasing Agreements 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 Purchase Agreements termination dates approved by Council.

    FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-039 approving the extension of termination dates of two annual Purchasing Agreements 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 Purchase Agreements termination dates approved by Council.

Consent

13. Consider authorizing an increase not to exceed $150,000 for a revised total amount of $3,947,057 to fund unpaid health claims settlements caused by the Riverstone Capital insolvency amending the fiscal year 2020-2021 operating budget in the amount of $150,000 to fund unpaid health claims settlements caused by Riverstone Capital insolvency. (Funding Source: Employee Benefits Fund)
    - Resolution authorizing an increase not to exceed $150,000 for a revised total amount of $3,947,057 to fund unpaid health claims settlements; and authorizing the City Manager, or his designee, to execute the settlements.
    - Resolution amending the fiscal year 2020-2021 operating budget in the amount of $150,000 to fund unpaid health claims settlements caused by Riverstone Capital insolvency and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this resolution.

    HUMAN RESOURCES; Christina Alger, 571-5126, calger@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-040 authorizing an increase not to exceed $150,000 for a revised total amount of $3,947,057 to fund unpaid health claims settlements; and authorizing the City Manager, or his designee, to execute the settlements.

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021- 041 amending the fiscal year 2020-2021 operating budget in the amount of $150,000 to fund unpaid health claims settlements caused by Riverstone Capital insolvency and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this resolution.

Consent

14. Consider approving the Sole Source Agreement with ESRI Enterprise Advantage Program for Technical Advisory Services, Training and Service Credits for a one-year

Agreement with a one-year extension option for an estimated annual cost not to exceed $92,200 and a total amount not to exceed $184,400 over two years. (Funding Source: BJAG Grant)

- Resolution approving the Sole Source Agreement with ESRI Enterprise Advantage Program for Technical Advisory Services, Training and Service Credits for a one-year Agreement with a one-year extension option for an estimated annual amount of $92,200 and a total amount not to exceed $184,400 over two years, and authorizing the City Manager or his designee, to execute the Agreement.

POLICE DEPARTMENT; Brandon Gillespie, 572-9500, gillespieb@modestopd.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-042 approving the Sole Source Agreement with ESRI Enterprise Advantage Program for Technical Advisory Services, Training and Service Credits for a one-year Agreement with a one-year extension option for an estimated annual amount of $92,200 and a total amount not to exceed $184,400 over two years, and authorizing the City Manager or his designee, to execute the Agreement.

Consent

15. Consider approving an extension to Purchase Agreement No. 166895 with Ferrellgas LP, Elk Grove, CA, for the purchase of Liquefied Petroleum Gas for the Water Corporation Yard Project for a term of two years with two one-year extension options, for an estimated annual cost of $31,320 and a not to exceed amount of $125,280 over four years. (Funding Source: Water Fund & Parks, Recreation & Neighborhoods Fund)

    - Resolution approving an extension to Purchase Agreement No. 166895 with Ferrellgas LP, Elk Grove, CA, for the purchase of Liquefied Petroleum Gas for the Water Corporation Yard Project (Northeast Corporation Yard) for a two year Agreement with two one-year extension options, for an estimated annual cost of $31,320 and a not to exceed amount of $125,280 over four years and authorizing the Purchasing Manager, or her designee, to execute the Purchase Agreement .

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

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-043 approving an extension to Purchase Agreement No. 166895 with Ferrellgas LP, Elk Grove, CA, for the purchase of Liquefied Petroleum Gas for the Water Corporation Yard Project (Northeast Corporation Yard) for a two year Agreement with two one-year extension options, for an estimated annual cost of $31,320 and a not to exceed amount of $125,280 over four years and authorizing the Purchasing Manager, or her designee, to execute the Purchase Agreement .

Consent

16. Consider approving a first amendment to the Agreement with O'Dell Engineering Inc., Modesto, CA, for Additional Design Services for the Highway Village Strengthen & Replace Water Mains Project in the amount of $53,000, for an amended total amount not to exceed $165,187. (Funding Source: Water Fund)

    - Resolution approving a first amendment to the Agreement with O'Dell Engineering, of Modesto, CA, for Additional Design Services for the Highway

Village Strengthen & Replace Water Mains Project in an amount not to exceed $53,000, for an amended total amount not to exceed $165,187, and authorizing the City Manager, or his designee, to execute the Amendment.

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

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-044 approving a first amendment to the Agreement with O'Dell Engineering, of Modesto, CA, for Additional Design Services for the Highway Village Strengthen & Replace Water Mains Project in an amount not to exceed $53,000, for an amended total amount not to exceed $165,187, and authorizing the City Manager, or his designee, to execute the Amendment.

COUNCIL COMMENTS & REPORTS

Councilmember Escutia-Braaton spoke regarding the birth of Modesto resident Ida Mae Smith in 1918; she also thanked Mayor Brandvold for his service to the City of Modesto.

Councilmember Kenoyer also spoke regarding Ida Mae Smith; she thanked Mayor Brandvold for his service to the City of Modesto.

Councilmember Ricci spoke regarding Trevor Seever; he supports a citizen review board; he also thanked Mayor Brandvold for his service as Mayor.

Councilmember Zoslocki spoke regarding the birthday of Ida Mae Smith; he also thanked Mayor Brandvold for his service.

Councilmember Wright also acknowledged Ida Mae Smith; he also thanked Mayor Brandvold and previous Council for keeping Modesto financially stable.

Councilmember Madrigal spoke regarding Trevor Seever; he also spoke regarding Ida Mae Smith's birthday; he announced another pharmacy, Rogers Drug Store, in West Modesto for COVID vaccinations.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on 01/20/2021 – Mayor Brandvold absent due to conflict of interest

17. Hearing to consider a proposed amendment to the Kiernan Business Park Specific Plan, to create a new land use designation, Mixed Use 2, to allow Business Park and/or Medium High Density Residential uses to a maximum of 550 dwelling units, on 22.9

acres, located north of Healthcare Way west of Dale Road. (Funding Source: Developer Funded)

- Resolution approving Specific Plan Amendment No. 10 to the Kiernan Business Park Specific Plan to create the new land use designation of Mixed Use 2 (MU2) to allow for Business Park uses or Medium High Density Residential uses to a maximum of 550 dwelling units on three parcels totaling 22.9 acres, property located on the north side of Healthcare Way west of Dale Road.
- Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR (State Clearinghouse No. 2014042081): Amendment No. 10 to the Kiernan Business Park Specific Plan to create the new land use designation of Mixed Use 2 (MU2) to allow for Business Park uses or Medium High Density Residential uses to a maximum of 550 dwelling units on three parcels totaling 22.9 acres, property located north of Healthcare Way west of Dale Road.

CED; Katharine Martin, 577-5267, kamartin@modestogov.com

ACTION: (Wright/Escutia-Braaton; 6/0; Mayor Brandvold absent due to conflict of interest) Resolution 2021-045 approving Specific Plan Amendment No. 10 to the Kiernan Business Park Specific Plan to create the new land use designation of Mixed Use 2 (MU2) to allow for Business Park uses or Medium High Density Residential uses to a maximum of 550 dwelling units on three parcels totaling 22.9 acres, property located on the north side of Healthcare Way west of Dale Road.

ACTION: (Wright/Escutia-Braaton; 6/0; Mayor Brandvold absent due to conflict of interest) Resolution 2021-046 finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR (State Clearinghouse No. 2014042081): Amendment No. 10 to the Kiernan Business Park Specific Plan to create the new land use designation of Mixed Use 2 (MU2) to allow for Business Park uses or Medium High Density Residential uses to a maximum of 550 dwelling units on three parcels totaling 22.9 acres, property located north of Healthcare Way west of Dale Road.

NEW BUSINESS

18. Consider authorizing the City Manager, or his designee, to negotiate and execute a Memorandum of Understanding (MOU) with the County of Stanislaus for cost reimbursement related to the operation of COVID-19 Vaccine Point-of-Distribution (POD) locations and ratifying an order of the Director of Emergency Services of the City of Modesto approving the expenditure of funds to pay for costs related to the operation of COVID-19 vaccine clinics and enacting a related budget adjustment. (Funding Source: Reimbursable Funds – Various Accounts)

    - Resolution authorizing the City Manager, or his designee, to negotiate and execute a Memorandum of Understanding (MOU) with the County of Stanislaus for cost reimbursement related to the operation of COVID-19 Vaccine Point-of-Distribution (POD) locations.

- Resolution ratifying an order of the Director of Emergency Services of the City of Modesto approving the expenditure of funds to pay for costs related to the operation of COVID-19 vaccine clinics and enacting a related budget adjustment.

CITY MANAGER; Caluha Barnes, 577-5228, cbarnes@modestogov.com

ACTION: (Madrigal/Wright; 7/0) Resolution 2021-047 authorizing the City Manager, or his designee, to negotiate and execute a Memorandum of Understanding (MOU) with the County of Stanislaus for cost reimbursement related to the operation of COVID-19 Vaccine Point-of-Distribution (POD) locations.

ACTION: (Madrigal/Wright; 7/0) Resolution 2021-048 ratifying an order of the Director of Emergency Services of the City of Modesto approving the expenditure of funds to pay for costs related to the operation of COVID-19 vaccine clinics and enacting a related budget adjustment.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:25 p.m.

Attest:_____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto

CHARTER REVIEW COMMITTEE/ SPECIAL COUNCIL WORKSHOP

Conference Room 6825, Sixth Floor
Tenth Street Place
1010 10th Street, Modesto, California

HELD VIA TELECONFERNCE
(To Access Meeting See Instructions Below)

Wednesday, February 10, 2021, at 5:00 PM

Roll Call - Present: Committee Members Chair Cecil Russell, Aaron Anguiano, Wendy Byrd, Mike Moradian, Tim Ragsdale, Sandy Lucas, and Chris Tyler
Absent: Committee Members Janice Keating, Sam Pierstorff, Jose Sabala, Renaldo Rucker; Ad Hoc Member John Walker
Also Present: Ad Hoc Member George Petrulakis

PUBLIC COMMENT PERIOD

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED – No Consent Items

NEW BUSINESS

1. Welcome and Introductions of recently elected Councilmembers Rosa Escutia-Braaton, Chris Ricci and David Wright, as well as Mayor-Elect Sue Zwahlen.

ACTION: Introductions were made by recently elected Councilmembers Rosa Escutia-Braaton, Chris Ricci and David Wright, as well as Mayor-Elect Sue Zwahlen.

2. Discussion and review of Committee Member appointments and resignations.

ACTION: Committee Members will return to the next meeting to discuss the replacement of Committee Member Renaldo Rucker with alternate members beginning with Alternate A: Monica Valencia.

3. Discussion and review of City of Modesto Charter.

ACTION: Committee Members discussed the status of their work through March 2020 when COVID-19 pandemic postponed the Charter Review Committee meetings.

4. Discussion and review of information collected to date regarding City of Modesto Charter revisions/updates.

ACTION: Committee Members began discussing City Manager's Office Draft Memo dated February 5, 201 re Charter Review Committee Status Update; the Committee will review the Status Update memo summarizing the Committee's work from 2020 and discuss the changes at its next meeting on March 3, 2021.

5. Discussion of additional meeting dates and times; additional matters in the Charter to bring back to the Committee for review.

ACTION: The Committee will return on Wednesday, March 3, 2021 at 5:00 p.m. via Zoom; the City Clerk was directed to send the Charter, list of Charter items to be reviewed by previous Council ("Master List – Council Updated January 15, 2020), City Manager's Office Draft Memo dated February 5, 2021, ALGA – The Role of the City Auditor – Presentation by Ann-Marie Hogan at the January 28, 2021 Council Workshop, and link to the January 28, 2021 Council Workshop meeting.

COMMITTEE MEMBER COMMENTS AND REPORTS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

ACTION: Motion (Anguiano/Ragsdale; 7/0; Keating, Pierstorff, Sabala, Rucker absent) adjourning meeting at 6:10 p.m.

Attest: _____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
(Held Via Teleconference)

Monday Feb 22, 2021 at 3:00 PM

Roll Call Present: Councilmembers Zoslocki, Kenoyer, Wright
Absent: None

PUBLIC COMMENTS

None.

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

CONSENT

1. Consider approving the recommended budget adjustments to Fiscal Year 2020-21 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval. (Funding Source: Various Funds)
BUDGET; Steve Christensen, 577-5390, schristensen@modestogov.com

ACTION: Motion (Kenoyer/Wright; 3/0) approving the recommended budget adjustments to Fiscal Year 2020-21 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval.

2. Consider accepting an informational report on the November and December 2020 applications and awards and forwarding to Council for approval. (Funding Source: Not Applicable)
FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com

ACTION: Motion (Kenoyer/Wright; 3/0) accepting an informational report on the November and December 2020 applications and awards and forwarding to Council for approval.

3. Consider approving the Award of Bid and Purchasing Agreement for Federal Brand Ammunition to San Diego Police Equipment, San Diego, CA, for a one year Agreement with four one-year extension options, for an estimated annual cost of $150,000 and a total amount not to exceed $750,000 over five years, and forwarding to Council for approval. (Funding Source: MPD General Fund and SLESF Fund)
FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: Motion (Kenoyer/Wright; 3/0) approving the Award of Bid and Purchasing Agreement for Federal Brand Ammunition to San Diego Police Equipment, San Diego, CA, for a one year Agreement with four one-year extension options, for an estimated annual cost of $150,000 and a total amount not to exceed $750,000 over five years, and forwarding to Council for approval.

4. Consider approving the First Amendment to the Memorandum of Understanding between the City of Modesto and Stanislaus County for the purpose of properly administering Federal Transit Administration Section 5307 grant funds and sub-awards with Stanislaus County, and forwarding to Council for approval. (Funding Source: Transit Funds)
   PUBLIC WORKS; Adam Barth, 577-5298, abarth@modestogov.com

ACTION: Motion (Kenoyer/Wright; 3/0) approving the First Amendment to the Memorandum of Understanding between the City of Modesto and Stanislaus County for the purpose of properly administering Federal Transit Administration Section 5307 grant funds and sub-awards with Stanislaus County, and forwarding to Council for approval.

NEW BUSINESS

5. Consider accepting the informational Fiscal Year 2020-21 General Fund Quarterly Report for the second quarter ending December 2020 and forwarding on to Council for acceptance. (Funding Source: General Fund)
   BUDGET; Stephan Christensen, 577-5390, schristensen@modestogov.com

ACTION: Motion (Wright/Kenoyer; 3/0) accepting the informational Fiscal Year 2020-21 General Fund Quarterly Report for the second quarter ending December 2020 and forwarding on to Council for acceptance.

6. Consider adoption of the 2021-2024 City of Modesto Smart City Strategy, and forwarding to Council for approval. (Funding Source: General Funds)
   CITY MANAGER; Edgar Garcia, 571-5101, edgarcia@modestogov.com

ACTION: Motion (Wright/Kenoyer; 3/0) approving adoption of the 2021-2024 City of Modesto Smart City Strategy, and forwarding to Council for approval.

7. Consider approving a list of projects to be funded with Road Repair and Accountability Act Tax proceeds in Fiscal Year 2021-2022, and forwarding to Council for approval. (Funding Source: Senate Bill 1 Funds)
   PUBLIC WORKS; Steve Fischio, 342-2222, sfischio@modestogov.com

ACTION: Motion (Kenoyer/Wright; 3/0) approving a list of projects to be funded with Road Repair and Accountability Act Tax proceeds in Fiscal Year 2021-2022, and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 3:53 p.m.

Attest:_____
JOSEPH LOPEZ

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday Feb 23, 2021 at 5:30 PM

Roll Call - Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold

Pledge of Allegiance to the Flag

Invocation: Mayor Brandvold read the Invocation form Marvin Jacobo, City Ministry Network

City Clerk's Announcements: None

Declaration of Conflicts of Interest: Item 20 – Councilmember Zoslocki

Closed Session: There were no Closed Session matters.

Mayor Brandvold spoke regarding the recent passing of former Mayor Carol Whiteside.

ELECTION ITEMS

1. Certification of the canvass of votes from the February 2, 2021 City of Modesto Municipal Run-Off Mail Ballot Election. (Funding Source: Elections)
   CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: (Wright/Zoslocki; 7/0) Resolution 2021-049 of the Council of the City of Modesto confirming the Canvass of the February 2, 2021 City of Modesto Municipal Run-Off Mail Ballot Election and Declaring the Results of Said Election

2. Comments from outgoing Mayor Ted Brandvold. (Funding Source: Not Applicable)
   CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Comments were made by outgoing Mayor Brandvold.

3. Oath of Office of newly elected Mayor Sue Zwahlen. (Funding Source: Not Applicable)
   CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: City Clerk Stephanie Lopez administered the Oath of Office to newly elected Mayor Sue Zwahlen.

4. Seating of Mayor Sue Zwahlen at the dais. (Funding Source: Not Applicable)
CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Mayor Zwahlen was seated at the dais; she thanked Mayor Brandvold and Councilmembers Ah You and Ridenour, as well as new Councilmembers, for their assistance and service to the City of Modesto.

PUBLIC COMMENT PERIOD

- Julissa Ruiz Ramirez spoke against police violence in Modesto and Officer Joseph Lamantia.
- Kyle Seever spoke regarding the need for change at the Modesto Police Department; he also spoke regarding the District Attorney.
- Allison Seever spoke regarding the death of her brother Trevor Seever and the Modesto Police Department.
- Ray Ruiz spoke regarding the death of Trevor Seever and Modesto Police Officer Joseph Lamantia.
- Mani Grewal spoke regarding the supply of vaccinations and COVID-19 in Stanislaus County.
- Taylor Morasci spoke regarding the Borgen Project and immigrants and migrant populations.
- Jennifer Hidalgo, Office of Anna Caballero, welcomed the new Councilmembers; she gave an update on the Employee Development Department.
- Marla Seever spoke regarding her nephew Trevor Seever and the District Attorney.
- Aeriane spoke regarding failure in the community, Modesto Police Officer Joseph Lamantia, and the need for a Civilian Review Board.
- Darlene Ruiz, mother of Trevor Seever, spoke of the flawed system at the Modesto Police Department.
- Eamon Reed spoke in support of firing Modesto Police Officer Joseph Lamantia.
- Sebastian Jones spoke regarding the death of Trevor Seever and firing of Modesto Police Officer Joseph Lamantia.

- Ramon Rodriguez spoke regarding the Modesto Police Department and police brutality.

- Bianca Lopez spoke regarding police brutality in Modesto and a Civilian Review Board.

- Stephen Allen spoke regarding the death of Trevor Seever and Modesto Police Officer Joseph Lamantia.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 5-19: (Kenoyer/Wright; 7/0)

CONSENT ITEMS

Consent
5. Consider approving the minutes from the February 9, 2021 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the February 9, 2021 Council Meeting.

    CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Motion approving the minutes from the February 9, 2021 Council Meeting.

Consent
6. Consider directing staff to prepare and file the Fiscal Year 2021-2022 Annual Engineer's Report for Landscape Maintenance Assessment District No. 1 (Dry Creek Meadows Subdivisions Nos. 1-6). (Funding Source: Landscape Maintenance Assessment District No. 1)
    - Resolution directing staff to prepare and file the Fiscal Year 2021-2022 Annual Engineer's Report for City of Modesto Landscape Maintenance Assessment District No. 1 (Dry Creek Meadows Subdivisions Nos. 1-6).

    CED; Jessica Narayan, 577-5211, jnarayan@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-050 directing staff to prepare and file the Fiscal Year 2021-2022 Annual Engineer's Report for City of Modesto Landscape Maintenance Assessment District No. 1 (Dry Creek Meadows Subdivisions Nos. 1-6).

Consent
7. Consider directing staff to prepare and file the Fiscal Year 2021-2022 Annual Engineer's Report for Landscape Maintenance Assessment District No. 2 (Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivisions Units 1 and 2). (Funding Source: Landscape Maintenance Assessment District No. 2)
    - Resolution directing staff to prepare and file the Fiscal Year 2021-2022 Annual Engineer's Report for Landscape Maintenance Assessment District No. 2 (Dry

Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivisions Units 1 and 2).

CED; Jessica Narayan, 577-5321, jnarayan@modesotog.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-051 directing staff to prepare and file the Fiscal Year 2021-2022 Annual Engineer's Report for Landscape Maintenance Assessment District No. 2 (Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivisions Units 1 and 2).

Consent

8. Consider directing staff to prepare and file the Fiscal Year 2021-2022 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 Fiscal Year 2021-2022 Annual Engineer's Report for the Shackelford Landscape and Lighting District.

    CED; Jessica Narayan, 577-5321, jnarayan@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-052 directing staff to prepare and file the Fiscal Year 2021-2022 Annual Engineer's Report for the Shackelford Landscape and Lighting District.

Consent

9. Consider approving the Fiscal Year 2019-2020 Single Audit Report for the City of Modesto from external auditors Hudson Henderson & Company, Inc. (Funding Source: Not Applicable)
    - Resolution approving the Fiscal Year 2019-2020 Single Audit Report for the City of Modesto from external auditors Hudson Henderson & Company, Inc.

    FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-053 approving the Fiscal Year 2019-2020 Single Audit Report for the City of Modesto from external auditors Hudson Henderson & Company, Inc.

Consent

10. Consider approving the audited financial statements and various audit reports for Fiscal Year 2019-2020 audited by external auditors Hudson Henderson & Company, Inc. for the City's Comprehensive Annual Financial Report, twelve 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 2019-2020 audited by external auditors Hudson Henderson & Company, Inc. for the City's Comprehensive Annual Financial Report, twelve Community Facilities Districts and various Joint Powers Agencies.

    FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-054 approving the audited financial statements and various audit reports for Fiscal Year 2019-2020 audited by external auditors

Hudson Henderson & Company, Inc. for the City's Comprehensive Annual Financial Report, twelve Community Facilities Districts and various Joint Powers Agencies.

Consent

11. Consider accepting an informational report for the January 2021 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the January 2021 Accounts Payable Payment Register and Void report.

    FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Motion accepting an informational report for the January 2021 Accounts Payable Payment Register and Void report.

Consent

12. Consider approving the Auditors' Reports and Schedule of Measure L Program Revenues and Expenditures for Fiscal Year Ended June 30, 2020. (Funding Source: Not Applicable)
    - Resolution approving the Fiscal Year 2019-2020 Auditor's Report on Compliance of the Measure L: Local Roads First Transportation Funding Measure.

    FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-055 approving the Fiscal Year 2019-2020 Auditor's Report on Compliance of the Measure L: Local Roads First Transportation Funding Measure.

Consent

13. Consider approving the Auditors' Reports and Schedule of Passenger Facility Charge Revenues and Expenditures for Fiscal Year Ended June 30, 2020. (Funding Source: Not Applicable)
    - Resolution approving the Auditors' Reports and Schedule of Passenger Facility Charge Revenues and Expenditures for Fiscal Year Ended June 30, 2020, prepared by external auditors Hudson Henderson & Company, Inc.

    FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-056 approving the Auditors' Reports and Schedule of Passenger Facility Charge Revenues and Expenditures for Fiscal Year Ended June 30, 2020, prepared by external auditors Hudson Henderson & Company, Inc.

Consent

14. Consider approving the award of bids for twenty City Fleet Replacement purchases in the amount of $2,228,126 and two new City Fleet purchases in the amount of $146,498. (Funding Source: Fleet Replacement Fund and Surface Transportation Fund)
    - Resolution approving the award of bid for the purchase of two Packer Trucks to Western Truck Center, Stockton, CA for a total amount not to exceed $501,078,

and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

- Resolution approving the award of bid for the purchase of a One-Ton Truck with Utility Body to American Chevrolet, Modesto Ca, for a total amount not to exceed $80,123, and authorizing the Purchasing Manager, or her designee to execute the Purchase Order.
- Resolution approving the award of bid for the purchase of two Thermal Striping Machines to MRL Equipment Company, Billings, MT for a total amount not to exceed $146,498, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.
- Resolution approving the award of bid for the purchase of three Street Sweepers to Owen Equipment, Fairfield, CA for a total amount not to exceed $957,885, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.
- Resolution approving the award of bid for the purchase of two BMW Motorcycles to Cycle Specialties, Modesto, Ca for a total amount not to exceed $59,342, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.
- Resolution approving the award of bid for the purchase of a Utility Truck with Compressor to Towne Ford, Redwood City, CA for a total amount not to exceed $123,530 and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.
- Resolution approving the award of bid for the purchase of a Low-Profile Dump Truck to PB Loader, Fresno, Ca for a total amount not to exceed $99,191, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.
- Resolution approving the award of bid for the purchase of ten (10) Ford Police Interceptors to Napa Ford, Napa, CA for a total amount not to exceed $406,977, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-057 approving the award of bid for the purchase of two Packer Trucks to Western Truck Center, Stockton, CA for a total amount not to exceed $501,078, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-058 approving the award of bid for the purchase of a One-Ton Truck with Utility Body to American Chevrolet, Modesto Ca, for a total amount not to exceed $80,123, and authorizing the Purchasing Manager, or her designee to execute the Purchase Order.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-059 approving the award of bid for the purchase of two Thermal Striping Machines to MRL Equipment Company, Billings, MT for a total amount not to exceed $146,498, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-060 approving the award of bid for the purchase of three Street Sweepers to Owen Equipment, Fairfield, CA for a total amount not to exceed $957,885, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-061 approving the award of bid for the purchase of two BMW Motorcycles to Cycle Specialties, Modesto, Ca for a total amount not to exceed $59,342, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-062 approving the award of bid for the purchase of a Utility Truck with Compressor to Towne Ford, Redwood City, CA for a total amount not to exceed $123,530 and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-063 approving the award of bid for the purchase of a Low-Profile Dump Truck to PB Loader, Fresno, Ca for a total amount not to exceed $99,191, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-064 approving the award of bid for the purchase of ten (10) Ford Police Interceptors to Napa Ford, Napa, CA for a total amount not to exceed $406,977, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

Consent

15. Consider approving the Award of Bid and Service Agreement for Potable Water Delivery Services to Dempsey's Water Systems, Modesto, CA for a two year Agreement with three one-year extension options, for an estimated cost for the first-year of $13,350 and a total amount not to exceed $57,186 over five years. (Funding Source: Compost Fund)
    - Resolution approving the Award of Bid and Service Agreement for Potable Water Delivery Services to Dempsey's Water Systems, Modesto, CA for a two year Agreement with three one-year extension options, for an estimated cost for the first-year of $13,350 and a total amount not to exceed $57,186 over five years; and authorizing the City Manager, or his designee to execute the Agreement.

    FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021- 065 approving the Award of Bid and Service Agreement for Potable Water Delivery Services to Dempsey's Water Systems, Modesto, CA for a two year Agreement with three one-year extension options, for an estimated cost for the first-year of $13,350 and a total amount not to exceed $57,186 over five years; and authorizing the City Manager, or his designee to execute the Agreement.

Consent

16. Consider approving the payment for the furnishing of Police Officer Standards and Training Academy services with San Joaquin Delta College and/or Stanislaus County Sheriff's Department Regional Training Division for an estimated annual cost of $100,000 and a total amount not to exceed $500,000 over five years. (Funding Source: General Fund)
    - Resolution approving the payment for the furnishing of Police Officer Standards and Training Academy services with San Joaquin Delta College and/or Stanislaus County Sheriff's Department Regional Training Division for an estimated annual cost of $100,000 and a total amount not to exceed $500,000 over five years.

    POLICE DEPARTMENT; Brandon Gillespie, 572-9500, gillespieb@modestopd.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-066 approving the payment for the furnishing of Police Officer Standards and Training Academy services with San Joaquin Delta College and/or Stanislaus County Sheriff's Department Regional Training Division for an estimated annual cost of $100,000 and a total amount not to exceed $500,000 over five years.

Consent

17. Consider approving an agreement with Thousand Oaks Executive Center, LLC. for the lease of 40 parking spaces located on APN 034-018-014 in the amount of $15,000 annually and amending the Fiscal Year 2020-2021 Operating Budget as outlined in Attachment A. (Funding Source: General Fund)
    - Resolution approving an Agreement with the Thousand Oaks Executive Center, LLC. for the lease of 40 parking spaces located on APN 034-018-014 in the amount of $15,000 annually and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution amending the Fiscal Year 2020-2021 Operating Budget as outlined in Attachment A and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

    PRN; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-067 approving an Agreement with the Thousand Oaks Executive Center, LLC. for the lease of 40 parking spaces located on APN 034-018-014 in the amount of $15,000 annually and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-068 amending the Fiscal Year 2020-2021 Operating Budget as outlined in Attachment A and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

Consent

18. Consider approving the First Amendment to the License Agreement with Modesto on Ice, Inc., an S Corporation, to extend the term through January 31, 2026 and waive the annual license fee for the 2020-2021 season. (Funding Source: Parking Fund and Community Center Operations Fund)

- Resolution approving the First Amendment to the License Agreement with Modesto on Ice, Inc., an S Corporation, to extend the term through January 31, 2026 and waive the annual license fee for the 2020-2021 season.

PRN; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-069 approving the First Amendment to the License Agreement with Modesto on Ice, Inc., an S Corporation, to extend the term through January 31, 2026 and waive the annual license fee for the 2020-2021 season.

Consent

19. Consider accepting the Litt Road Improvements project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $1,928,289 to McFadden Construction, Inc. of Stockton, CA (Funding Source: Water Fund and Wastewater Fund)
    - Resolution accepting the Litt Road Improvements project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $1,928,289 to McFadden Construction, Inc., of Stockton, California.

    UTILITIES; Greg Showerman, 571-5860, gshowerman@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-070 accepting the Litt Road Improvements project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $1,928,289 to McFadden Construction, Inc., of Stockton, California.

COUNCIL COMMENTS & REPORTS

Councilmember Wright welcomed Mayor Zwahlen and thanked the former Mayor Brandvold and Councilmembers for their work.

Councilmember Kenoyer welcomed Mayor Zwahlen; she spoke regarding the passing of Ray Pefferini.

Councilmember Zoslocki welcomed Mayor Zwahlen; he also spoke regarding the opening of the East La Loma Park Playground.

Councilmember Escutia-Braaton welcomed Mayor Zwahlen; she sent condolences to the Seever Family and condolences to the family of former Mayor Carol Whiteside; February 27, 2021 - National Strawberry Day and February 16, 2021 - National Almond Day.

Councilmember Ricci thanked everyone for speaking at tonight's meeting; he is in support of the Civilian Review Board; he also spoke regarding forestry and exploring solutions in the City of Modesto; he thanked for the City's assistance with CANA and restoration of art deco bridges; he also thanked former Mayor Brandvold.

Councilmember Madrigal thanked former Mayor Brandvold; he also spoke regarding the investigation of the death of Trevor Seever; he also spoke regarding Spanish translation services at Modesto Council meetings.

ACTION: Motion (Madrigal/Ricci; 7/0) directing staff to return to the next Council meeting an agenda item to provide Spanish translation services at City Council meetings.

CITY MANAGER COMMENTS & REPORTS

City Manager Lopez welcomed Mayor Zwahlen.

HEARINGS

Councilmember Zoslocki left meeting at 7:08 p.m.

NEW BUSINESS

Councilmember Zoslocki absent due to conflict of interest

20. Consider approving a local Emergency Rental Assistance program, accepting $6,398,151 from the US Department of Treasury for Emergency Rental Assistance, accepting the allocation of COVID-19 Tenant Relief Act -SB91 funds from the State of California in the amount of $6,885,961, approving an Agreement with the Stanislaus Regional Housing Authority in an amount not to exceed $6,398,151 and an Agreement with the Stanislaus Regional Housing Authority in an amount not to exceed $6,885,961 to administer the Federal and State program, an Agreement with Rolling F Credit Union, Organized Labor Credit Union, Modesto's First Federal Credit Union, and Self-Help Federal Credit Union in an amount not to exceed $100,000 per credit union. (Funding Source: U.S. Treasury Emergency Rental Assistance Program)
    - Resolution approving a local Emergency Rental Assistance program, accepting $6,398,151 from the US Department of Treasury for Emergency Rental Assistance, accepting the allocation of COVID-19 Tenant Relief Act -SB91 funds from the State of California in the amount of $6,885,961, an Agreement with the Stanislaus Regional Housing Authority in an amount not to exceed $6,398,151 and an Agreement with the Stanislaus Regional Housing Authority in an amount not to exceed $6,885,961 to execute the Federal and State program, an Agreement with Rolling F Credit Union, Organized Labor Credit Union, Modesto's First Federal Credit Union, and Self-Help Federal Credit Union in an amount not to exceed $100,000 per credit union and authorizing the City Manager or his designee to execute all Agreements.
    - Resolution authorizing the City of Modesto to participate in the State Local Emergency Rental Assistance Program; authorizing and directing the City to accept a Block Grant in a total amount not to exceed $20,657,882; authorizing and directing the City to enter into, execute, and deliver the Block Grant Award documents, which shall include a standard Agreement not to exceed $20,657,882; authorizing and directing the City to assume responsibility for administering the Block Grant award in accordance with all Block Grant award

requirements; and authorizing the City Manager or his designee execute the Block Grant award documents on behalf of the City.

- Resolution amending the Fiscal Year 2020-2021 Multi-Year fund budget, accepting the allocation of Consolidated Appropriations Act of 2021 funds from the US Department of Treasury in the amount of $6,398,151 and accepting the allocation of COVID-19 Tenant Relief Act -SB91 funds from the State of California in the amount of $6,885,961, approving the acceptance of these funds into multi-year operating projects with appropriate revenue and expenditure allocations and authorizing the City Manager or his designee, to take the necessary steps to implement the provisions of this resolution.

CED; Jessica Narayan, 577-5321, jnarayan@modestogov.com

ACTION: (Madrigal/Ricci; 6/0; Zoslocki absent due to conflict of interest) Resolution 2021-071 approving a local Emergency Rental Assistance program, accepting $6,398,151 from the US Department of Treasury for Emergency Rental Assistance, accepting the allocation of COVID-19 Tenant Relief Act -SB91 funds from the State of California in the amount of **$7,630,675,** an Agreement with the Stanislaus Regional Housing Authority in an amount not to exceed $6,398,151 and an Agreement with the Stanislaus Regional Housing Authority in an amount not to exceed **$7,630,675** to execute the Federal and State program, an Agreement with Rolling F Credit Union, Organized Labor Credit Union, Modesto's First Federal Credit Union, and Self-Help Federal Credit Union in an amount not to exceed $100,000 per credit union and authorizing the City Manager or his designee to execute all Agreements. **(AS AMENDED)**

ACTION: (Madrigal/Ricci; 6/0; Zoslocki absent due to conflict of interest) Resolution 2021-072 authorizing the City of Modesto to participate in the State Local Emergency Rental Assistance Program; authorizing and directing the City to accept a Block Grant in a total amount not to exceed **$22,892,025**; authorizing and directing the City to enter into, execute, and deliver the Block Grant Award documents, which shall include a standard Agreement not to exceed **$22,892.025**; authorizing and directing the City to assume responsibility for administering the Block Grant award in accordance with all Block Grant award requirements; and authorizing the City Manager or his designee execute the Block Grant award documents on behalf of the City. **(AS AMENDED)**

ACTION: (Madrigal/Ricci; 6/0; Zoslocki absent due to conflict of interest) Resolution 2021-073 amending the Fiscal Year 2020-2021 Multi-Year fund budget, accepting the allocation of Consolidated Appropriations Act of 2021 funds from the US Department of Treasury in the amount of $6,398,151 and accepting the allocation of COVID-19 Tenant Relief Act -SB91 funds from the State of California in the amount of **$7,630,675**, approving the acceptance of these funds into multi-year operating projects with appropriate revenue and expenditure allocations and authorizing the City Manager or his designee, to take the necessary steps to implement the provisions of this resolution. **(AS AMENDED)**

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:30 p.m.

Attest:_____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto

ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP

Held Via Teleconference

Monday Mar 01, 2021 at 5:30 PM

Roll Call – Present: Councilmembers Madrigal and Ricci
Also Present: Councilmember Wright, Mayor Zwahlen

PUBLIC COMMENTS

None.

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

CONSENT

Consent

1. Consider the annexation of Metro at the Village, Assessor Parcel Number 085-040-063 and Icon at the Village, Assessor Parcel Number 085-007-009 to City of Modesto Community Facilities District No. 2004-1 (Village One #2) and forwarding to Council for approval. (Funding Source: CFD No. 2004-1 (Village One #2))
   CED; Jessica Narayan, 577-5211, jnarayan@modestogov.com

ACTION: Motion (Ricci/Madrigal; 2/0) approving the annexation of Metro at the Village, Assessor Parcel Number 085-040-063 and Icon at the Village, Assessor Parcel Number 085-007-009 to City of Modesto Community Facilities District No. 2004-1 (Village One #2) and forwarding to Council for approval.

Consent

2. Consider approving the award of bids for four City Fleet Replacements for Public Works in the amount of $273,895 and forwarding to Council for approval. (Funding Source: Fleet Replacement Fund)
   FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: Motion (Ricci/Madrigal; 2/0) approving the award of bids for four City Fleet Replacements for Public Works in the amount of $273,895 and forwarding to Council for approval.

Consent

3. Consider rejecting all bids for Request for Bid (RFB) No. 2021-05 for two trailer mounted air compressors and authorizing staff to reissue the RFB at a future date, and forwarding to Council for approval. (Funding Source: Fleet Replacement Fund)
FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: Motion (Ricci/Madrigal; 2/0) rejecting all bids for Request for Bid (RFB) No. 2021-05 for two trailer mounted air compressors and authorizing staff to reissue the RFB at a future date, and forwarding to Council for approval.

Consent

4. Consider approving a Purchasing Agreement with Iteris Inc, Santa Ana, CA, by utilizing the competitive bid process with County of Sacramento for Video Detection Cameras, for a two year Agreement with two one-year extension options, for an estimated cost of $2,500,000 for the first two-years and a total amount not to exceed $3,325,000 over four years and forwarding to Council for approval. (Funding Source: Congestion Mitigation and Air Quality (CMAQ), Local Measure L, Senate Bill 1(SB1), Road Maintenance and Rehabilitation Account (RMRA), and Gas Tax Fund
FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: Motion (Ricci/Madrigal; 2/0) approving a Purchasing Agreement with Iteris Inc, Santa Ana, CA, by utilizing the competitive bid process with County of Sacramento for Video Detection Cameras, for a two year Agreement with two one-year extension options, for an estimated cost of $2,500,000 for the first two-years and a total amount not to exceed $3,325,000 over four years and forwarding to Council for approval.

Consent

5. Consider approving the award of proposal and Agreement for On-Call After Hours Answering Services to Hartley and Associates, Santa Rosa, CA, for an estimated annual cost of $39,600 and a total cost not to exceed $205,272 over 5 years and forwarding to Council for approval. (Funding Source: General Fund, Water Fund, Wastewater Fund, Surface Transportation Fund, Storm Drain Fund, Green Waste Fund, Parking Services Fund, TSP-JPA Fund, Building Services Fund)
FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: Motion (Ricci/Madrigal; 2/0) approving the award of proposal and Agreement for On-Call After Hours Answering Services to Hartley and Associates, Santa Rosa, CA, for an estimated annual cost of $39,600 and a total cost not to exceed $205,272 over 5 years and forwarding to Council for approval.

Consent

6. Consider staff applying for a Federal Aviation Administration Grant in an amount estimated to be $339,000 to reimburse the Modesto City-County Airport for the acquisition of the 2847 River Road property and forwarding to Council for approval. (Funding Source: Not Applicable)
PUBLIC WORKS; Steve Fischio, 342-2222, sfischio@modestogov.com

ACTION: Motion (Ricci/Madrigal; 2/0) staff applying for a Federal Aviation Administration Grant in an amount estimated to be $339,000 to reimburse the Modesto City-County Airport for the acquisition of the 2847 River Road property and forwarding to Council for approval.

Consent

7. Consider approving a Second Amendment increasing the Agreement amount with Willdan, Inc., for Traffic Engineering Services by $50,000 from $205,000 to a new total amount of $255,000, and forwarding to Council for approval. (Funding Source: Surface Transportation Fund and Transportation Development Act Fund)
   PUBLIC WORKS; Scott Collins, 577-5431, scollins@modestogov.com

ACTION: Motion (Ricci/Madrigal; 2/0) approving a Second Amendment increasing the Agreement amount with Willdan, Inc., for Traffic Engineering Services by $50,000 from $205,000 to a new total amount of $255,000, and forwarding to Council for approval.

Consent

8. Consider rejecting all bids received for Request for Bid No. 1920-02 for the Printing of the Modesto Area Express Ride Guide, and forwarding to Council for approval. (Funding Source: Local Transportation Funds, State Transit Assistance, Farebox Revenue & Federal Transit Administration)
   PUBLIC WORKS; Adam Barth, 577-5298, abarth@modestogov.com

ACTION: Motion (Ricci/Madrigal; 2/0) rejecting all bids received for Request for Bid No. 1920-02 for the Printing of the Modesto Area Express Ride Guide, and forwarding to Council for approval.

NEW BUSINESS

9. Consider approving a second one-year extension option for the Purchasing Agreements for Hot Patch work with United Pavement Maintenance, Hughson, CA and Patch Crew, Modesto, CA. and forwarding to Council for approval. (Funding Source: Water Funds 4100 and 4180, Wastewater Fund 4210, and Stormwater Fund 4480)
   FINANCE DEPARTMENT; DeAnna Christensen, 577-5387, dachristensen@modestogov.com

ACTION: Motion (Ricci/Madrigal; 2/0) approving a second one-year extension option for the Purchasing Agreements for Hot Patch work with United Pavement Maintenance, Hughson, CA and Patch Crew, Modesto, CA. and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:17 p.m.

Attest: _____
JOSEPH LOPEZ

Items to Follow-Up:

- *Council Member Madrigal would like a special EDC meeting on Thursday, March 25th at 5:30 pm to discuss assistance to downtown businesses and additional business assistance during the COVID-19 pandemic. Specifically looking at the RAD card program, and other ways that we can support businesses in addition to the ordinance capping fees for food delivery services. Also, an update on the American Rescue Bill.*
- *Timeline we can expect to receive funding*

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday Mar 02, 2021 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
Absent: None

Pledge of Allegiance to the Flag

Invocation: Mayor Zwahlen read the invocation from Scott Elliott, Big Valley Christian School

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: No Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation from Stanislaus County Board of Supervisor's for update related to Covid-19. (Funding Source: Not Applicable)
CITY MANAGER; Joe Lopez, 577-5223, jlopez@modestogov.com

ACTION: Supervisor Grewal gave an update on County vaccinations, the State of the County Address by Chair Chiesa at today's Board of Supervisors meeting, and he also spoke regarding redistricting in Stanislaus County.

MISCELLANEOUS

Legislation
Appointments
Other

2. Consider appointing Salvatore Salerno as the Poet Laureate of the City of Modesto for a two-year term retroactive to July 1, 2020 through June 30, 2022. (Funding Source: Not applicable.)
Staff Recommendation:
- Resolution appointing Salvatore Salerno as the Poet Laureate of the City of Modesto for a two-year term retroactive to July 1, 2020 through June 30, 2022.

PRN; Ashley Weaver, 577-5428, aweaver@modestogov.com

ACTION: (Zoslocki/Kenoyer; 7/0) Resolution 2021-074 appointing Salvatore Salerno as the Poet Laureate of the City of Modesto for a two-year term retroactive to July 1, 2020 through June 30, 2022.

PUBLIC COMMENT PERIOD

- Allison Seever spoke regarding the shooting of her brother Trevor Seever.
- Darlene Ruiz spoke regarding the shooting of her son Trevor Seever and demanded the firing of Modesto Police Officer Joe Lamantia; she also spoke regarding police reform.
- Kyle Seever spoke regarding Interim Modesto Police Chief Gillespie, the Modesto Police Department, requested a Mental Health Crisis Response Team, and a Civilian Oversight Committee.
- Debbie spoke regarding the shooting of Trevor Seever by Modesto Police Officer Joseph Lamantia.
- Curtis Ulrich spoke regarding a police reform program after the shooting of Trevor Seever and conflict between the Modesto Police Department and the District Attorney.
- Ramon Rodriguez spoke regarding the shooting of Trevor Seever and the Modesto Police Department.
- Bianca Lopez spoke regarding police violence and corrupt behavior.
- Emerson Drake spoke regarding drug testing of Modesto Police Department officers; he also spoke regarding his Public Record Act requests.
- Corey spoke regarding Modesto Police Officer Joseph Lamantia and the shooting of Trevor Seever.
- Dixie Prather spoke regarding the shooting of her grandson Trevor Seever by Modesto Police Officer Joseph Lamantia.
- Stephen Allen spoke regarding the shooting of Trevor Seever by Modesto Police Officer Joseph Lamantia.
- Kelly Boot spoke regarding the shooting of her nephew Trevor Seever.
- Ray Ruiz spoke regarding firing Modesto Police Officer Joseph Lamantia for the shooting of Trevor Seever.
- Aubrey Drobnick spoke regarding the shooting of Trevor Seever.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 3-8: Kenoyer/Wright; 7/0)

CONSENT ITEMS

Consent
3. Consider approving the minutes from the February 23, 2021 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the February 23, 2021 Council Meeting.

    CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Motion approving the minutes from the February 23, 2021 Council Meeting.

Consent
4. Consider accepting the Monthly Investment Report for December 2020. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for December 2020.

    FINANCE DEPARTMENT; Calogero Maniscalco, 577-5219, cmaniscalco@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Motion accepting the Monthly Investment Report for December 2020.

Consent
5. Consider approving a Memorandum of Understanding with the Stanislaus County Fire Warden's Office (SCFW) for hazardous materials emergency response for no annual cost, over a three-year term, and amending the position allocation for Fiscal Year 2020-2021 as adopted in the operating budget. (Funding Source: General Fund)
    - Resolution approving a Memorandum of Understanding with the Stanislaus County Fire Warden's Office (SCFW) for hazardous materials emergency response for no annual cost, over a three-year term, and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution amending the position allocation for Fiscal Year 2020-2021 as adopted in the operating budget.

    FIRE DEPARTMENT; Alan Ernst, 572-9590, aernst@modestofire.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-075 approving a Memorandum of Understanding with the Stanislaus County Fire Warden's Office (SCFW) for hazardous materials emergency response for no annual cost, over a three-year term, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-076 amending the position allocation for Fiscal Year 2020-2021 as adopted in the operating budget.

Consent

6. Consider approving an On-Call Agreement for Electrical Engineering Design Services, with Pezzoni Engineering, Inc., Modesto, CA, for a term of one year, with two one-year extension options, for an annual cost not to exceed $100,000, and a total cost not to exceed $300,000 over three years, and an On-Call Agreement for Mechanical Engineering Design Services, with Lee and Ro, Inc., Walnut Creek, CA, for a term of one year, with two one-year extension options, for an annual cost not to exceed $100,000, and a total cost not to exceed $300,000 over three years. (Funding Source: Various Capital Improvement Program Projects)
    - Resolution approving an On-Call Agreement for Electrical Engineering Design Services, with Pezzoni Engineering, Inc., Modesto, CA, for a one-year Agreement, with two one-year extension options, for an annual cost not to exceed $100,000, and a total cost not to exceed $300,000 over three years, and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution approving an On-Call Agreement for Mechanical Engineering Design Services, with Lee and Ro, Inc., Walnut Creek, CA, for a one-year Agreement, with two one-year extension options, for an annual cost not to exceed $100,000, and a total cost not to exceed $300,000 over three years, and authorizing the City Manager, or his designee, to execute the Agreement.

    UTILITIES; Cristian Ciotau, 577-5260, cciotau@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-077 approving an On-Call Agreement for Electrical Engineering Design Services, with Pezzoni Engineering, Inc., Modesto, CA, for a one-year Agreement, with two one-year extension options, for an annual cost not to exceed $100,000, and a total cost not to exceed $300,000 over three years, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-078 approving an On-Call Agreement for Mechanical Engineering Design Services, with Lee and Ro, Inc., Walnut Creek, CA, for a one-year Agreement, with two one-year extension options, for an annual cost not to exceed $100,000, and a total cost not to exceed $300,000 over three years, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

7. Consider approving the Consolidation and Water Service Agreement between the City of Modesto and Riverdale Park Tract Community Services District. (Funding Source: Water Fund)
    - Resolution approving the Consolidation and Water Service Agreement between the City of Modesto and Riverdale Park Tract Community Services District, and authorizing the City Manager or his designee to execute the Agreement.

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

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-079 approving the Consolidation and Water Service Agreement between the City of Modesto and Riverdale Park Tract Community Services District, and authorizing the City Manager or his designee to execute the Agreement.

Consent

8. Consider approving the plans and specifications for the Bangs Avenue - Tully Road Sewer & Water Main Improvements Project and awarding a construction contract to Preston Pipelines Infrastructure, Inc., Milpitas, CA, in the amount of $1,284,896 plus $321,224 in contingency (if needed), for a total amount not to exceed $1,606,120; authorizing an increase in the Director's Authority from 8% ($102,792) to 25% ($321,224) to issue change orders; and amending the Fiscal Year 2020-21 Capital Improvement Program Budget in the amount of $1,811,704. (Funding Source: Water & Wastewater Fund)
    - Resolution approving plans and specifications for the Bangs Avenue - Tully Road Sewer & Water Main Improvements Project, accepting the bid, and approving a construction contract to Preston Pipelines Infrastructure, Inc., Milpitas, CA, in the amount of $1,284,896 plus $321,224 in contingency (if needed), for a total amount not to exceed $1,606,120 and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution authorizing an increase in the Director's Authority to issue change orders for the Bangs Avenue - Tully Road Sewer & Water Main Improvements Project from 8% ($102,792) to 25% ($321,224) of the construction contract amount of $1,284,896 with Preston Pipelines Infrastructure, Inc., Milpitas, CA and authorizing the City Manager, or his designee, to implement the provisions of this resolution.
    - Resolution amending the Fiscal Year 2020-21 Capital Improvement Program Budget in the amount of $1,811,704 to be budgeted into the project from Wastewater Fund Reserves and establishing transfer from the Water Fund to this project in the amount of $342,491 to fund the construction phase of the Bangs Avenue - Tully Road Sewer & Water Main Improvements 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: (Kenoyer/Wright; 7/0) Resolution 2021-080 approving plans and specifications for the Bangs Avenue - Tully Road Sewer & Water Main Improvements Project, accepting the bid, and approving a construction contract to Preston Pipelines Infrastructure, Inc., Milpitas, CA, in the amount of $1,284,896 plus $321,224 in contingency (if needed), for a total amount not to exceed $1,606,120 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-081 authorizing an increase in the Director's Authority to issue change orders for the Bangs Avenue - Tully Road Sewer & Water Main Improvements Project from 8% ($102,792) to 25% ($321,224) of the construction contract amount of $1,284,896 with Preston Pipelines Infrastructure, Inc., Milpitas, CA and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-082 amending the Fiscal Year 2020-21 Capital Improvement Program Budget in the amount of $1,811,704 to be budgeted into the project from Wastewater Fund Reserves and establishing transfer from the Water Fund to this

project in the amount of $342,491 to fund the construction phase of the Bangs Avenue - Tully Road Sewer & Water Main Improvements Project and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer returned to her office after receiving her COVID-19 shots.

Councilmember Escutia-Braaton announced that March is National Women's History Month and Women in Construction Week takes place from March 1-7, 2020; she is in favor of participation of women in the working environment.

Councilmember Madrigal announced a Special Economic Development Committee on March 25, 2021 regarding ways to support local businesses during COVID-19.

Councilmember Ricci thanked citizens for speaking during the Council meetings; he also spoke regarding the CAHOOTS Program and STAR Program in other areas.

CITY MANAGER COMMENTS & REPORTS

9. Consider an informational update to provide Spanish translation services at City Council meetings. (Funding Source: Not Applicable)
CITY MANAGER; Joseph Lopez, 577-5223, jlopez@modestogov.com

ACTION: City Manager Lopez gave an update regarding the request for Spanish translation services at Council meetings; he will bring back updates to the Council and citizens during the next coming months; Councilmember Madrigal requested an update at the April 6, 2021 Council meeting.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:00 p.m.

Attest:_____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto

CHARTER REVIEW COMMITTEE/ SPECIAL COUNCIL WORKSHOP

Conference Room 6825, Sixth Floor
Tenth Street Place
1010 10th Street, Modesto, California

HELD VIA TELECONFERNCE
(To Access Meeting See Instructions Below)

Wednesday, March 3, 2021, at 5:00 PM

Roll Call - Present: Committee Members Chair Cecil Russell, Vice Chair Sam Pierstorff, Aaron Anguiano, Wendy Byrd, Janice Keating, Mike Moradian, Tim Ragsdale, Sandy Lucas, Chris Tyler, and Monica Valencia

Absent: Committee Member Jose Sabala; Ad Hoc Members George Petrulakis and John Walker

- Committee Chair Cecil Russell made an opening statement thanking the Committee, Mayor and Councilmembers in attendance; he also reminded the Committee is tasked with vetting the issues brought forward by the Mayor and Council last year; once finished with the process, a report will be presented to the Mayor and Council.
- Mayor Sue Zwahlen thanked the Committee and staff for their time and talents assisting the City of Modesto.

PUBLIC COMMENT PERIOD

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED – No Consent Items

NEW BUSINESS

6. Consider approving the Minutes from the February 10, 2021 meeting.

ACTION: Motion (Tyler/Moradian; 10/0; Sabala absent) approving the Minutes from the February 10, 2021 meeting.

7. Consider appointing an alternate member to replace Renaldo Rucker who resigned from the Committee on February 1, 2021.

ACTION: Motion (Tyler/Byrd; 10/0; Sabala absent) approving the appointment of Monica Valencia as a Member to replace Renaldo Rucker who resigned on February 1, 2021.

8. Review and discussion of City Manager's Office Draft Memo dated February 5, 2021.

The Committee reviewed and discussed the City Manager's Office Draft Memo dated February 5, 2021, specifically:

Section 600: The Committee reiterated the validity of its March 2, 2021 vote related to the timing and process of elections held for the office of the Mayor. Staff will return with specific language. Member Tyler suggested that Section 501 of the Charter "Method of Election" be an appropriate spot for language versus Section 600 which deals with Term of Office. Staff to review.

The Committee began discussing whether any changes are advisable for how the City Council members are elected. Options discussed included (i) no change (plurality in Nov), (ii) Council elections parallel that of the Mayor (primary/general), or (iii) moving the election to March but maintaining plurality system. The Committee decided to gather further input on the cost of elections as one consideration and take the issue up again at its next meeting on March 17, 2021.

Section 902.1, as well as additional Sections to be added to the Charter, Sections 902.2 and 902.3 regarding the Audit Committee.

ACTION: Motion (Byrd/Moradian; 10/0; Sabala absent) eliminating the language in Section 902.1(a): "…**Institute of Internal Auditors or the**"…

ACTION: Motion (Ragsdale/Tyler; 10/0; Sabala absent) leaving the language in Section 902.1(3)(d): "…**with the exception of the of the office of any elected official.**"

The Committee heard public input from Sacramento City Auditor Jorge *Oseguera* who indicated that the qualification standards outlined in the Charter for the position of City Auditor might be too narrow. The Committee heard alternative language proposed and Staff was asked to receive a copy of that language and present it for consideration at the March 17, 2021 meeting.

<u>Matters to Return:</u>

(i) City Clerk to return with information regarding election costs.
(ii) Staff to return with revised language to Section 902.1 regarding qualification requirements for City Auditor position.

(iii) Staff to return with language for the Mayors election and a determination of whether it should be included in Section 600 or Section 501 of the Charter.

9. Discussion and continued review of the City of Modesto Charter and any further additions/changes/revisions for the November 2022 election.

ACTION: No reportable action.

COMMITTEE MEMBER COMMENTS AND REPORTS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

ACTION: Motion (Anguiano/Moradian; 10/0; Sabala absent) adjourning meeting at 7:35 p.m.

Attest:_____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto

SPECIAL APPOINTMENTS COMMITTEE / COUNCIL WORKSHOP

Video Conference
Tenth Street Place, 1010 10th Street
Modesto, California

Thursday, March 04, 2021 at 4:30 PM

Roll Call - Present: Councilmember Madrigal, Councilmember Kenoyer
Absent: None
Also Present: Councilmember Escutia-Braaton

PUBLIC COMMENTS

None

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: No Consent Items

NEW BUSINESS

1. Consider recommending one appointment to the Citizens Housing and Community Development Committee to fill a vacancy and forwarding to Council for approval. (Funding Source: Not Applicable)
CED; Jessica Narayan, 577-5321, jnarayan@modestogov.com

   ACTION: Motion (Kenoyer/Madrigal; 2/0) appointing Anthony Drobnick to the Citizens Housing and Community Development Committee to fill a vacancy and forwarding to Council for approval.

2. Consider reviewing the current applications and approving two appointments to the Housing Rehabilitation Loan Committee to fill one vacancy for a member from the construction industry and one Citizen at Large vacancy and forwarding to City Council for approval. (Funding Source: Not Applicable)
CED; Jessica Narayan, 577-5321, jnarayan@modestogov.com

   ACTION: Motion (Kenoyer/Madrigal; 2/0) appointing John Bergman to fill one vacancy for a Member from the Construction Industry, and Kyle Ford to fill one vacancy for Citizen at Large to the Housing Rehabilitation Loan Committee and forwarding to City Council for approval.

3. Consider recommending appointments to fill two vacancies on the City of Modesto Golf Courses Advisory Committee and forwarding to Council for approval. (Funding Source: Not Applicable)
PRN; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: Motion (Kenoyer/Madrigal; 2/0) appointing Jim Spelmaan and Guadalupe Rivera to fill two vacancies on the City of Modesto Golf Courses Advisory Committee and forwarding to Council for approval.

4. Consider reappointing Jim Bishop to the Tuolumne River Regional Park Citizens Advisory Committee, and recommending an appointment to fill one (1) vacancy on the Tuolumne River Regional Park Citizens Advisory Committee and forwarding to Council for approval. (Funding Source: Not Applicable)
PRN; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: Motion (Kenoyer/Madrigal; 2/0) reappointing Jim Bishop to the Tuolumne River Regional Park Citizens Advisory Committee, and appointing Emmanuel Becerra to fill one vacancy on the Tuolumne River Regional Park Citizens Advisory Committee and forwarding to Council for approval.

5. Consider approving the re-appointment of Shane Cooper, Jim McKay and Steve Hatzigeorgiou to the Modesto City-County Airport Advisory Committee for an additional 2-year term, and forwarding to Council for approval. (Funding Source: Not Applicable)
PUBLIC WORKS; Steve Fischio, 342-2222, sfischio@modestogov.com

ACTION: Motion (Kenoyer/Madrigal; 2/0) reappointing Shane Cooper, Jim McKay and Steve Hatzigeorgiou to the Modesto City-County Airport Advisory Committee for an additional 2-year term, and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 5:19 p.m.

Attest: _____
Dana Sanchez, Assistant City Clerk

MINUTES

City of Modesto

SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP

Held Via Teleconference

Monday Mar 08, 2021 at 5:00 PM

Roll Call - Present: Councilmembers Kenoyer, Escutia-Braaton, Ricci
Absent: None

PUBLIC COMMENTS

None.

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

CONSENT

1. Consider approving the submission of the City's Local Transportation Funds Fiscal Year 2020-2021 Claim for Non-Motorized Purposes (bike lanes and pedestrian pathways) in the amount of $189,759 to the Stanislaus Council of Governments (STANCOG) and amending the Fiscal Year 2020/21 Capital Improvement Program Budget in an amount not to exceed $189,759 and forwarding to Council for approval. (Funding Source: Local Transportation Funds)
   PRN; Nathan Houx, 571-5526, nhoux@modestogov.com

ACTION: Motion: (Escutia-Braaton/Ricci; 3/0) approving the submission of the City's Local Transportation Funds Fiscal Year 2020-2021 Claim for Non-Motorized Purposes (bike lanes and pedestrian pathways) in the amount of $189,759 to the Stanislaus Council of Governments (STANCOG) and amending the Fiscal Year 2020/21 Capital Improvement Program Budget in an amount not to exceed $189,759 and forwarding to Council for approval.

2. Consider rejecting all bids received for Request for Bid No. PPD20-07 for On-Call Vegetation Management Services and forwarding to Council for approval. (Funding Source: General Fund, TRRP Fund)
   PRN; Nathan Houx, 571-5526, nhoux@modestogov.com

ACTION: Motion: (Escutia-Braaton/Ricci; 3/0) rejecting all bids received for Request for Bid No. PPD20-07 for On-Call Vegetation Management Services and forwarding to Council for approval.

NEW BUSINESS

3. Consider approving an amendment to the Blight Abatement Advisory Committee Bylaws, to include authorizing the Mayor to appoint a member of the Council to the committee as a non-voting member. (Funding Source: Not applicable)
CITY MANAGER; Edgar Garcia, 571-5101, edgarcia@modestogov.com

ACTION: Motion (Escutia-Braaton/Ricci; 3/0) approving an amendment to the Blight Abatement Advisory Committee Bylaws, to include authorizing the Mayor to appoint a member of the Council to the committee as a non-voting member.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:33 p.m.

Attest: _____
Joseph Lopez

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday Mar 09, 2021 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
Absent: None

Pledge of Allegiance to the Flag

Invocation: Mayor Zwahlen read the Invocation from Michael Schiefelbein, College Avenue United Church of Christ

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

Declaration of Conflicts of Interest: None

Reports from Closed Session: No Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation from Stanislaus County Board of Supervisors for update related to Covid-19. (Funding Source: Not Applicable)
CITY MANAGER; Joseph Lopez, 577-5223, jlopez@modestogov.com

ACTION: No reportable action.

2. Presentation of the Convention and Visitors Bureau Annual Presentation: 2020 and Tourism. (Funding Source: Not Applicable)
PRN; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: Todd Aaronson, Convention and Visitors Bureau, gave an Annual Presentation: 2020 and Tourism.

MISCELLANEOUS

3. Consider reappointing James Liberto to the Housing Rehabilitation Loan Committee with a term expiration date of December 31, 2024. (Funding Source: Not Applicable)

Staff Recommendation:

- Resolution reappointing James Liberto to the City of Modesto Housing Rehabilitation Loan Committee with a term expiration date of December 31, 2024.

CED; Jessica Narayan, 577-5211, jnarayan@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2021-083 reappointing James Liberto to the City of Modesto Housing Rehabilitation Loan Committee with a term expiration date of December 31, 2024.

PUBLIC COMMENT PERIOD

- Kyle Seever spoke regarding the shooting of his brother Trevor Seever by Modesto Police Officer Lamantia; he requested changes to the Modesto Police Department.

- Emily Harris spoke regarding Modesto Police Department officers and shootings in Modesto.

- Allison Seever spoke regarding the shooting of her brother Trevor Seever by Modesto Police Officer Joseph Lamantia and other shootings in Modesto.

- Darlene Ruiz spoke regarding the shooting of her son Trevor Seever on December 29, 2020 and requested the status of the investigations; she requested Modesto Police Reform.

- Marla Seever spoke regarding the shooting of her nephew Trevor Seever by Modesto Police Officer Joseph Lamantia.

- Kayla Alcala spoke regarding the shooting of her cousin Trevor Seever and the need for change in Modesto.

- Sebastian Jones spoke regarding the family of Trevor Seever.

- Wendy Byrd, President of the NAACP, sends condolences to the family of Trevor Seever and the need for a Citizens Oversight Review Board; she also spoke regarding the recruitment and status of the City Auditor position.

- Trina Gibbs spoke regarding the shooting of Trevor Seever.

- A citizen spoke regarding mental health issues and the shooting of Trevor Seever.

- Ramon Rodriguez spoke about holding the Modesto Police Department accountable for their actions.

- Kelly Boot spoke regarding justice for her nephew Trevor Seever and the firing of Modesto Police Officer Joseph Lamantia.

- Jeff Rivera spoke regarding the shooting of his friend Trevor Seever and the firing of Modesto Police Officer Joseph Lamantia.

- Ray Ruiz spoke regarding the shooting of Trevor Seever by Modesto Police Officer Joseph Lamantia.

- Samuel Garcia spoke regarding the City Council and Modesto Police Department.

- Cole spoke regarding the shooting of his best friend Trevor Seever.

- Doris Jones spoke in support of the family of Trevor Seever.

- Amber Lee spoke regarding the shooting of Trevor Seever and the Modesto Police Department.

- Stephen Allen spoke regarding the shooting of Trevor Seever by Modesto Police Officer Joseph Lamantia.

- Bianca Lopez spoke regarding the shooting of Trevor Seever.

- Aubrey Drobnick spoke regarding the shooting of Trevor Seever.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 4-7; 9-15: (Kenoyer/Wright; 7/0)

CONSENT ITEMS

Consent
4. Consider approving the minutes from the March 2, 2021 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the March 2, 2021 Council Meeting.

CITY CLERK; Stephanie Lopez, 577-5396, slopez@modeestogov.com

ACTION: (Kenoyer/Wright; 7/0) Motion approving the minutes from the March 2, 2021 Council Meeting.

Consent
5. Consider approving the recommended budget adjustments to Fiscal Year 2020-2021 Annual Operating and Capital Improvement Program Budgets. (Funding Source: Various Funds)
    - Resolution amending Fiscal Year 2020-2021 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager, to take the necessary steps to implement the provisions of this resolution.

BUDGET; Steve Christensen, 577-5390, schristensen@modestgov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-084 amending Fiscal Year 2020-2021 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager, to take the necessary steps to implement the provisions of this resolution.

Consent

6. Consider approving a First Amendment to the Second Restated Legal Services Agreement with Arata, Swingle, Van Egmond & Heitlinger in the amount of $260,000, for a total not to exceed amount of $500,000, for continued representation. (Funding Source: General Liability Insurance Fund)
    - Resolution approving a First Amendment to the Second Restated Legal Services Agreement with Arata, Swingle, Van Egmond & Heitlinger in the amount of $260,000, for a total not to exceed amount of $500,000 to continue representing the City of Modesto in tort cases, and authorizing the City Manager or his designee, to execute the Agreement.

    CITY ATTORNEY; Jose Sanchez, 577-5284, jsanchez@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-085 approving a First Amendment to the Second Restated Legal Services Agreement with Arata, Swingle, Van Egmond & Heitlinger in the amount of $260,000, for a total not to exceed amount of $500,000 to continue representing the City of Modesto in tort cases, and authorizing the City Manager or his designee, to execute the Agreement.

Consent

7. Consider approving the selection of the City of Modesto Vice Mayor; and consider approving the appointments to the Standing Committees, and City Council Liaison Committees. (Funding Source: Not Applicable)
    - Motion approving the selection of Council Member Rosa Escutia-Braaton as Vice Mayor.
    - Motion approving the appointments to the Standing Committees and City Council Liaison Committees.

    CITY MANAGER; Edgar Garcia, 571-5101, edgarcia@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Motion approving the selection of Council Member Rosa Escutia-Braaton as Vice Mayor.

ACTION: (Kenoyer/Wright; 7/0) Motion approving the appointments to the Standing Committees and City Council Liaison Committees.

Removed from Agenda

8. Consider approving the First Amendment to the Joint Powers Agency Agreement for the Stanislaus Regional Transit Authority; and approve the appointment of the City of Riverbank Mayor Richard O'Brien to the Stanislaus Regional Transit Authority Board of Directors. (Funding Source: Local Transportation Funds, State Transit Assistance, Farebox Revenue & Federal Transit Administration)

- Resolution approving the First Amendment to the Joint Powers Agency Agreement for the Stanislaus Regional Transit Authority, and authorizing the City Manager, or his designee, to sign the Agreement.
- Resolution approving the appointment of the City of Riverbank Mayor Richard O'Brien to the Stanislaus Regional Transit Authority Board of Directors.

CITY MANAGER; Caluha Barnes, 571-5101, cbarnes@modestogov.com

ACTION: Item removed from Agenda.

Consent

9. Consider approving an Emergency Solutions Grant CARES Act (ESG-CV1) to the Salvation Army, Modesto Citadel for the operation of the Berberian Emergency Shelter located at 320 9th Street, Modesto CA 95351 in an amount not to exceed $200,000 and $5,000 in activity delivery costs, to prevent, mitigate, and respond to the spread of COVID-19. (Funding Source: ESG-CV1)
    - Resolution approving an Emergency Solutions Grant CARES Act (ESG-CV1) to the Salvation Army, Modesto Citadel for the operation of the Berberian Emergency Shelter located at 320 9th Street, Modesto CA 95351 in an amount not to exceed $200,000, and $5,000 in activity delivery costs to prevent, mitigate, and respond to the spread of COVID-19, authorizing the City Manager or his designee to execute the Agreement.

    CED; Jessica Narayan, 577-5321, jnarayan@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-086 approving an Emergency Solutions Grant CARES Act (ESG-CV1) to the Salvation Army, Modesto Citadel for the operation of the Berberian Emergency Shelter located at 320 9th Street, Modesto CA 95351 in an amount not to exceed $200,000, and $5,000 in activity delivery costs to prevent, mitigate, and respond to the spread of COVID-19, authorizing the City Manager or his designee to execute the Agreement.

Consent

10. Consider approving the award of bid for the purchase of Supervisory Control and Data Acquisition System (SCADA) Network Communications Equipment to NetXperts Inc., Walnut Creek, CA for a total amount not to exceed $113,225. (Funding Source: Wastewater Fund)
    - Resolution approving the award of bid for the purchase of Supervisory Control and Data Acquisition System (SCADA) Network Communications Equipment to NetXperts Inc., Walnut Creek, CA for a total amount not to exceed $113,225; and authorizing the Purchasing Manager, or her designee, to execute a Purchase Order.

    FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-087 approving the award of bid for the purchase of Supervisory Control and Data Acquisition System (SCADA) Network Communications Equipment to NetXperts Inc., Walnut Creek, CA for a total amount not to

exceed $113,225; and authorizing the Purchasing Manager, or her designee, to execute a Purchase Order.

Consent

11. Consider accepting an informational report on the November and December 2020 grant applications and awards. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the November and December 2020 grant applications and awards.

    FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Motion accepting an informational report for the November and December 2020 grant applications and awards.

Consent

12. Consider ratifying the submission of an application for the Fiscal Year 2020 Assistance to Firefighters Grant in an amount that will not exceed $45,251.41, which includes a 10% local match for the procurement of fire hoses and nozzles. (Funding Source: General Fund)
    - Resolution ratifying the submission of an application for the Fiscal Year 2020 Assistance to Firefighters Grant in an amount that will not exceed $45,251.41, which includes a 10% local match for the procurement of fire hoses and nozzles, and authorizing the City Manager, or his designee, to execute the application.

    FIRE DEPARTMENT; Alan Ernst, 572-9590, aernst@modestofire.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-088 ratifying the submission of an application for the Fiscal Year 2020 Assistance to Firefighters Grant in an amount that will not exceed $45,251.41, which includes a 10% local match for the procurement of fire hoses and nozzles, and authorizing the City Manager, or his designee, to execute the application.

Consent

13. Consider approving the submission of an application for the Fiscal Year 2020 Staffing for Adequate Fire and Emergency Response (SAFER) Grant to fund nine firefighter positions. (Funding Source: General Fund)
    - Resolution approving the submission of an application for the Fiscal Year 2020 Staffing for Adequate Fire and Emergency Response (SAFER) Grant to fund nine firefighter positions, and authorizing the City Manager, or his designee, to execute the application.

    FIRE DEPARTMENT; Alan Ernst, 572-9590, aernst@modestofire.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-089 approving the submission of an application for the Fiscal Year 2020 Staffing for Adequate Fire and Emergency Response (SAFER) Grant to fund nine firefighter positions, and authorizing the City Manager, or his designee, to execute the application.

Consent

14. Consider approving the First Amendment to the Memorandum of Understanding with Stanislaus County for the purpose of properly administering Federal Transit Administration Section 5307 grant funds and sub-awards with Stanislaus County. (Funding Source: Transit Funds)
    - Resolution approving the First Amendment to the Memorandum of Understanding with Stanislaus County for the purpose of properly administering Federal Transit Administration Section 5307 grant funds and sub-awards with Stanislaus County; and authorizing the City Manager, or his designee, to sign the amendment.

    PUBLIC WORKS; Adam Barth, 577-5298, abarth@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-090 approving the First Amendment to the Memorandum of Understanding with Stanislaus County for the purpose of properly administering Federal Transit Administration Section 5307 grant funds and sub-awards with Stanislaus County; and authorizing the City Manager, or his designee, to sign the amendment.

Consent

15. Consider accepting the 2017-2018 Sanitary Sewer Collection System Replacement project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $928,851 to Rolfe Construction, Inc., Atwater, CA. (Funding Source: Wastewater Fund)
    - Resolution accepting the 2017-2018 Sanitary Sewer Collection System Replacement project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $928,851 to Rolfe Construction, Inc., Atwater, CA.

    UTILITIES; Greg Showerman, 571-5860, gshowerman@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-091 accepting the 2017-2018 Sanitary Sewer Collection System Replacement project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $928,851 to Rolfe Construction, Inc., Atwater, CA.

COUNCIL COMMENTS & REPORTS

Councilmember Madrigal requested an update on the recruitment of the City Auditor; City Manager Lopez announced a Council Workshop in April to discuss the recruitment.

Councilmember Ricci spoke regarding: Trevor Seever and a Civilian Review Board and he wants to work with Chief Gillespie; Accessory Dwelling Units and affordable housing; Modesto Skates; he also announced that the Modesto Nuts are hiring.

CITY MANAGER COMMENTS & REPORTS

City Manager Lopez sent his condolences to the family of Brendan Watson, who passed away recently; he was an employee of the City's Information & Technology Department.

HEARINGS

Published in the Modesto Bee on February 26, 2021.

16. Hearing to consider approving the application of Falcon Critical Care and issue a permit to operate as a non-emergency medical transport company in the City of Modesto (Funding Source: General Fund)
    - Resolution approving the application of Falcon Critical Care, and authorizing the issuance of a permit to operate as a non-emergency medical transport company in the City of Modesto.

    POLICE DEPARTMENT; Brandon Gillespie, 572-9501, gillespieb@modestopd.com

ACTION: (Zoslocki/Wright; 7/0) Resolution 2021-092 approving the application of Falcon Critical Care, and authorizing the issuance of a permit to operate as a non-emergency medical transport company in the City of Modesto.

NEW BUSINESS

17. Consider adoption of the 2021-2024 City of Modesto Smart City Strategy. (Funding Source: General Funds)
    - Resolution adopting the 2021-2024 Smart City Strategy, and authorizing the City Manager, or his designee, to carry out the necessary steps to achieve the priorities identified in the strategy.

    CITY MANAGER; Edgar Garcia, 571-5101, edgarcia@modestogov.com

ACTION: (Wright/Madrigal; 7/0) Resolution 2021-093 adopting the 2021-2024 Smart City Strategy, and authorizing the City Manager, or his designee, to carry out the necessary steps to achieve the priorities identified in the strategy.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:16 p.m.

Attest:_____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto

CHARTER REVIEW COMMITTEE/ SPECIAL COUNCIL WORKSHOP

Conference Room 6825, Sixth Floor
Tenth Street Place
1010 10th Street, Modesto, California

HELD VIA TELECONFERNCE

Wednesday, March 17, 2021, at 5:00 PM

Roll Call Present: Committee Members Chair Cecil Russell, Aaron Anguiano, Wendy Byrd, Janice Keating, Mike Moradian, Tim Ragsdale, Sandy Lucas, Chris Tyler, and Monica Valencia
Absent: Committee Members Sam Pierstorff and Jose Sabala; Ad Hoc Members George Petrulakis and John Walker

PUBLIC COMMENT PERIOD

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED – No Consent Items

NEW BUSINESS

10. Consider approving the Minutes from the March 3, 2021 meeting.

ACTION: Motion (Tyler/Lucas; 9/0; Pierstorff, Sabala absent) approving the Minutes from the March 3, 2021 meeting.

11. Continued review and discussion of City Manager's Office Draft Memo dated February 5, 2021, including additions/revisions/changes requested by Committee.

Committee Members were provided a Memo from the City Manager's Office dated March 10, 2021 incorporating the Committee's proposed changes to the Charter from the February 5, 2021 Draft Memo.

ACTION: Motion (Moradian/Lucas; 8/1; Keating no; Pierstorff, Sabala absent) approving changes to Section 300. Regular Municipal Elections. Language contained within 3/10/21 City Manager's Office memo.

ACTION: Motion (Moradian/Anguiano; 7/1; Keating no; Byrd abstain; Pierstorff, Sabala absent) approving the Council District elections to remain the same.

Committee members discussed the need to revise the language in **Section 600: Term of Office** to reflect the revisions to Section 300 concerning the election of Mayor. Committee members affirmed their common desire to have the Mayor take office or begin a new term alongside the City Council even though the Mayor might be elected outright earlier should there not be a need for a runoff.

ACTION: Motion (Tyler/Moradian; 9/0; Pierstorff, Sabala absent) approving revised qualification language for City Auditor Section 902.1 eliminating: "The City Auditor shall be certified according to standard comparable to a Certified Public Accountant or a Certified Internal Auditor at the time of appointment" and approving the revised language inserted into the City Attorney's presentation from the Alga Model Legislation.

Committee members discussed the handout provided by Committee Member Byrd and Retired City Auditor Ann-Marie Hogan: "Comparison Modesto Draft vs. ALGA Model Legislation."

ACTION: Motion (Moradian/Byrd; 9/0; Pierstorff, Sabala absent) directing Chris Tyler, Sacramento City Auditor Jorge Osequera and/or Retired City Auditor Ann-Marie Hogan, and the City Attorney return to the Committee with red-line suggestions with current language, including the Comparison document suggestions, regarding City Auditor Section 902.1.

ACTION: Motion (Keating/Lucas; 9/0; Pierstorff, Sabala absent) approving the merging of Sections, 1108 and 1109 (with additional language regarding The Board of Personnel Appeals) as contained in the 3/10/21 City Manager's Office Memo

ACTION: Motion (Moradian/Keating; 9/0; Pierstorff, Sabala absent) approving Section 1100 – Culture Commission- language revisions contained in 3/10/21 City Manager's Office Memo.

The City Manager's Office will return to the next meeting with revisions regarding Section 1111 – Human Relations Commission.

ACTION: Motion (Tyler/Moradian; 9/0; Pierstorff, Sabala absent) approving revisions to Section 1313 – Purchase of Supplies and Equipment- language revisions contained in 3/10/21 City Manager's Office Memo.

ACTION: Motion (Lucas/Keating; 9/0; Pierstorff, Sabala absent) approving revisions to Sections 1302.1, 1302.2 and 1303.3 – Submission of Economic Forecasts; Mayor's Budget Message; Annual Budget; Mayor's Final Budget Modifications; Public Hearing on the Proposed Budget— language revisions contained in 3/10/21 City Manager's Office Memo.

ACTION: Motion (Keating/Anguiano; 9/0; Pierstorff, Sabala absent) approving revisions to Section 601(k) – Powers and Duties of Mayor-- language revisions contained in 3/10/21 City Manager's Office Memo.

ACTION: Motion (Lucas/Anguiano; 9/0; Pierstorff, Sabala absent) approving revisions to Section 501 – Method of Election, language revisions contained in 3/10/21 City Manager's Office Memo.

Committee Members discussed Sections 1104 (previously approved) and Section 1205 (additional revisions will be brought back to next meeting) and revisions to Section 1307.

ACTION: Motion (Keating/Anguiano; 9/0; Pierstorff, Sabala absent) approving changes to Section 1311 – Contracts for Official Advertising, language revisions contained in 3/10/21 City Manager's Office Memo.

12. Discussion and continued review of the City of Modesto Charter and any further additions/changes/revisions for the November 2022 election.

ACTION: No reportable action.

Matters to Return:

(i) Follow-up with City Manager's Office regarding Charter Sections 1111 and 1205
(ii) Staff to return to the Committee with red-line suggestions with current language, including the "Comparison document with ALGA" suggestions, regarding City Auditor Section 902.1.
(iii) Staff to return with additional revisions to Section 1205-Hearing Officer
(iv) Staff to return with language revisions for Section 600—Term of Office.
(v) Discussion regarding Section 1500 – Board of Education.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

ACTION: Motion (Anguiano/Keating; 9/0; Pierstorff, Sabala absent) adjourning meeting at 7:10 p.m.

Attest: _____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto

ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP

Held Via Teleconference

Thursday Mar 25, 2021 at 5:30 PM

Roll Call – Present: Mayor Zwahlen, Councilmembers Madrigal and Ricci
Absent: None
Also Present: Councilmembers Kenoyer, Wright, Escutia-Braaton

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: No Consent Items

UNFINISHED BUSINESS

1. Consider accepting an informational report regarding the City's support to local businesses during the COVID-19 pandemic, and discuss ideas for additional community and business support with funds and programs made available by the American Rescue Plan Act of 2021. (Funding Source: Not Applicable)
   CITY MANAGER; Edgar Garcia, 577-5223, edgarcia@modestogov.com

ACTION: Motion (Madrigal/Ricci; 3/0) directing staff to: (i) compile ideas and forward to Council following input from other Committees for consideration and possible action; (ii) bring an item to the April 6, 2021 meeting to allocate $650,000 with a future action to recoup or replace funding from the American Rescue Bill.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:27 p.m.

Attest:_____
Joseph Lopez

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference

Monday, March 29, 2021 at 3:00 p.m.

Roll Call - Present: Councilmembers Zoslocki, Kenoyer and Wright
Absent: None

PUBLIC COMMENTS

None.

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

CONSENT

1. Consider approving the recommended budget adjustments to Fiscal Year 2020-21 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval. (Funding Source: Various Funds)
BUDGET; Steve Christensen, 577-5390, schristensen@modestogov.com

ACTION: Motion (Kenoyer/Wright; 3/0) approving the recommended budget adjustments to Fiscal Year 2020-21 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval.

2. Consider accepting an informational report on the January and February 2021 applications and awards and forwarding to Council for approval. (Funding Source: Not Applicable)
FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com

ACTION: Motion (Kenoyer/Wright; 3/0) accepting an informational report on the January and February 2021 applications and awards and forwarding to Council for approval.

3. Consider approving the Second Amendment increasing the Agreement amount with Elavon Inc., for Merchant Services by $189,863 from $2,325,047 to a new total amount of $2,514,910 and extending the term of the Agreement from May 31, 2021 to May 31, 2022 and forwarding to Council for approval. (Funding Source: Various Funds)

FINANCE DEPARTMENT; Gina Brown, 571-5381, gbrown@modestogov.com

ACTION: Motion (Kenoyer/Wright; 3/0) approving the Second Amendment increasing the Agreement amount with Elavon Inc., for Merchant Services by $189,863 from $2,325,047 to a new total amount of $2,514,910 and extending the term of the Agreement from May 31, 2021 to May 31, 2022 and forwarding to Council for approval.

4. Consider approving the award of bid for five Three-Axle Vacuum Trucks to Municipal Maintenance Equipment Inc, Sacramento, CA for a total amount of $2,227,259, and forwarding to Council for approval. (Funding Source: Fleet Replacement Fund)
   FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: Motion (Kenoyer/Wright; 3/0) approving the award of bid for five Three-Axle Vacuum Trucks to Municipal Maintenance Equipment Inc, Sacramento, CA for a total amount of $2,227,259, and forwarding to Council for approval.

5. Consider approving a First Amendment to the Agreement with United Site Services, Inc. of Modesto, CA for a portable Americans with Disability Act (ADA) restroom trailer to increase the amount by $91,210 from $274,440 to a new total amount of $365,360 over the term of the Agreement for United Site Services and Sun Valley Portable Restrooms, Inc., Turlock, CA and forwarding to Council for approval. (Funding Source: Insurance Recovery)
   FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: Motion (Kenoyer/Wright; 3/0) approving a First Amendment to the Agreement with United Site Services, Inc. of Modesto, CA for a portable Americans with Disability Act (ADA) restroom trailer to increase the amount by $91,210 from $274,440 to a new total amount of $365,360 over the term of the Agreement for United Site Services and Sun Valley Portable Restrooms, Inc., Turlock, CA and forwarding to Council for approval.

6. Consider approving a First Amendment extending the termination date with Du-All Safety, LLC, Fremont, CA, for the furnishing of Safety Training and Consultation Services through May 6, 2022 and forwarding to Council for approval. (Funding Source: Various Funds)
   HUMAN RESOURCES; Jiles Smith, 571-5446, jsmith@modestogov.com

ACTION: Motion (Kenoyer/Wright; 3/0) approving a First Amendment extending the termination date with Du-All Safety, LLC, Fremont, CA, for the furnishing of Safety Training and Consultation Services through May 6, 2022 and forwarding to Council for approval.

7. Consider approving the First Amendment increasing the Purchasing Agreement amount with Dan Ely Backflow Services, Modesto, CA for Backflow Prevention Testing Services by $12,000 for the last year of the Agreement, from a total amount of $50,000 to $62,000 for service level increases, and forwarding to Council for approval. (Funding Source: General Fund, Airport and Centre Plaza Funds)

PRN; Kelly Gallagher, 342-2270, kgallagher@modestogov.com

ACTION: Motion (Kenoyer/Wright; 3/0) approving the First Amendment increasing the Purchasing Agreement amount with Dan Ely Backflow Services, Modesto, CA for Backflow Prevention Testing Services by $12,000 for the last year of the Agreement, from a total amount of $50,000 to $62,000 for service level increases, and forwarding to Council for approval.

8. Consider approving the submission of grant applications for Dr. Martin Luther King, Jr. Park and Mancini Park to the California Department of Parks and Recreation, for the Statewide Park Development and Community Revitalization Program for up to $8.5 million for each site for a maximum award of $17 million, and forwarding to Council for approval. (Funding Source: Statewide Park Development and Community Revitalization Program - Proposition 68, Community Development Block Grant)
PRN; Nathan Houx, 571-5526, nhoux@modestogov.com

ACTION: Motion (Kenoyer/Wright; 3/0) approving the submission of grant applications for Dr. Martin Luther King, Jr. Park and Mancini Park to the California Department of Parks and Recreation, for the Statewide Park Development and Community Revitalization Program for up to $8.5 million for each site for a maximum award of $17 million, and forwarding to Council for approval.

NEW BUSINESS

9. Consider accepting the Park Operations Water Use and Expense Report for Fiscal Year 2020-21 and forwarding to Council for approval. (Funding Source: General Fund)
PRN; Kelly Gallagher, 342-2270, kgallagher@modestogov.com

ACTION: Motion (Wright/Kenoyer; 3/0) accepting the Park Operations Water Use and Expense Report for Fiscal Year 2020-21 and forwarding to Council for approval.

10. Consider accepting the informational Fiscal Year 2020-21 General Fund Update Report and forwarding the report and the recommended budget adjustments to major General Fund revenues on to Council for acceptance and approval. (Funding Source: General Fund)
BUDGET; Stephan Christensen, 577-5390, schristensen@modestogov.com

ACTION: Motion (Wright/Kenoyer; 3/0) accepting the informational Fiscal Year 2020-21 General Fund Update Report and forwarding the report and the recommended budget adjustments to major General Fund revenues on to Council for acceptance and approval. (

11. Consider accepting an informational report on the funding made available by the American Rescue Plan Act of 2021 (ARP), and discuss ideas for community, business, and organizational support with the funds and programs made available by the ARP. (Funding Source: Not Applicable)
CITY MANAGER; Edgar Garcia, 571-5101, edgarcia@modestogov.com

ACTION: No reportable action.

12. Consider accepting the updates to the City's Debt Management Policy and forwarding to Council for approval. (Funding Source: Not Applicable)
FINANCE DEPARTMENT; Calogero Maniscalco, 577-5219, cmaniscalco@modestogov.com

ACTION: Motion (Wright/Kenoyer; 3/0) accepting the updates to the City's Debt Management Policy and forwarding to Council for approval.

13. Consider accepting the updates to the City's Investment Policy and forwarding to Council for approval. (Funding Source: Not Applicable)
FINANCE DEPARTMENT; Calogero Maniscalco, 577-5219, cmaniscalco@modestogov.com

ACTION: Motion (Wright/Kenoyer; 3/0) accepting the updates to the City's Investment Policy and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:46 p.m.

Attest:_____
Joseph Lopez

MINUTES

City of Modesto

CITY COUNCIL MEETING
COUNCL WORKSHOP ON HOMELESSNESS

(Held Via Teleconference)
Monday Apr 05, 2021 at 3:00 PM

Roll Call - Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen

PUBLIC COMMENT PERIOD

None.

NEW BUSINESS

1. Workshop for Regional Homeless Strategic Plan (Funding Source: Not Applicable)
   CED; Jessica Narayan, 577-5321, jnarayan@modestogov.com

ACTION: No reportable action.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 4:55 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 Apr 06, 2021 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
Absent: None

Pledge of Allegiance to the Flag

Invocation: Jeff Pishney, Love Modesto

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: Mayor Zwahlen reported on Closed Session matters - no reportable action

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation from Stanislaus County Board of Supervisors for update related to Covid-19. (Funding Source: Not Applicable)
CITY MANAGER; Joseph Lopez, 577-5223, jlopez@modestogov.com

ACTION: No reportable action.

2. Presentation of Proclamation declaring April 2021 National Donate Life Month in the City of Modesto. (Funding Source: Not Applicable)
CITY COUNCIL; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

3. Acknowledgement of National Community Development Week (Funding Source: Not Applicable)
CED; Jessica Narayan, 577-5321, jnarayan@modestogov.com

MISCELLANEOUS

4. Consider appointing Anthony Drobnick to the Citizen's Housing and Community Development Committee. (Funding Source: Not Applicable)
Staff Recommendation:

- Resolution approving the appointment of Anthony Drobnick to the Citizen's Housing and Community Development Committee with expiration date of January 1, 2025.

CED; Jessica Narayan, 577-5211, jnarayan@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-094 approving the appointment of Anthony Drobnick to the Citizen's Housing and Community Development Committee with expiration date of January 1, 2025.

5. Consider appointing John Bergman and Kyle Ford to the Housing and Rehabilitation Loan Committee. (Funding Source: Not Applicable)

Staff Recommendation:

- Resolution approving the appointments of John Bergman and Kyle Ford to the City of Modesto Housing and Rehabilitation Loan Committee with an expiration date of January 1, 2025.

CED; Jessica Narayan, 577-5211, jnarayan@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2021-095 approving the appointments of John Bergman and Kyle Ford to the City of Modesto Housing and Rehabilitation Loan Committee with an expiration date of January 1, 2025.

6. Consider approving the appointments of Jim Spelman and Guadalupe Rivera, as members at large, to the Golf Courses Advisory Committee, for a four-year term retroactive to January 1, 2021 through December 31, 2024. (Funding Source: Not Applicable)

Staff Recommendation:

- Resolution approving the appointments of Jim Spelman and Guadalupe Rivera, as members at large, to the Golf Courses Advisory Committee, for a four-year term retroactive to January 1, 2021 through December 31, 2024.

PRN; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: (Kenoyer/Mayor Zwahlen; 7/0) Resolution 2021-096 approving the appointments of Jim Spelman and Guadalupe Rivera, as members at large, to the Golf Courses Advisory Committee, for a four-year term retroactive to January 1, 2021 through December 31, 2024.

7. Consider approving the reappointment of Jim Bishop and the appointment of Emmanuel Becerra to the Tuolumne River Regional Park Citizens Advisory Committee for a four year term retroactive to January 1, 2021 through December 31, 2024. (Funding Source: Not Applicable)

Staff Recommendation:

- Resolution approving the reappointment of Jim Bishop and the appointment of Emmanuel Becerra to the Tuolumne River Regional Park Citizens Advisory Committee for a four year term retroactive to January 1, 2021 through December 31, 2024.

PRN; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: (Escutia-Braaton/Ricci; 7/0) Resolution 2021-097 approving the reappointment of Jim Bishop and the appointment of Emmanuel Becerra to the Tuolumne River Regional Park Citizens Advisory Committee for a four year term retroactive to January 1, 2021 through December 31, 2024.

8. Consider approving the re-appointment of Shane Cooper, Jim McKay and Steve Hatzigeorgiou to the Modesto City-County Airport Advisory Committee for an additional two-year term. (Funding Source: Not Applicable)
   Staff Recommendation:
   - Resolution approving the reappointment of Shane Cooper, Jim McKay and Steve Hatzigeorgiou to the Modesto City-County Airport Advisory Committee for an additional two-year term.

   PUBLIC WORKS; Steve Fischio, 342-2222, sfischio@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2021-098 approving the reappointment of Shane Cooper, Jim McKay and Steve Hatzigeorgiou to the Modesto City-County Airport Advisory Committee for an additional two-year term.

PUBLIC COMMENT PERIOD

- Austin Grant, read a statement from the Modesto Progressive Democrats regarding the Civilian Review Board.

- Janeiro, MyTV 26 Station on Comcast, spoke regarding funding for his station.

- Em Boon spoke regarding police violence occurring in Modesto.

- Chris Colbert spoke regarding police violence occurring in Modesto; he also spoke regarding charging Officer Lamantia.

- Nico spoke in support of Civilian Review Board; he also spoke about his concern about a Modesto Police camera at a park in the La Loma Neighborhood.

- Kyle Seever spoke regarding Modesto Police Department officers; he asked for resignation of Interim Police Chief Gillespie; he requested a drug screening for Modesto Police officers after any incident.

- Richard Anderson spoke in support of Public Access television to be funded by monies provided by the Federal Government.

- Rovante Robinson spoke in support of the firing of Modesto Poice Officer Lamantia; he agrees drug and alcohol testing for Modesto Police Officers.

- Ramon Rodriguez spoke in support of the firing of Modesto Police Officer Lamantia; he also spoke regarding the Alonzo Nunez incident and disciplining police officers.

- Darlene Ruiz, Trevor Seever's mother, spoke regarding the shooting of her son and charges against Modesto Police Officer Lamantia; she also spoke in support of a Civilian Review Board.

- Stephen Allen thanked Councilmembers Ricci, Kenoyer and Wright for attending the solidarity bbq for Trevor Seever; he also spoke regarding corruption in the Modesto Police Department.

- Loretta Carhart spoke regarding the need for State Hospitals.

- Bianca Lopez thanked the Council for listening to their requests for Justice for Trevor Seever; she also spoke regarding recycling.

- A citizen spoke in support of justice for Trevor Seever; he also spoke regarding the Modesto Police Department.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 9-31: (Wright/Zoslocki; 7/0)

CONSENT ITEMS

Consent
9. Consider approving the minutes from the March 9, 2021 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the March 9, 2021 Council Meeting.

    CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Motion approving the minutes from the March 9, 2021 Council Meeting.

Consent
10. Consider recognizing Dale Butler for his service on the Latino Emergency Council. (Funding Source: Not Applicable)
    - Resolution recognizing Dale Butler for his service on the Latino Emergency Council.

    CITY COUNCIL; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-099 recognizing Dale Butler for his service on the Latino Emergency Council.

Consent
11. Consider approving a Community Development Block Grant CARES Act (CDBG-CV3) grant to Stanislaus County Affordable Housing Corporation (STANCO), in an amount not to exceed $450,000 and $25,000 in activity delivery costs for the acquisition of the property located at 835 California Avenue, Modesto CA for the

development of Permanent Supportive Housing, to prevent, mitigate, and respond to the spread of COVID-19. (Funding Source: Community Development Block Grant Funds Cares Act CV-3)

- Resolution approving a Community Development Block Grant CARES Act (CDBG-CV3) grant to Stanislaus County Affordable Housing Corporation (STANCO), in an amount not to exceed $450,000 and $25,000 in activity delivery costs for the acquisition of the property located at 835 California Avenue, Modesto CA for the development of Permanent Supportive Housing, to prevent, mitigate, and respond to the spread of COVID-19 and authorizing the City Manager or his designee to execute the Agreement.

CED; Jessica Narayan, 577-5321, jnarayan@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-100 approving a Community Development Block Grant CARES Act (CDBG-CV3) grant to Stanislaus County Affordable Housing Corporation (STANCO), in an amount not to exceed $450,000 and $25,000 in activity delivery costs for the acquisition of the property located at 835 California Avenue, Modesto CA for the development of Permanent Supportive Housing, to prevent, mitigate, and respond to the spread of COVID-19 and authorizing the City Manager or his designee to execute the Agreement.

Consent

12. Consider accepting an informational report for the February 2021 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the February 2021 Accounts Payable Payment Register and Void report.

    FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Motion accepting an informational report for the February 2021 Accounts Payable Payment Register and Void report.

Consent

13. Consider accepting an informational report on the January and February 2021 grant applications and awards. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the January and February 2021 grant applications and awards.

    FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Motion accepting an informational report for the January and February 2021 grant applications and awards.

Consent

14. Consider approving the award of bids for four City Fleet Replacements for Public Works in the amount of $273,895. (Funding Source: Fleet Replacement Fund)
    - Resolution approving the award of bid for the purchase of a Low-Profile Dump Truck to Cobalt Truck Equipment, Las Vegas, NV for a total amount not to

exceed $110,581, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

- Resolution approving the award of bid for the purchase of a One-Ton Truck with Stake Side Dumping Body to Cobalt Truck Equipment, Las Vegas, NV for a total amount not to exceed $63,246, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.
- Resolution approving the award of bid for the purchase of two One-Ton Trucks to Penske Chevrolet, Cerritos, CA for a total cost not to exceed $100,068, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-101 approving the award of bid for the purchase of a Low-Profile Dump Truck to Cobalt Truck Equipment, Las Vegas, NV for a total amount not to exceed $110,581, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-102 approving the award of bid for the purchase of a One-Ton Truck with Stake Side Dumping Body to Cobalt Truck Equipment, Las Vegas, NV for a total amount not to exceed $63,246, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-103 approving the award of bid for the purchase of two One-Ton Trucks to Penske Chevrolet, Cerritos, CA for a total cost not to exceed $100,068, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

Consent

15. Consider rejecting all bids for Request for Bid (RFB) No. 2021-05 for Two Trailer Mounted Air Compressors and authorizing staff to reissue the RFB at a future date. (Funding Source: Fleet Replacement Fund)
    - Resolution rejecting all bids received for Request for Bid (RFB) No. 2021-05 for Two Trailer Mounted Air Compressors and authorizing staff to reissue the RFB at a future date.

    FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-104 rejecting all bids received for Request for Bid (RFB) No. 2021-05 for Two Trailer Mounted Air Compressors and authorizing staff to reissue the RFB at a future date.

Consent

16. Consider approving a Purchasing Agreement with Iteris Inc, Santa Ana, CA, by utilizing the competitive bid process with County of Sacramento for Video Detection Cameras, for a two year Agreement with two one-year extension options, for an estimated cost of $2,500,000 for the first two-years and a total amount not to exceed $3,325,000 over four years. (Funding Source: Congestion Mitigation and Air Quality

(CMAQ), Local Measure L, Senate Bill 1(SB1), Road Maintenance and Rehabilitation Account (RMRA), and Gas Tax Fund)

- Resolution approving the award of bid and Purchasing Agreement with Iteris Inc, Santa Ana, CA, by utilizing the competitive bid process with County of Sacramento for Video Detection Cameras, for a two year agreement with two one-year extension options, for an estimated cost of $2,500,000 for the first two-years and a total amount not to exceed $3,325,000 over four years; and authorizing the Purchasing Manager, or her designee to execute the Agreement.

FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-105 approving the award of bid and Purchasing Agreement with Iteris Inc, Santa Ana, CA, by utilizing the competitive bid process with County of Sacramento for Video Detection Cameras, for a two year agreement with two one-year extension options, for an estimated cost of $2,500,000 for the first two-years and a total amount not to exceed $3,325,000 over four years; and authorizing the Purchasing Manager, or her designee to execute the Agreement.

Consent

17. Consider approving a second one-year extension option for the Purchasing Agreements for Hot Patch work with United Pavement Maintenance, Hughson, CA and Patch Crew, Modesto, CA, in a combined amount not exceeding the annual cost of $4,306,500. (Funding Source: Water Funds 4100 and 4180, Wastewater Fund 4210, and Stormwater Fund 4480))

    - Resolution approving a second one-year extension option for the Purchasing Agreements for Hot Patch work with United Pavement Maintenance, Hughson, CA and Patch Crew, Modesto, CA, without exceeding the annual cost of $4,306,500 and authorizing the Director of Finance or her designee to execute the extension.

    FINANCE DEPARTMENT; DeAnna Christensen, 577-5387, dachristensen@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-106 approving a second one-year extension option for the Purchasing Agreements for Hot Patch work with United Pavement Maintenance, Hughson, CA and Patch Crew, Modesto, CA, without exceeding the annual cost of $4,306,500 and authorizing the Director of Finance or her designee to execute the extension.

Consent

18. Consider rejecting all bids received for Request for Bid No. PPD20-07 for On-Call Vegetation Management Services. (Funding Source: General Fund, TRRP Fund)

    - Resolution rejecting all bids received for request for bid no. PPD20-07 for On-Call Vegetation Management Services, and authorizing the City Manager, or his designee, to reissue the RFB at a future date.

    PRN; Nathan Houx, 571-5526, nhoux@modestogov.com,

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-107 rejecting all bids received for request for bid no. PPD20-07 for On-Call Vegetation Management Services, and authorizing the City Manager, or his designee, to reissue the RFB at a future date.

Consent

19. Consider approving the submission of the City's Local Transportation Funds Fiscal Year 2020-2021 Claim for Non-motorized Purposes (bike lanes and pedestrian pathways) in the amount of $189,759 to the Stanislaus Council of Governments (STANCOG) and amending the Fiscal Year 2020-21 Capital Improvement Program Budget in an amount not to exceed $189,759. (Funding Source: Local Transportation Funds)
    - Resolution approving the submission of the City's Local Transportation Funds Fiscal Year 2020-2021 Claim for Non-motorized Purposes (bike lanes and pedestrian pathways) in the amount of $189,759 to the Stanislaus Council of Governments (STANCOG).
    - Resolution amending the Fiscal Year 2020-2021 Capital Improvement Program Budget to fund project #101232 (TRRP Riverwalk – Gateway to Legion) in an amount not to exceed $189,759 in revenue, and to budget expenditures as outlined in Attachment A to fund the project, and authorizing the City Manager or his designee, to implement the provisions of this resolution.

    PRN; Nathan Houx, 571-5526, nhoux@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-108 approving the submission of the City's Local Transportation Funds Fiscal Year 2020-2021 Claim for Non-motorized Purposes (bike lanes and pedestrian pathways) in the amount of $189,759 to the Stanislaus Council of Governments (STANCOG).

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-109 amending the Fiscal Year 2020-2021 Capital Improvement Program Budget to fund project #101232 (TRRP Riverwalk – Gateway to Legion) in an amount not to exceed $189,759 in revenue, and to budget expenditures as outlined in Attachment A to fund the project, and authorizing the City Manager or his designee, to implement the provisions of this resolution.

Consent

20. Consider approving the submission of grant applications for Dr. Martin Luther King, Jr. Park and Mancini Park to the California Department of Parks and Recreation, for the Statewide Park Development and Community Revitalization Program for up to $8.5 million for each site for a maximum award of $17 million. (Funding Source: Statewide Park Development and Community Revitalization Program - Proposition 68, Community Development Block Grant)
    - Resolution approving the application for Statewide Park Development and Community Revitalization Program Grant funds for the Dr. Martin Luther King, Jr. Park Renovation and authorizing the City Manager, or his designee, to conduct all negotiations, sign and submit documents, including, but not limited to applications, agreement, amendments, and payment requests, which may be necessary for the completion of the grant scope.

- Resolution approving the application for Statewide Park Development and Community Revitalization Program Grant funds for the Mancini Park Renovation and authorizing the City Manager, or his designee, to conduct all negotiations, sign and submit documents, including, but not limited to applications, agreement, amendments, and payment requests, which may be necessary for the completion of the grant scope.

PRN; Nathan Houx, 571-5526, nhoux@modestgov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-110 approving the application for Statewide Park Development and Community Revitalization Program Grant funds for the Dr. Martin Luther King, Jr. Park Renovation and authorizing the City Manager, or his designee, to conduct all negotiations, sign and submit documents, including, but not limited to applications, agreement, amendments, and payment requests, which may be necessary for the completion of the grant scope.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-111 approving the application for Statewide Park Development and Community Revitalization Program Grant funds for the Mancini Park Renovation and authorizing the City Manager, or his designee, to conduct all negotiations, sign and submit documents, including, but not limited to applications, agreement, amendments, and payment requests, which may be necessary for the completion of the grant scope.

Consent

21. Consider approving a list of projects to be funded with Road Repair and Accountability Act tax proceeds in Fiscal Year 2021-2022. (Funding Source: Senate Bill 1 Funds)
    - Resolution adopting a list of projects to be funded with Road Repair and Accountability Act tax proceeds in Fiscal Year 2021-22.

    PUBLIC WORKS; Steve Fischio, 342-2222, sfischio@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-112 adopting a list of projects to be funded with Road Repair and Accountability Act tax proceeds in Fiscal Year 2021-22.

Consent

22. Consider approving the application for and acceptance of a Federal Aviation Administration Grant in an amount estimated to be $339,000 to reimburse the Modesto City-County Airport for the acquisition of the 2847 River Road property. (Funding Source: Not Applicable)
    - Resolution approving the application for and acceptance of a Federal Aviation Administration grant offer in an amount estimated to be $339,000 for the reimbursement for property acquisition located at 2847 River Road, and authorizing the City Manager, or his designee, to execute all grant related documents.

    PUBLIC WORKS; Steve Fischio, 342-2222, sfischio@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-113 approving the application for and acceptance of a Federal Aviation Administration grant offer in an amount estimated to be

$339,000 for the reimbursement for property acquisition located at 2847 River Road, and authorizing the City Manager, or his designee, to execute all grant related documents.

Consent

23. Consider approving the First Amendment to the Joint Powers Agency Agreement for the Stanislaus Regional Transit Authority; and approve the appointment of the City of Riverbank Mayor Richard O'Brien to the Stanislaus Regional Transit Authority Board of Directors. (Funding Source: Local Transportation Funds, State Transit Assistance, Farebox Revenue & Federal Transit Administration)
    - Resolution approving the First Amendment to the Joint Powers Agency Agreement for the Stanislaus Regional Transit Authority, and authorizing the City Manager, or his designee, to sign the Agreement.
    - Resolution approving the appointment of the City of Riverbank Mayor Richard O'Brien to the Stanislaus Regional Transit Authority Board of Directors.

    PUBLIC WORKS; Caluha Barnes, 571-5101, cbarnes@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-114 approving the First Amendment to the Joint Powers Agency Agreement for the Stanislaus Regional Transit Authority, and authorizing the City Manager, or his designee, to sign the Agreement.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-115 approving the appointment of the City of Riverbank Mayor Richard O'Brien to the Stanislaus Regional Transit Authority Board of Directors.

Consent

24. Consider accepting the grant award for Federal Transit Administration Section 5339 funds in the amount of $2,006,514 and Congestion Mitigation and Air Quality funds in the amount of $1,200,000, and authorizing the City Manager, or his designee, to execute and file the Annual Certifications and Assurances, and all other necessary documents with the Federal Transit Administration. (Funding Source: Transit Funds)
    - Resolution accepting the grant award for Federal Transit Administration Section 5339 funds in the amount of $2,006,514 and Congestion Mitigation and Air Quality funds in the amount of $1,200,000, and authorizing the City Manager, or his designee, to execute and file the Annual Certifications and Assurances, and all other necessary documents with the Federal Transit Administration.

    PUBLIC WORKS; Adam Barth, 577-5298, abarth@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-116 accepting the grant award for Federal Transit Administration Section 5339 funds in the amount of $2,006,514 and Congestion Mitigation and Air Quality funds in the amount of $1,200,000, and authorizing the City Manager, or his designee, to execute and file the Annual Certifications and Assurances, and all other necessary documents with the Federal Transit Administration.

Consent

25. Consider rejecting all bids received for Request for Bid No. 1920-02 for the Printing of the Modesto Area Express Ride Guide. (Funding Source: Local Transportation Funds, State Transit Assistance, Farebox Revenue & Federal Transit Administration)
    - Resolution rejecting all bids received for Request for Bid No. 1920-02 for the Printing of the Modesto Area Express Ride Guide.

    PUBLIC WORKS; Adam Barth, 577-5298, abarth@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-117 rejecting all bids received for Request for Bid No. 1920-02 for the Printing of the Modesto Area Express Ride Guide.

Consent

26. Consider approving a Second Amendment increasing the Agreement amount with Willdan, Inc., for Traffic Engineering Services by $50,000 from $205,000 to a new total amount of $255,000. (Funding Source: Surface Transportation Fund and Transportation Development Act Fund)
    - Resolution approving a Second Amendment increasing the Agreement amount with Willdan, Inc., for Traffic Engineering Services by $50,000 from $205,000 to a new total amount of $255,000 and authorizing the City Manager, or his designee, to execute the amendment.

    PUBLIC WORKS; Scott Collins, 577-5431, scollins@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-118 approving a Second Amendment increasing the Agreement amount with Willdan, Inc., for Traffic Engineering Services by $50,000 from $205,000 to a new total amount of $255,000 and authorizing the City Manager, or his designee, to execute the amendment.

COUNCIL COMMENTS & REPORTS

Mayor Zwahlen acknowledged Dale Butler for his service on the Latino Emergency Council; Councilmembers Madrigal and Kenoyer also thanked Dale Butler for his service.

Councilmember Wright announced that his father turned 93 years old yesterday; Councilmember Zoslocki also acknowledged his father's birthday.

Councilmember Ricci announced issues he is working on: City Forestry Department and refunding the department; he also proposed a civic bank at 10th Street Place; homeless housing with SHARES group; problems with Comcast service in Modesto; and the passing of Syliva Cisneros-Thompson from COVID.

Councilmember Kenoyer spoke about running the virtual Modesto Marathon.

Councilmember Madrigal spoke regarding MyTV26 and funding for the public access channel; he also supports a civic bank in Modesto and homeless housing.

CITY MANAGER COMMENTS & REPORTS

27. Consider an informational update to provide Spanish translation services at City Council meetings. (Funding Source: Not Applicable)
CITY MANAGER; Joseph Lopez, 577-5223, jlopez@modestogov.com

ACTION: No reportable action.

UNFINISHED BUSINESS

28. Consider accepting Proposition 1 Storm Water Grant Program - Round 2 Implementation Grant Award of $10,000,000 for the JM Pike Park Stormwater to Sanitary Cross Connection Removal Project; entering into a Funding Agreement with the State Water Resources Control Board (SWRCB); and amending the FY 2020-21 Capital Improvement Program Budget in the amount of $15,840,000. (Funding Source: Wastewater Fund)
    - Resolution authorizing entering into a Funding Agreement with the State Water Resources Control Board and authorizing and designating a representative for the JM Pike Park Stormwater to Sanitary Cross Connection Removal Project.
    - Resolution amending the Fiscal Year 2020-21 Capital Improvement Program budget in the amount of $15,840,000 to be transferred into the project from Wastewater Reserves in order to fully fund the JM Pike Park Stormwater to Sanitary Cross Connection Removal Project.

    UTILITIES; Miguel Alvarez, 577-5348, malvaerz@modestogov.com

ACTION: (Madrigal/Zoslocki; 7/0) Resolution 2021-119 authorizing entering into a Funding Agreement with the State Water Resources Control Board and authorizing and designating a representative for the JM Pike Park Stormwater to Sanitary Cross Connection Removal Project. **(AS AMENDED)**

ACTION: (Madrigal/Zoslocki; 7/0) Resolution 2021-120 amending the Fiscal Year 2020-21 Capital Improvement Program budget in the amount of $15,840,000 to be transferred into the project from Wastewater Reserves in order to fully fund the JM Pike Park Stormwater to Sanitary Cross Connection Removal Project.

29. Consider accepting a report on the annual review of approved water rate increases for Fiscal Year 2020-21 and adopting 2% water rate increases within Fiscal Year 2020-21, to be deferred until October 1, 2021. (Funding Source: Water Fund)
    - Resolution approving the annual water rate review and adopting 2% water rate increases within FY 2020-2021, to be effective October 1, 2021.

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

ACTION: (Wright/Ricci; 6/1; Escutia-Braaton no) Resolution 2021-121 approving the annual water rate review and adopting 2% water rate increases within FY 2020-2021, to be effective October 1, 2021.

Recess at 7:50 p.m.

Reconvened at 8:00 p.m.

NEW BUSINESS

30. Consider approving the appropriation of General Fund Reserves in the amount of $650,000 and amending the Fiscal Year 2020-21 Operating Budget to establish a new expenditure appropriation in the amount of $650,000 to fund a contribution to the Relief Across Downtown (RAD) program with the intent to reimburse this amount with American Rescue Plan Act of 2021 (ARPA) funding from United States Department of the Treasury when these funds become available to the City of Modesto, and approving an independent contractor agreement with Modesto Improvement Partnership, Inc for services involving administrative support to implement the RAD program. (Funding Source: General Fund Reserves)
    - Resolution approving the appropriation of General Fund Reserves in the amount of $650,000 and amending the Fiscal Year 2020-21 Operating Budget to establish a new expenditure appropriation in the amount of $650,000 to fund a contribution to the Relief Across Downtown (RAD) program with the intent to reimburse this amount with American Rescue Plan Act of 2021 (ARPA) funding from United States Department of the Treasury when these funds become available to the City of Modesto.
    - Resolution approving an independent contractor agreement with the Modesto Improvement Partnership, Inc for services involving administrative support to implement the touchless gift card program and authorizing the City Manager or his designee to execute the agreement.

    CED; Marcus Tucker, 577-5473, mtucker@modestogov.com

ACTION: (Madrigal/Wright; 5/2; Wright, Zoslocki no) Resolution 2021-122 approving the appropriation of General Fund Reserves in the amount of **$708,500** and amending the Fiscal Year 2020-21 Operating Budget to establish a new expenditure appropriation in the amount of **$708,500** to fund a contribution to the Relief Across Downtown (RAD) program **to apply City-wide, contingent on this amount being reimbursable from** American Rescue Plan Act of 2021 (ARPA) funding from United States Department of the Treasury when these funds become available to the City of Modesto. **(AS AMENDED)**

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-123 approving an independent contractor agreement with the Modesto Improvement Partnership, Inc for services involving administrative support to implement the touchless gift card program and authorizing the City Manager or his designee to execute the agreement.

Recess at 10:10 p.m.
Reconvened at 10:15 p.m.

31. Consider approving a community engagement process to solicit feedback from the community regarding Modesto Police Department policies and practices as well as possible initiatives to improve police-community relations; and directing staff to carry

out the appropriate next steps to implement the engagement process. (Funding Source: Not Applicable)

- Motion approving a community engagement process to solicit feedback from the community regarding Modesto Police Department policies and practices as well as possible initiatives to improve police-community relations; and directing staff to carry out the appropriate next steps to implement the engagement process.

CITY MANAGER; Caluha Barnes, 577-5223, cbarnes@modestogov.com

ACTION: (Wright/Zoslocki; 7/0) Motion approving a community engagement process to solicit feedback from the community regarding Modesto Police Department policies and practices as well as possible initiatives to improve police-community relations; and directing staff to carry out the appropriate next steps to implement the engagement process.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 10:55 p.m.

All Closed Session matters heard prior to meeting.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
One Case (Pursuant to Section 54956.9(d)(1) of the Government Code)

Name of Case: Stephanie Lopez v. City of Modesto, et al.
Superior Court of California, County of Stanislaus
Stanislaus County Case No.: CV-21-00925

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – MCEA
Negotiator: Christina Alger
Employee Organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – MCMA
Negotiator: Christina Alger
Employee Organization: Modesto Confidential & Management Association

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – MPOA
Negotiator: Christina Alger
Employee Organization: Modesto Police Officers' Association

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – MPNSA
Negotiator: Christina Alger
Employee Organization: Modesto Police Non-Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) –MPMA
Negotiator: Christina Alger
Employee Organization: Modesto Police Management Association

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – MCFFA
Negotiator: Christina Alger
Employee Organization: Modesto City Firefighters Association

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – Unrepresented
Negotiator: Christina Alger
Employee Organization: Unrepresented Management and Confidential Employees

Attest:_____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto

CHARTER REVIEW COMMITTEE/ SPECIAL COUNCIL WORKSHOP

Conference Room 6825, Sixth Floor
Tenth Street Place
1010 10th Street, Modesto, California

HELD VIA TELECONFERNCE

Wednesday, April 7, 2021, at 5:00 PM

Roll Call – Present: Committee Members Chair Cecil Russell, Aaron Anguiano, Wendy Byrd, Janice Keating, Mike Moradian, Tim Ragsdale, Sandy Lucas, Chris Tyler, and Monica Valencia
Absent: Committee Members Sam Pierstorff and Jose Sabala; Regional Ad Hoc Members George Petrulakis and John Walker

PUBLIC COMMENT PERIOD

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED – No Consent Items

NEW BUSINESS

1. Consider approving the Minutes from the March 17, 2021 meeting.

ACTION: Motion (Tyler/Lucas; 9/0; Pierstorff, Sabala absent) approving the Minutes from the March 17, 2021 meeting.

2. Continued review and discussion of City Manager's Office updated Memo dated March 10, 2021, including additions/revisions/changes requested by Committee

ACTION: No reportable action.

3. Review City Auditor Section 902.1 and Audit Committee Sections 902 and 902.1 against ALGA model legislation.

ACTION: Motion (Keating/Byrd; 9/0; Pierstorff, Sabala absent) approving additional changes to Sections 902.1, 902.2 and 902.3 as final language for these sections, and directing

Staff to include in the final report to City Council a recommendation from the CRC that a provision be added to the Municipal Code to the effect that, "Agreements with third-party contractors, vendors, or consultants, shall contain a clause providing for access to audit performance records reasonably related to their performance under contract." The CRC deemed the Municipal Code the appropriate place for this language.

4. Staff to return with additional revisions to Section 1205 – Hearing Officer

ACTION: Motion (Tyler/Moradian; 9/0; Pierstorff, Sabala absent) directing staff to reverse the previously proposed redline changes, the effect of which is to make no changes to Charter Section 1205 – Hearing Officer.

5. Review staff language revisions for Section 600—Term of Office.

ACTION: Motion (Lucas/Ragsdale; 8/1; Keating no; Pierstorff, Sabala absent) approving changes to Charter Section 600 – Term of Office.

6. Review any changes to Charter Sections **1110** and 1205.

ACTION: Motion (Keating/Moradian; 9/0; Pierstorff, Sabala absent) approving changes to Section- **1110** - from the April 1, 2021 City Manager's Memo. Section 1205 covered earlier.

7. Discussion and continued review of the City of Modesto Charter and any further additions/changes/revisions for the November 2022 election.

ACTION: Motion (Tyler/Ragsdale; 9/0; Pierstorff, Sabala absent) directing staff to prepare Final Report with recommendations to the Modesto City Council.

8. Discussion regarding Section 1500 – Board of Education. Chairman Russell reported on his interaction with Modesto City Schools staff and the correspondence he received.

ACTION: The Committee agreed to take no action on Section 1500 – Board of Education.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:30 p.m.

Attest: _____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto

SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP

Held Via Teleconference

Monday Apr 12, 2021 at 5:00 PM

Roll Call - Present: Councilmembers Kenoyer, Escutia-Braaton, and Ricci
Absent: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: No Consent Items

UNFINISHED BUSINESS

1. Consider accepting an informational report regarding the status of various Year 1 Initiatives for the 2020-2025 Strategic Plan, including the development and implementation of a public safety strategic plan, and establishment of a quality of life taskforce to tackle chronic problem areas (Funding Source: Not Applicable)
CITY MANAGER; Edgar Garcia, 571-5101, edgarcia@modestogov.com

ACTION: No reportable action.

NEW BUSINESS

2. Consider accepting an informational report on the funding made available by the American Rescue Plan Act of 2021 (ARP), and discuss ideas for quality of life issue support with the funds and programs made available by the ARP. (Funding Source: Not Applicable)
CITY MANAGER; Edgar Garcia, 571-5101, edgarcia@modestogov.com

ACTION: No reportable action.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:13 p.m.

Attest:_____
Joseph Lopez

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday Apr 13, 2021 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
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 reported on Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation declaring April 11-17, 2021 National Public Safety Telecommunicators Week. (Funding Source: Not Applicable)
CITY COUNCIL; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

2. Presentation of Citizen's Commendation of Merit to Jeremy Camacho and Justin Hiti (Funding Source: Not Applicable)
FIRE; Serguina Rodriguez, 572-9590, srodriguez@modestofire.com

MISCELLANEOUS

3. Consider approving the appointments of each of the vacancies for the Blight Abatement Advisory Committee for a four- year term beginning May 1, 2021 through May 1, 2025. (Funding Source: Not Applicable)
Staff Recommendation:

- Resolution approving the appointments of each of the vacancies for the Blight Abatement Advisory Committee for a four-year term beginning May 1, 2021 through May 1, 2025.

CITY MANAGER; Edgar Garcia, 571-5101, edgarcia@modestogov.com

ACTION: (Wright/Zoslocki; 7/0) Resolution 2021-124 approving the appointments of each of the vacancies for the Blight Abatement Advisory Committee for a four-year term beginning May 1, 2021 through May 1, 2025.

PUBLIC COMMENT PERIOD

- Allison Seever spoke regarding 911 dispatchers and the shooting of her brother Trevor Seever.
- Kevin McClarty spoke regarding the Briggsmore Overpass and CalTrans.
- Susan Beasley, Parent Resource Center, announced that April is Child Abuse Prevention Month.
- Bianca Lopez spoke regarding police accountability and the City of Modesto.
- Ramon Rodriguez spoke on behalf of Alonzo Nunez and the Modesto Police Department; he spoke in favor of a Civilian Review Board.
- Kyle Seever spoke regarding a possible mural of Trevor Seever in Downtown Modesto; he also requested: a statute for his brother, drug and alcohol testing for Modesto Police Officers, and a Civilian Review Board.
- Darlene Ruiz spoke in support of a mural of Trevor Seever, CAHOOTS, and a Civilian Review Board.
- Dave Pratt spoke regarding getting back to normal.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 4-22: (Kenoyer/Wright; 7/0)

CONSENT ITEMS

Consent

4. Consider approving the minutes from the April 6, 2021 Council Meeting. (Funding Source: Not Applicable)
   - Motion approving the minutes from the April 6, 2021 Council Meeting.

   CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Motion approving the minutes from the April 6, 2021 Council Meeting.

Consent

5. Consider approving the recommended budget adjustments to Fiscal Year 2020-2021 Annual Operating and Capital Improvement Program Budgets. (Funding Source: Various Funds)
    - Resolution amending Fiscal Year 2020-2021 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager, to make the necessary steps to implement the provisions of this resolution.

    BUDGET; Steve Christensen, 577-5390, schristensen@modestgov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-125 amending Fiscal Year 2020-2021 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager, to make the necessary steps to implement the provisions of this resolution.

Consent

6. Consider approving a Will Serve Letter and Outside Service Agreement for water service for the property located at 0 Pirrone Road in Modesto (APN: 003-014-007). (Funding Source: Water Fund, General Fund)
    - Resolution approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and Mark S. Grover and Lorraine J. Grover, Trustees of the Grover Revocable Living Trust, to connect to the City of Modesto's existing water system for the property located at 0 Pirrone Road in Modesto (APN: 003-014-007), and authorizing the City Manager, or his designee, to Approve the Will Serve Letter and execute the Outside Service Agreement.

    CED; Vickey Dion, 571-5542, vdion@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-126 approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and Mark S. Grover and Lorraine J. Grover, Trustees of the Grover Revocable Living Trust, to connect to the City of Modesto's existing water system for the property located at 0 Pirrone Road in Modesto (APN: 003-014-007), and authorizing the City Manager, or his designee, to Approve the Will Serve Letter and execute the Outside Service Agreement.

Consent

7. Consider approving Cooperative Agreements with Caltrans for the Project Initiation Document (PID) Phase of the Briggsmore at State Route 99 Interchange and Standiford at State Route Interchange Reconstruction Projects. (Funding Source: Measure L and Capital Facilities Fee)
    - Resolution approving Cooperative Agreements with the California Department of Transportation (Caltrans) for the Project Initiation Document (PID) Phase of the Briggsmore at State Route 99 Interchange and Standiford at State Route 99 Interchange Reconstruction Projects and authorizing the City Manager or his designee to execute the Agreements.

    CED; Vickey Dion, 571-5542, vdion@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-127 approving Cooperative Agreements with the California Department of Transportation (Caltrans) for the Project Initiation Document (PID) Phase of the Briggsmore at State Route 99 Interchange and Standiford at State Route 99 Interchange Reconstruction Projects and authorizing the City Manager or his designee to execute the Agreements.

Consent

8. Consider approving Fiscal Year 2021-22 Annual Engineer's Report and setting a public hearing for the levy and collection of assessments for the maintenance and service of seventy-seven street lights within the Shackelford Landscape and Lighting District. (Funding Source: Shackelford Landscape and Lighting District)
    - Resolution accepting the Fiscal Year 2021-22 Annual 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 22, 2021 to consider the 2021-22 levy and collection of assessments within Shackelford Landscape and Lighting District.

    CED; Jessica Narayan, 577-5211, jnarayan@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-128 accepting the Fiscal Year 2021-22 Annual 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 22, 2021 to consider the 2021-22 levy and collection of assessments within Shackelford Landscape and Lighting District.

Consent

9. Consider approving Fiscal Year 2021-22 Annual 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 2021-2022 Annual 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 22, 2021 to Consider the Fiscal Year 2021-2022 Levy and Collection of Assessments Within Landscape Maintenance Assessment District No. 1.

    CED; Jessica Narayan, 577-5211, jnarayan@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-129 accepting Fiscal Year 2021-2022 Annual 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 22, 2021 to Consider the Fiscal Year 2021-2022

Levy and Collection of Assessments Within Landscape Maintenance Assessment District No. 1.

Consent

10. Consider approving the Fiscal Year 2021-22 Annual Engineer's 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 2021-22 Annual Engineer's Report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision; 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 22, 2021 to consider the Fiscal Year 2021-22 levy and collection of assessments within Landscape Maintenance Assessment District No. 2.

    CED; Jessica Narayan, 577-5211, jnarayan@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-130 accepting Fiscal Year 2021-22 Annual Engineer's Report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision; 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 22, 2021 to consider the Fiscal Year 2021-22 levy and collection of assessments within Landscape Maintenance Assessment District No. 2.

Consent

11. Consider the annexation of 'Metro at the Village', Assessor Parcel Number 085-040-063 and 'Icon at the Village', Assessor Parcel Number 085-007-009 to City of Modesto Community Facilities District No. 2004-1 (Village One #2). (Funding Source: CFD No. 2004-1 (Village One #2))
    - Resolution of Intention to annex territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2) and to authorize the levy of a special tax within the territory proposed to be annexed (Annexation #19).

    CED; Jessica Narayan, 577-5211, jnarayan@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-131 of Intention to annex territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2) and to authorize the levy of a special tax within the territory proposed to be annexed (Annexation #19).

Consent

12. Consider approving the establishment of the City of Modesto Cannabis Permit Review Committee for Non-Storefront and Non-Delivery Commercial Cannabis Permits, and Appointing Three Committee Members. (Funding Source: Not Applicable)
    - Resolution establishing the City of Modesto Cannabis Permit Review Committee for Non-Storefront and Non-Delivery Commercial Cannabis Permits and appointing three Committee Members.

    CITY ATTORNEY; Jose Sanchez, 577-5284, jsanchez@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-132 establishing the City of Modesto Cannabis Permit Review Committee for Non-Storefront and Non-Delivery Commercial Cannabis Permits and appointing three Committee Members.

Consent

13. Consider accepting the Monthly Investment Report for January 2021. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for January 2021.

    FINANCE DEPARTMENT; Calogero Maniscalco, 577-5219, cmaniscalco@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Motion accepting the Monthly Investment Report for January 2021.

Consent

14. Consider approving the updates to the City's Debt Management Policy. (Funding Source: Not Applicable)
    - Resolution approving the updates to the City's Debt Management Policy.

    FINANCE DEPARTMENT; Calogero Maniscalco, 577-5219, cmaniscalco@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-133 approving the updates to the City's Debt Management Policy.

Consent

15. Consider approving the updates to the City's Investment Policy. (Funding Source: Not Applicable)
    - Resolution approving the updates to the City's Investment Policy.

    FINANCE DEPARTMENT; Calogero Maniscalco,, 577-5219, cmaniscalco@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-134 approving the updates to the City's Investment Policy.

Consent

16. Consider approving a First Amendment to the Agreement with United Site Services, Inc. of Modesto, CA for a portable Americans with Disability Act (ADA) restroom trailer to increase the amount by $91,210 from $274,440 to a new total amount of

$365,360 over the term of the Agreement for United Site Services and Sun Valley Portable Restrooms, Inc., Turlock, CA. (Funding Source: Insurance Recovery)

- Resolution approving a First Amendment to the Agreement with United Site Services, Inc. of Modesto, CA for a portable Americans with Disability Act (ADA) restroom trailer to increase the amount by $91,210 from $274,440 to a new total amount of $365,360 over the term of the Agreement for United Site Services and Sun Valley Portable Restrooms, Inc., Turlock, CA. and authorizing the City Manager, or his designee, to execute the amendment.

FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-135 approving a First Amendment to the Agreement with United Site Services, Inc. of Modesto, CA for a portable Americans with Disability Act (ADA) restroom trailer to increase the amount by $91,210 from $274,440 to a new total amount of $365,360 over the term of the Agreement for United Site Services and Sun Valley Portable Restrooms, Inc., Turlock, CA. and authorizing the City Manager, or his designee, to execute the amendment.

Consent

17. Consider approving the award of bid for five Three-Axle Vacuum Trucks to Municipal Maintenance Equipment Inc., Sacramento, CA for a total amount of $2,227,259. (Funding Source: Fleet Replacement Fund)

    - Resolution approving the award of bid for the purchase of five Three-Axle Vacuum Trucks to Municipal Maintenance Equipment, Inc., Sacramento, CA for a total not to exceed $2,227,259, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

    FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-136 approving the award of bid for the purchase of five Three-Axle Vacuum Trucks to Municipal Maintenance Equipment, Inc., Sacramento, CA for a total not to exceed $2,227,259, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

Consent

18. Consider approving the extension of termination dates of eleven annual Purchasing Agreements (Funding Source: Various Funds)

    - Resolution approving the extension of termination dates of eleven Purchasing Agreements 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 Purchase Agreements termination dates approved by Council.

    FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-137 approving the extension of termination dates of eleven Purchasing Agreements 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 Purchase Agreements termination dates approved by Council.

Consent

19. Consider approving the Award of Proposal and Agreement for On-Call After Hours Answering Services to Hartley and Associates, Santa Rosa, CA, for an estimated annual cost of $39,600 and a total cost not to exceed $205,272 over five years. (Funding Source: General Fund, Water Fund, Wastewater Fund, Surface Transportation Fund, Storm Drain Fund, Green Waste Fund, Parking Services Fund, TSP-JPA Fund, Building Services Fund)
    - Resolution approving the Award of Proposal and Agreement for On-Call After Hours Answering Services to Hartley and Associates, Santa Rosa, CA, for an estimated annual cost of $39,600 and a total cost not to exceed $205,272 over five years and authorizing the City Manager or his designee to execute the Agreement.

    FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-138 approving the Award of Proposal and Agreement for On-Call After Hours Answering Services to Hartley and Associates, Santa Rosa, CA, for an estimated annual cost of $39,600 and a total cost not to exceed $205,272 over five years and authorizing the City Manager or his designee to execute the Agreement.

Consent

20. Consider approving the termination of furlough deductions and associated furlough hours effective pay period ending April 12, 2021 and authorizing the City Manager, or his designee, to execute the necessary transactions associated with the termination (Funding Source: Various)
    - Resolution approving the termination of furlough deductions with corresponding time banks and 3% contributions effective April 12, 2021 through June 7, 2021 and authorizing the City Manager, or his designee, to execute the necessary transactions to implement the provisions of this resolution. For represented units, this would occur upon concurrence with the exclusive representative that furloughs cease.
    - Resolution amending the Fiscal Year 2020-21 Operating Budget to increase various budgets across multiple funds in the total amount of $538,189 to account for the termination of furloughs and the Modesto City Fire Fighters Association (MCFFA) concessions that were enacted as part of the Fiscal Year 2020-21 Budget Adoption.

    HUMAN RESOURCES; Christina Alger, 571-5126, calger@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-139 approving the termination of furlough deductions with corresponding time banks and 3% contributions effective April 12, 2021 through June 7, 2021 and authorizing the City Manager, or his designee, to execute the necessary transactions to implement the provisions of this resolution. For represented units, this would occur upon concurrence with the exclusive representative that furloughs cease.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-140 amending the Fiscal Year 2020-21 Operating Budget to increase various budgets across multiple funds in the total amount of $538,189 to account for the termination of furloughs and the Modesto City Fire Fighters Association (MCFFA) concessions that were enacted as part of the Fiscal Year 2020-21 Budget Adoption.

Consent

21. Consider approving a Common Use Agreement with Modesto Irrigation District for the North Trunk Sewer Project. (Funding Source: Wastewater Fund)
    - Resolution approving a Common Use Agreement with Modesto Irrigation District for Phase 1 of the North Trunk Project and authorizing the City Manager or his designee to execute the Agreement.

    UTILITIES; Ryan Daugherty, 577-5399, rdaugherty@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-141 approving a Common Use Agreement with Modesto Irrigation District for Phase 1 of the North Trunk Project and authorizing the City Manager or his designee to execute the Agreement.

Consent

22. Consider rejecting all bids for the Fire Station 5 Kitchen Remodel Project and authorizing the City Manager, or his designee, to re-advertise the project for bids at a future date, with an amended Scope of Work. (Funding Source: General Fund)
    - Resolution rejecting all bids for the Fire Station 5 Kitchen Remodel Project and authorizing the City Manager, or his designee, to re-advertise the project for bids at a future date, with an amended Scope of Work.

    UTILITIES; Cristian Ciotau, 577-5260, cciotau@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-142 rejecting all bids for the Fire Station 5 Kitchen Remodel Project and authorizing the City Manager, or his designee, to re-advertise the project for bids at a future date, with an amended Scope of Work.

COUNCIL COMMENTS & REPORTS

Councilmember Madrigal spoke about his memo to Mayor Zwahlen regarding the American Infrastructure Bill.

Councilmember Escutia-Braaton recognized Jaime Jiminez and the opening of his 833 Event Center in Downtown Modesto.

Councilmember Ricci spoke regarding vaccinations in Modesto; he also announced: a forestry meeting he had this morning, a local warehouse market idea, and banning ornamental lawn; he also announced the opening of Burly's California Bistro in Modesto.

Councilmember Wright thanked Todd Aaronsen, Convention and Visitors Bureau; he announced an April 19, 2021 Zoom event with Congressman Josh Harder to assist restaurants with lost revenue.

Councilmember Kenoyer announced the Finance Committee budget hearings starting on Monday, April 19, 2021.

Councilmember Zoslocki spoke regarding Project Initiation Document for Briggsmore and Standiford Projects.

CITY MANAGER COMMENTS & REPORTS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:25 p.m.

CLOSED SESSION

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Two Cases (Pursuant to Section 54956.9(d)(1) of the Government Code)

Name of Case: Abraham v. City of Modesto, et al.
Superior Court of California, County of Stanislaus
Stanislaus County Case No.: CV-18-003342

Estate of Kim Jackson et al. v. City of Modesto, et al.
United States Eastern District
Case No.: 1:21-CV-00415-AWI-EPG

CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION
One Case (Pursuant to Section 54956.9(d)(2) of the Government Code)

Attest:_____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California

(Also Held Via Teleconference)

Monday Apr 19, 2021 at 9:00 AM

Roll Call – Present: Councilmembers Zoslocki, Kenoyer, Wright
Absent: None
Also Present: Councilmembers Escutia-Braaton, Ricci, Madrigal, Mayor Zwahlen

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: No Consent Items

NEW BUSINESS

1. Consider accepting and forwarding on to Council for final review and adoption the Draft Proposed Fiscal Year 2020-21 Operating and Multi-Year Budget for the City of Modesto
BUDGET; Stephan Christensen, 577-5390, schristensen@modestogov.com

Presentations:
City of Modesto Budget Overview
- Budget Overview Presentation

Budget Manager Steve Christensen gave Presentation: General Fund Historical Variance; Fiscal Year 2021-2022 General Fund Daft Proposed Operating Budget; Fiscal Year 2021-2022 Potential Budget Balancing Strategies; Proposed Reductions; Fiscal Year 2021-2022 General Fund Proforma; American Rescue Plan; Non-General Funds; Finance Committee Budget Workshop Schedule

General Fund Presentations

- City Manager's Office

City Manager Joe Lopez gave Presentation: Department Overview; Department Priorities for Fiscal Year 2021-2022; Org Chart and Department Staffing; Departmental Revenues & Expenditures; Review of Successes; Departmental Challenges; Departmental Opportunities; he also spoke about the effects of COVID-19 on the City of Modesto.

- City Attorney's Office

City Attorney Jose Sanchez gave Presentation: Department Overview; Department Priorities for Fiscal Year 2021-2022; Strategic Plan and the Department; Org Chart and Department Staffing; Departmental Revenues; Departmental Expenditures; Adjustment Requests; Review of Successes; Departmental Challenges; Departmental Opportunities.

Recess at 10:55 a.m.
Reconvened at 11:05 a.m.

- City Clerk's Office

City Clerk Stephanie Lopez gave Presentation - Department Overview; Priorities for Fiscal Year 2021-2022; Department Programs and the Strategic Plan; City Clerk's Office Org Chart; Departmental Revenues and Expenditures; Key Performance Indicators; Review of Successes; Departmental Challenges; Departmental Opportunities.

- Human Resources Department

Human Resources Director Christina Alger gave Presentation: Department Overview; Priorities for FY 2021-2022; Department Programs and the Strategic Plan; Human Resources Department Org Chart; Departmental Revenues & Expenditures; Key Performance Indicators; Review of Successes; Human Resources Department Challenges; Human Resources Departmental Opportunities

Recess at 11:50 p.m.
Reconvened at 1:00 p.m.

- Fire Department

Fire Chief Alan Ernst gave Presentation: Fire Department's Overview; Department Priorities for Fiscal Year 201-2022; Strategic Plan and the Department; Org Chart and Department Staffing; Departmental Revenues & Expenditures; Fire Department Revenue Descriptions; Fiscal Year 2021-2022 Adjustment Requests; Key Performance Indicators; MFD Key Performance Indicators - Call Volume; Review of Successes; Departmental Challenges; Departmental Opportunities.

- Finance Department

Finance Director DeAnna Christensen gave Presentation: Finance Department Overview; Department Priorities for Fiscal Year 2021-2022; Strategic Plan and the Department; Org Chart and Department Staffing; Departmental Revenues & Expenditures; Adjustment Requests; Key Performance Indicators; Review of Successes; Departmental Challenges; Departmental Opportunities.

- Community & Economic Development Department

Community & Economic Development Department Jaylen French gave Presentation: Department Overview; Department Priorities for Fiscal Year2021-2022; Strategic Plan and the Department; Org Chart and Department Staffing; Departmental Expenditures & Revenues; Key Performance Indicators; Review of Successes; Departmental Challenges; Departmental Opportunities

- Parks, Recreation and Neighborhoods Department

Parks, Recreation & Neighborhoods Director Laurie Smith gave Presentation: Department Overview; Department Priorities for Fiscal Year 2021-2022; Strategic Plan and the Department; Org Chart and Department Staffing; Departmental Revenues & Expenditures; Adjustment Requests; Key Performance Indicators; Review of Successes; Departmental Challenges; Departmental Opportunities. ***(Item will continue at the April 20, 2021 Finance Committee meeting.)***

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 4:00 p.m..

Attest:_____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Basement Chambers
1010 10th Street
Modesto, California

(Also Held Via Teleconference)

Tuesday, April 20, 2021 at 9:00 AM

Roll Call: Present: Council Members Zoslocki, Kenoyer, Wright
Absent: None
Also Present: Councilmembers Escutia-Braaton, Ricci, Madrigal, Mayor Zwahlen

PUBLIC COMMENTS: None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: No Consent Items

NEW BUSINESS

1. Consider accepting and forwarding on to Council for final review and adoption the Draft Proposed Fiscal Year 2020-21 Operating and Multi-Year Budget for the City of Modesto

   Presentations:
   City of Modesto Budget Overview - Continued
   Budget Overview Presentation
   General Fund Presentations

   - Parks, Recreation and Neighborhoods Department (Continued from 04/19/2021)

   Parks, Recreation and Neighborhoods Director Laurie Smith continued General Fund presentation. Key Performance Indicators; Review of Successes; Departmental Challenges; Departmental Opportunities.

   - Police

   Acting Police Chief Brandon Gillespie gave General Fund presentation: Department Overview, Department Priorities for Fiscal Year 2021-2022, Strategic Plan and the Department, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Adjustment Requests, Key Performance Indicators, Review of Successes, Departmental Challenges, Departmental Opportunities

Recess at 10:53 a.m.
Reconvened at 11:00 a.m.

Non-General Fund Presentations:

- Utilities (Utilities Funds-Water, Wastewater, Storm Drains)

Utilities Director Will Wong gave Non-General Fund presentation: Department Overview, Department Priorities for Fiscal Year 2021-2022, Strategic Plan and the Department, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Adjustment Requests, Key Performance Indicators, Review of Successes, Departmental Challenges, Departmental Opportunities.

- Public Works (Surface Transportation Fund)(Building Services/Parking/SolidWaste)

Public Works Director Bill Sandhu gave Non-General Fund presentation: Department Overview, Department Priorities for Fiscal Year 2021-2022, Strategic Plan and the Department, Organizational Chart and Department Staffing,

Recessed at 11:56 a.m.
Reconvened at 1:00 p.m.

- Public Works (Continued from Lunch Break)

Public Works Director Bill Sandhu continued presentation: Departmental Revenues & Expenditures, Adjustment Requests, Key Performance Indicators, Review of Successes, Departmental Challenges, Departmental Opportunities.

Internal Service Fund Presentations:

- Human Resources

Human Resources Director Christina Alger gave ISF Presentation for Risk and Benefits Divisions: Department Overview, Department Priorities for Fiscal Year 2021-2022, Strategic Plan and the Department, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Adjustment Requests, Key Performance Indicators, Review of Successes, Departmental Challenges, Departmental Opportunities.

- Information Technology

Informational Technology Director Charlie Haase gave ISF Presentation: Department Overview, Department Priorities for Fiscal Year 2021-2022, Strategic Plan and the Department, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Adjustment Requests, Key Performance Indicators, Review of Successes, Departmental Challenges, Departmental Opportunities.

Recess at 3:03 p.m.
Reconvened at 3:10 p.m.

- Community and Economic Development Department Capital Improvements Program Presentations

Community and Economic Development Department Director Jaylen French gave highlight presentation of projects: SR-132 Phase 1; 2016 Pavement Rehabilitation Project, aka LaLoma Project; McHenry Briggsmore Turn Lane; Scenic Drive Pavement Rehabilitation Phase 1; Improve Traffic Flow and Safety Orville Wright School; Dry Creek Trail Maintenance; Tully Road Pavement Rehabilitation; Pelandale Avenue Pavement Rehabilitation; Coffee Road Pavement Rehabilitation Phase 1

- Parks, Recreation and Neighborhoods Department Capital Improvements Program Presentations

Parks, Recreation and Neighborhoods Director Laurie Smith gave highlight presentation of projects: East La Loma Playground Park; TRRP Neece Drive Boat Launch; Virginia Corridor - Phase 7; Ralston Tower Park Renovation (Senior Playground); TRRP Gateway River Overlook; Carpenter Road Area (Bellenita) Soccer Fields; Mary Grogan Park - Phase 2; Cesar E. Chavez Park Renovations; TRRP Riverwalk: Gateway to Neece Dr.

- Public Works Department Capital Improvements Program Presentation

Public Works Director Bill Sandhu gave highlight presentation of projects:
Airport Projects: Painting Hangar Row A & D; Runway Striping; ALP 41; Airport Security Lighting
Fleet Services: Bus Maintenance Facility (BMF) Parts Room Expansion Project Fleet Maintenance Facility, Phase 1
Traffic: High Voltage Circuits Conversion 2019/2020; Rectangular Rapid Flashing Beacon Installation; Upgrade ATMS Software and Traffic Signal Controllers 2019; Oakdale/Claratina Traffic Signal
Transit: Amtrak North Parking Lot Expansion; Amtrak Station Roof Replacement and Restroom Repair; Transit Center Improvements

- Utilities Department Capital Improvements Program Presentation

Utilities Director Will Wong gave highlight presentation of projects:
Water: Area 2 Cross Connection Removal - Phase 2 Roosevelt Park; Empire Sewer Trunk; Headworks & Dryden Box; North Trunk Sewer Project; 2017-2018 Sanitary Sewer Collection System Replacement; Sonoma Sanitary Sewer Trunk Extension Project; Jennings Water Quality Control Plant New Entrance and Exit Project. Nine projects scheduled for construction in Fiscal Year 2021-2022.
Wastewater: Destruction of Wells; Spencer Avenue Strengthen & Replace Water Mains; Kansas Avenue 12" Main Upgrade; Yosemite Water Valves; Del Rio Well 70 Surface Improvements; Del Rio Tank 14, Well 68 & Pump Station;

Bangs Avenue/Tully Road Sewer & Water Main Improvements; Well 71 Surface Improvements. Seven projects scheduled for construction in Fiscal Year 2021-2022.

Grant Status Presentations:

- Community and Economic Development Department

Community and Economic Development Department Director Jaylen French gave presentation regarding HUD Entitlement Community Grants, HUD Cares Act Covid-19 Grants, HUD Cares Act, State of California HCD Affordable Housing and Sustainable Communities Grant (AHSC), State of California HCD Permanent Local Housing Allocation Grant (PLHA), Highway Safety Improvement Program (HSIP) Local Roadway Safety Plan (LRSP) Grant, Highway Safety Improvement Program (HSIP) Cycle 10, Congestion Mitigation and Air Quality (CMAQ) Pelandale Ave and Sisk Rd, Cannabis Equity Grants Program for Local Jurisdictions, and proposed grants including Transformative Climate Communities Grant, Cares Act Phase II Grant, and Local Highway Safety Improvement Program Cycle 10 grants.

- Modesto Fire Department

Modesto Fire Department Fire Chief Alan Ernst gave presentation regarding Assistance to Firefighters (AFG) Grant, and Staffing for Adequate Fire and Emergency Response (SAFER)

Items continued to April 21, 2021 Finance Committee Meeting

ADJOURNMENT

This meeting adjourned at 3:59 p.m.

Attest:_____
Dana Sanchez, Assistant City Clerk

MINUTES

City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California

(Also Held Via Teleconference)

Wednesday Apr 21, 2021 at 9:00 AM

Roll Call - Present: Councilmembers Zoslocki, Kenoyer, Wright
Absent: None
Also Present: Councilmembers Escutia-Braaton, Ricci (left meeting at 2:55 p.m.), Madrigal; Mayor Zwahlen (arrived at 1:00; left meeting at 2:55 p.m.)

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: No Consent Items

NEW BUSINESS

1. Consider accepting and forwarding on to Council for final review and adoption the Draft Proposed Fiscal Year 2020-21 Operating and Multi-Year Budget for the City of Modesto

Special Presentations (continued):

- Grant Status Presentation (continued from April 20, 2021):

Parks, Recreation & Neighborhoods Director Laurie Smith continued PRN Grant Summary Presentation: TRRP Riverwalk; Downey Park Picnic Renovation; Revard Park Playground Renovation; Mancini Park Renovation; Dr. Martin Luther King, Jr. Renovation; Proposed Grants; 4/21/2021 9:09:16 AM
Interim Chief Brandon Gillespie gave Presentation: Grant Applications/Awards; Proposed Grant Applications - Fiscal Year 2021-2022.; 4/21/2021 9:14:39 AM

Public Works Director Bill Sandhu gave Presentation: Grant Applications and Awards - Fiscal Year 2020-2021; Grants Awarded - Solid Waste; Grants Fully

Expended - Solid Waste; Grants Awarded - Traffic Operations; Grants Awarded/Fully Expended - Transit; Proposed Grant Applications - Fiscal Year 2021-2022; Background of Proposed Grants - Solid Waste; Background of Proposed Grants - Solid Waste & Traffic Operations.; 4/21/2021 9:22:31 AM

Utilities Director Will Wong gave Presentation: Grants Applications and Awards - Fiscal Year 2020-2021; Grant Application and Award Proposition 1 Storm Water Grant Program; Grant Completion and Highlights - Community Development Block Grant (CDBG) for Martin Luther King Water Project; California State Water Resources Control Board - Proposition 1 Groundwater Implementation Grant Program; California State Water Resources Control Board - Proposition 1 Groundwater Planning Grant Program; Proposed Grant Applications - Fiscal Year 2021-2022: Stimulus Funding Grant Program; Existing Grant Programs; Proposed Project Considered for Grant Opportunities; Proposed Project Considered for Grant Opportunities; Proposed Project Considered for Grant Opportunities.

- Revenue Manual/Fee Increases Presentation

Finance Director DeAnna Christensen gave Presentation: Fiscal Year 2021-2022 Budget Workshop - Revenue Manual and Fee Increases: Agenda; Revenue Manual - Background; How the Revenue Manual Fits Into the Budget Process Example from the Revenue Manual; Fiscal Year 2019-20 Significant Variances (Non General Fund Revenues); Proposed Fee Changes and Updates.

Community Economic Development Director Jaylen French gave Presentation - Development User Fees (Proposed Fee Increases FY 21-22: Annual Fee Inflationary Adjustment; Developer User Fee Authority; Fiscal Impact.

Parks, Recreation & Neighborhoods Director Laurie Smith gave Presentation: Parks, Recreation and Neighborhood Programs & Facilities Fees Study - Proposed Fee Increases FY 21-22: Background; Cost Recovery; Program Fee Examples; Facility Rental & Administrative Fees; Facility Fee Examples; Revenue Projections, Modesto Centre Plaza Rental Fees - Approved Fee Increases for FY 21-22: Background: Modesto Centre Plaza Rental Fees; Modesto Centre Plaza Rate Increase. Golf Green fees - Approved Fee Increases for FY 21-22: Golf Fees - Background; Approved Increases Effective July 1, 2021.

Public Works Director Bill Sandhu gave Presentation: Solid Waste - Proposed Fee Increases FY 21/22; Solid Waste/Compost - Proposed Fee Increases FY 21/22.

Utilities Director Will Wong gave Presentation: Utility Rates Update; Utility Rates; Adopted Sewer Rate Increases; Sewer Rates; Adopted Water Rate Increases; Water Rates; Upcoming Utility Rates currently under review; Storm Drain Rates.

Recess at 10:55 a.m.
Reconvened at 11:05 a.m.

- Hardware/Software Maintenance Presentation

Finance Director DeAnna Christensen gave Presentation re Equipment Maintenance Agreements FY 2021-2022: Equipment Maintenance FY 21-22 - Type of Equipment, List of Maintenance Agreement, Funding Sources; Background; Types of Equipment, Equipment Agreements - Less than $50,000; Equipment Agreements - Over 50K.

Information Technology Director Charlie Haase gave Presentation: Software Maintenance FY 21-22: Type of Software, List of Maintenance Agreement, Funding Sources: Software Maintenance Support Agreements; Summary of Total Estimated Costs by Fund; Fiscal Impact (Exhibits A and B).

Public Works Director Bill Sandhu gave Presentation: FY 21/22 Fleet Division; Fleet Division Overview; Fleet Division Priorities; Org Chart and Division Staffing; Fleet Division Revenues and Expenditures; Fleet ISF Calculation; Fleet Work Orders in 2020; Review of Successes. Division Challenges.

Recess at 11:30 a.m.
Reconvened at 1:00 p.m.

2. Consider accepting a report back on the funding made available by the American Rescue Plan Act of 2021 (ARPA), provide recommendations on a tentative spending plan, and forwarding to Council for approval. (Funding Source: Not Applicable)
   - Motion accepting a report back on the funding made available by the American Rescue Plan Act of 2021 (ARPA), provide recommendations on a tentative spending plan, and forwarding to Council for approval.

BUDGET; Stephan Christensen, 577-5390, schristensen@modestogov.com

ACTION: Motion (Wright/Kenoyer; 3/0) approving a report ack on the funding made available by the American Rescue Plan Act of 2021 (ARPA), provide recommendations on a tentative spending plan, and forwarding to Council for approval.

Special Presentations (continued):

- Deferred Maintenance Presentation

Public Works Director Bill Sandhu gave Presentation - Airport; Repairs Throughout Airport; Traffic & Street Lights; Inventory; Street Light Repairs; High Voltage Conversion (Funded/Ongoing); Signal and Advanced Traffic Management System (ATMS) Repairs; Traffic Signage and Striping; Replace 21 In-Road Lighted Crosswalks with Beacons; Repairs Throughout Traffic Engineering & Traffic Operations; Streets: Overview; Street Repairs; Sidewalks; Curbs, Gutters &

Sidewalks; Repairs Throughout Streets; Forestry: History; Pruning; Reforestation; Mistletoe Removal; Overview of Forestry Deferred Maintenance Recommendations; Parking: Overview; Structural Improvements; Elevator Maintenance & Cleaning; Equipment Maintenance and Upgrades; Paint Garages/ADA Upgrades; Building Services: Inventory; Facility Condition Analysis; Corporation Yard Roof & Gutter Repairs; Corporation Yard Restroom and Gate Repairs; Corporation Yard Security Upgrades; Repairs Throughout Building Services; Compost Facility: Heavy Equipment; Site Infrastructure Needs; Landfill Maintenance: Airport Landfill; Deferred Maintenance Totals.

Parks, Recreation & Neighborhoods Director Laurie Smith gave Presentation: Total Deferred Maintenance for PRN Department; Parks; Inventory; Modesto Park System; Deferred Maintenance for Parks; Concrete Walkways; Rooftops; Restrooms; Parking Lots; Playgrounds; Shade Structures; Security and Sports Field Lighting; Play Courts: Tennis, basketball, volleyball, horseshoes, etc.; Turf Reductions and Irrigation Systems; Park Trees, Signs, Benches, and Tables; Deferred Maintenance for Community Centers; Deferred Maintenance for Rental Facilities; Deferred Maintenance for Historical Properties; Deferred Maintenance for Golf Courses; Deferred Maintenance for Modesto Centre Plaza; Deferred Maintenance for John Thurman Field; Deferred Maintenance Totals; Solutions.

Mayor Zwahlen and Councilmember Ricci left meeting at 2:55 p.m.

Recess at 2:55 p.m.
Reconvened at 3:10 p.m.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 4:00 p.m.

Attest: _____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California

(Also Held Via Teleconference)

Thursday Apr 22, 2021 at 1:00 PM

Roll Call - Present: Councilmembers Zoslocki, Kenoyer (arrived at 2:00 p.m.), Wright
Also Present: Councilmembers Escutia-Braaton, Ricci, Madrigal, Mayor Zwahlen (left at 1:46 p.m.; returned at 2:57 p.m.)

PUBLIC COMMENTS

Non.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: No Consent Items

NEW BUSINESS

1. Consider accepting and forwarding on to Council for final review and adoption the Draft Proposed Fiscal Year 2020-21 Operating and Multi-Year Budget for the City of Modesto.
BUDGET; Stephan Christensen, 577-5390, schristensen@modestogov.com

- Pension Presentation

Human Resources Director Christina Alger gave Presentation: Background; Calculation of Benefits; Workforce - PEPRA vs. Classic; PERS Funding Structure: How We Got Here; CalPERS Historic Investment Returns; Contribution Components; Normal Cost; Normal Cost & Cost-Sharing; Accrued Liability; Unfunded Accrued Liability (UAL); CalPERS 101: Key Terms; Forecasts & Trends: Challenges Ahead; Why is FY 24-25 So Important?; CalPERS City 2006/07 Contr. As % GF Budget by County; CalPERS City 2017/18 Contr. As % GF Budget by County; CalPERS City - Projected 2024/25 Contr. As % GF Budget by County; CalPERS City Miscellaneous 2024/25 Projected Rate Increases by County; CalPERS City Safety 2024/25 Projected Rate Increase by County; Challenges Ahead: By the Numbers; The State of the City of Modesto: Total City Unfunded Liability; PERS Annual Cost History & Projected; Funded Status History; Contributions Projections Miscellaneous Plan; Contribution Projections Safety Plan; Mitigation Strategies: How UAL Amortization & Bases Work; Proactively Managing UAL; City's Pension Stabilization Strategy Options; Additional

Discretionary Payments (ADP'S): ADP's; Single 5M ADP to Longest Base (30 Year); Paying Down the UAL: Single vs. Multiple ADPs; Current ADP's - MCFFA; Current ADP's - MPOA; Current ADP's - Furlough (MCMA/MCEA/Unrep); Combined Savings; Safety Required Payments with ADP's Projected; Section 115 Trust: Section 115 Trust; City's Pension Stabilization Strategy - Trust; Trust - Request for Proposals; Trust Deposits of 500K Annually; Trust Deposits - 2M initial/500K Annually; Fresh Start Program: Fresh Start; Pension Obligation Bonds (POB): City's Pension Stabilization Strategy - Pension Obligation Bonds (POBs); Overall Factors - Pension Obligation Bonds (POBs); 7% Investment Return; 6% Investment Return; 5% Investment Return; 4% Investment Return; Net POB Savings Summary.

- Follow-up

Budget Manager Steve Christensen and Staff gave Presentation: Fiscal Year 2021-22 Budget Workshops: Follow-Up Items: Question: Do We Collect User Utility Taxes From Solar Companies?; Question: How Much Do We Currently Owe for the Golf and Centre Plaza Debt Service Obligations and what are the Current Interest Rates?; City Attorney's Office: Question: Can We Provide Information/Breakdown the Citywide Legal Services Expenditures by General Fund and Non-General Fund?; Question: Can We Provide the Case Breakdown of What Amount of Cases go to Prosecution?; Fire Department: Question: Can we Provide the Number of Engines/Apparatus That the Fire Department Currently Possess?; Question: What is the Percentage of Car Accident Calls vs Home/Business Calls for EMS Calls?; Finance Department: Question: What Percent of Utility Customers setup in E-Billing Through the Online Portal?; Question: What is the Percent Breakdown of How Utility Customers Pay (Percent of Credit Card, Cash, check, Etc.)?; Question: for Utility Delinquencies, Can we Provide the Percentage Split Between How Much Are Renters and Homeowners?; Community & Economic Development Department - Question: Are We Expecting Any Increases in Measure L or SB 1 Funds in FY 2021-22?; Question: Can Progress on the Development Roadmap be Provided?; Parks, Recreation & Neighborhoods Department - Question: Can An Update Be Provided on the Splash Pad at Dr. Martin Luther King Jr. Park?; Police Department: Question: Can we provide Information on the Impacts to Crime Rates Due to the Realignment Laws Enacted by AB 109, Prop 47, and Prop 57?; Question: Can We Provide Information on the Impacts to Crime Rates Due to the Realignment Laws Enacted by AB 109, Prop 47, and Prop 57?; Special Presentation - Grants Status: Question: For the OTS Pedestrian and Bicycle Safety Grant for the Police Department, How Many Bicycle Helmets were Provided to the Public?; Question: For the LED Stop Signs that are being Funded by the HSIP Grant, What is the Expected Batter Life for the Stop Signs?; Question: Can City Staff Provide a List of Priority Infrastructure Projects that City Staff is Collaborating with Federal Counterparts for the County/Unincorporated Islands?

- Reductions/Adjustments

Budget Manager Steve Christensen gave Presentation: FY 2021-22 Budget Workshops: Reductions/Adjustments: FY 2021-22 Proposed Budget Balancing Strategies; FY

2021-22 Estimated Shortfall and Reduction Strategy; Proposed Reductions: FY 2021-22 Proposed Adjustments/Reductions Strategies; Department Proposed Adjustments: FY 2021-22 General Fund Department Requested Adjustments.

ACTION: Motion (Wright/Kenoyer; 3/0) accepting and forwarding on to Council for final review and adoption of the Draft Proposed Fiscal year 2020-21 Operating and Multi-Year Budget for the City of Modesto.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 3:12 p.m.

Attest: _____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California

Monday Apr 26, 2021 at 3:00 PM

Roll Call - Present: Councilmembers Zoslocki, Kenoyer, Wright
Absent: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: 1-3

CONSENT

1. Consider approving the recommended budget adjustments to Fiscal Year 2020-21 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval. (Funding Source: Various Funds)
BUDGET; Steve Christensen, 577-5390, schristensen@modestogov.com

ACTION: Motion (Wright/Kenoyer; 3/0) approving the recommended budget adjustments to Fiscal Year 2020-21 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval.

2. Consider approving the Sole Source Agreement with Badger Meter, Inc. for the purchase of Badger water meters, automated meter readers, and related parts for a two-year Agreement with three one-year extension options, for an annual estimated cost of $600,880 and a total amount not to exceed $3,059,022 over five years, and authorizing the Purchasing Manager, or her designee, the ability to add parts based on the department's needs, ensuring the total cost does not exceed the authorized amount, and forwarding to Council for approval. (Funding Source: Water Fund)
FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: Motion (Wright/Kenoyer; 3/0) approving the Sole Source Agreement with Badger Meter, Inc. for the purchase of Badger water meters, automated meter readers, and related parts for a two-year Agreement with three one-year extension options, for an annual estimated cost of $600,880 and a total amount not to exceed $3,059,022 over five years, and authorizing the Purchasing Manager, or her designee, the ability to add parts based on the department's needs,

ensuring the total cost does not exceed the authorized amount, and forwarding to Council for approval.

3. Consider approving Professional Services Agreements to provide Citywide Occupational Medicine Services on an as needed basis with Occu-Med, LLC., Fresno, CA for an annual estimated amount of $135,000, and Life Extension Clinics, Inc., DBA Life Scan Wellness Centers, Tampa, FL, for an annual estimated amount of $145,000, unless additional remuneration is otherwise approved by the City Manager or his designee based on the needs of the City so long as the total combined amount does not exceed $1,400,000 over five years and forwarding to Council for approval. (Funding Source: General Fund and Workers Compensation Fund)
HUMAN RESOURCES; Jiles Smith II, 571-5446, jsmith@modestogov.com

ACTION: Motion (Wright/Kenoyer; 3/0) approving Professional Services Agreements to provide Citywide Occupational Medicine Services on an as needed basis with Occu-Med, LLC., Fresno, CA for an annual estimated amount of $135,000, and Life Extension Clinics, Inc., DBA Life Scan Wellness Centers, Tampa, FL, for an annual estimated amount of $145,000, unless additional remuneration is otherwise approved by the City Manager or his designee based on the needs of the City so long as the total combined amount does not exceed $1,400,000 over five years and forwarding to Council for approval.

NEW BUSINESS

4. Consider approving the award of proposal and Agreement for the Furnishing of General Liability Claims Administration Services to George Hills Company, Rancho Cordova, CA, for two year agreement with three one-year extension options, for an annual estimated cost of $400,000 and a total amount not to exceed $2,000,000 over five years and forwarding to Council for approval. (Funding Source: Risk Management - Liability Fund)
HUMAN RESOURCES; Jiles Smith II, 571-5446, jsmith@modestogov.com

ACTION: Motion (Wright/Kenoyer; 3/0) approving the award of proposal and Agreement for the Furnishing of General Liability Claims Administration Services to George Hills Company, Rancho Cordova, CA, for two year agreement with three one-year extension options, for an annual estimated cost of $400,000 and a total amount not to exceed $2,000,000 over five years and forwarding to Council for approval.

5. Consider approving the Second Amendment increasing the Agreement amount with Grover Landscape Services, Inc., Modesto, CA, for Landscape Services by $3,370,678 from $9,584,472, to a new total amount of $12,955,150, and extending the term of the agreement for one year from October 24, 2021 to October 24, 2022, 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, Various City and Enterprise Funds)
PRN; Kelly Gallagher, 342-2270, kgallagher@modestogov.com

ACTION: Motion (Kenoyer/Wright; 3/0) approving the Second Amendment increasing the Agreement amount with Grover Landscape Services, Inc., Modesto, CA, for Landscape Services by $3,370,678 from $9,584,472, to a new total amount of $12,955,150, and extending the term of the agreement for one year from October 24, 2021 to October 24, 2022, and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 3:47 p.m.

Attest: _____
Joseph Lopez

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday Apr 27, 2021 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
Absent: None

Pledge of Allegiance to the Flag

Invocation: Scott Nelson, Covenant Grove Church

City Clerk's Announcements: Item 7 – Removed from Consent

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation from Stanislaus County Board of Supervisors for update related to Covid-19. (Funding Source: Not Applicable)
CITY MANAGER; Joseph Lopez, 577-5223, jlopez@modestogov.com

ACTION: Supervisor Grewal gave an update related to COVID-19 and Stanislaus County.

2. Consider accepting an informational report on the Modesto Transportation Center Improvement Project to the Southern Pacific Railroad Depot (Landmark 19). (Funding Source: Transit Funds)
PUBLIC WORKS; Adam Barth, 577-5298, abarth@modestogov.com

ACTION: (Madrigal/Ricci; 7/0) Motion accepting an informational report on the Modesto Transportation Center Improvement Project to the Southern Pacific Railroad Depot (Landmark 19).

3. Presentation by Dan Leavitt regarding the Altamont Corridor Express (ACE) service to Modesto. (Funding Source: Not Applicable)

PUBLIC WORKS; Adam Barth, 577-5298, abarth@modestogov.com

ACTION: Dan Leavitt, ACE, gave a Presentation regarding the Altamont Corridor Express (ACE) service to Modesto.

MISCELLANEOUS

4. Consider approving the appointment of Gabriela Guerrini to the Modesto Convention and Visitors Bureau Board of Directors for a two-year term retroactive to January 1, 2021 through December 31, 2022. (Funding Source: Not Applicable)
Staff Recommendation:
    - Resolution approving the appointment of Gabriela Guerrini to the Modesto Convention and Visitors Bureau Board of Directors for a two-year term retroactive to January 1, 2021 through December 31, 2022.

PRN; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-143 approving the appointment of Gabriela Guerrini to the Modesto Convention and Visitors Bureau Board of Directors for a two-year term retroactive to January 1, 2021 through December 31, 2022.

PUBLIC COMMENT PERIOD

- Miguel Donoso spoke in support of a Police Civilian Review Committee; he also spoke regarding ethnic representation and equity in the City of Modesto and homeless in the City of Modesto.

- Sebastian Jones spoke in support of a Police Civilian Review Board, review of police brutality in Modesto and the District Attorney.

- Allison Seever spoke regarding Councilmember Zoslocki's comments at last week's Finance Committee meeting; she also spoke regarding the shooting of her brother, Trevor Seever.

- Darlene Ruiz, Trevor Seever's mother, spoke in support of a Civilian Police Auditor and Civilian Review Board with subpoena power, independent of the Police Department.

- Julissa Ruiz Ramirez spoke regarding translation services and budget meeting times; she also spoke in favor of a Civilian Review Board and Independent Auditor for the Modesto Police Department; her mother spoke in support of CAHOOTS program and her son who had a mental health issue; she is also in support of the family of Trevor Seever.

- Micha, Contra Costa County resident, spoke in support of Trevor Seever's family.

- Kyle Seever, brother of Trevor Seever, spoke regarding his shooting by Modesto Police Officer Lamantia.

- Ramon Rodriguez spoke regarding police violence and Councilmember Zoslocki's comments.

- Stephen Allen spoke regarding comments by Councilmember Zoslocki and the shooting of Trevor Seever.

- Emily Boone spoke in support of the other speakers' comments, an independent Civilian Review Board, CAHOOTS, and the prosecution of Officer Lamantia.

- Richard Anderson spoke regarding the American Recovery Plan of 2021 funds to be received by the City of Modesto.

- Joseph Stewart spoke regarding Councilmember Zoslocki's comments and police reform.

- Sesaly Williams spoke in support of Trevor Seever's family and comments made by Councilmember Zoslocki.

- Annemarie Grant spoke in support of Trevor Seever's family and comments made by Councilmember Zoslocki.

- Tiffany Tabares spoke in support of Trevor Seever's family and also the death of her son.

- Ray Ruiz spoke in support of a comprehensive review of the Modesto Police Department and a Civilian Review Board.

- Kayla Alcala, cousin of Trevor Seever, spoke in support of his family.

- A citizen spoke regarding the shooting of Trevor Seever and police department reform.

- Marla Seever spoke regarding Councilmember Zoslocki's comments and the shooting of Trevor Seever.

- Lucy spoke regarding the shooting of Trevor Seever.

- Emerson Drake spoke regarding Supervisor Grewal's comments under Item 1 and Councilmember Zoslocki's comments.

- Rovante Robinson spoke regarding the culture in the City of Modesto and Modesto Police Department.

- A citizen spoke regarding Councilmember Zoslocki's comments and police reform.

- John Mataka, Valley Improvement Project, spoke in support of a Civilian Review Board; he also requested sanctions against Councilmember Zoslocki.

- Linda Mayo spoke in support of a Civilian Review Board.

Recess at 7:25 p.m.
Reconvened at 7:30 p.m.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

CONSENT ITEMS

Consent
5. Consider approving the minutes from the April 13, 2021 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the April 13, 2021 Council Meeting.

    CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Motion approving the minutes from the April 13, 2021 Council Meeting.

Consent
6. Consider approving a First Amendment to the Legal Services Agreement with Shute, Mihaly & Weinberger, LLP to increase the Agreement in the amount of $200,000 for continued representation, for a total Agreement amount not to exceed $245,000, approving a Third Amendment to the Legal Services Agreement with Allen, Glaessner, Hazelwood & Werth, LLP in the amount of $200,000, for a total Agreement amount not to exceed $595,000 for continued representation, and approving a First Amendment to the Legal Services Agreement with Renne Public Law Group in the amount of $75,000, for a total Agreement amount not to exceed $175,000, and adding additional services related to arbitrations. (Funding Source: General Liability Insurance Fund, Waste to Energy Fund)
    - Resolution approving a First Amendment to the Legal Services Agreement with Shute, Mihaly & Weinberger, LLP in the amount of $200,000, for a total Agreement amount not to exceed $245,000 for continued representation, and authorizing the City Manager, or his designee, to execute the Amendment.
    - Resolution approving a Third Amendment to the Legal Services Agreement with Allen, Glaessner, Hazelwood & Werth, LLP in the amount of $200,000, for a total Agreement amount not to exceed $595,000, for continued representation and authorizing the City Manager or his designee, to execute the Amendment.
    - Resolution approving a First Amendment to the Legal Services Agreement with Renne Public Law Group in the amount of $75,000, for a total Agreement amount not to exceed $175,000, and adding additional services related to

arbitrations and authorizing the City Manager, or his designee, to execute the Amendment.

CITY ATTORNEY; Jose Sanchez, 577-5284, jsanchez@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-144 approving a First Amendment to the Legal Services Agreement with Shute, Mihaly & Weinberger, LLP in the amount of $200,000, for a total Agreement amount not to exceed $245,000 for continued representation, and authorizing the City Manager, or his designee, to execute the Amendment.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-145 approving a Third Amendment to the Legal Services Agreement with Allen, Glaessner, Hazelwood & Werth, LLP in the amount of $200,000, for a total Agreement amount not to exceed $595,000, for continued representation and authorizing the City Manager or his designee, to execute the Amendment.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-146 approving a First Amendment to the Legal Services Agreement with Renne Public Law Group in the amount of $75,000, for a total Agreement amount not to exceed $175,000, and adding additional services related to arbitrations and authorizing the City Manager, or his designee, to execute the Amendment.

Removed from Consent

7. Consider approving a Cooperative Agreement with the California Department of Transportation (Caltrans) for the State Route 132 West Freeway/Expressway – Phase 1 Project to provide State Highway Operation and Protection Program (SHOPP) funding in the amount of $2,400,000. (Funding Source: State Highway Operation and Protection Program (SHOPP))
    - Resolution approving a Cooperative Agreement with the California Department of Transportation (Caltrans) for the State Route 132 West Freeway/Expressway – Phase 1 Project to provide State Highway Operation and Protection Program (SHOPP) funding in the amount of $2,400,000 to the project and authorizing the City Manager or his designee to execute the Agreement.

    CED; Vickey Dion, 571-5542, vdion@modestogov.com

ACTION: (Zoslocki/Kenoyer; 7/0) Resolution 2021-147 approving a Cooperative Agreement with the California Department of Transportation (Caltrans) for the State Route 132 West Freeway/Expressway – Phase 1 Project to provide State Highway Operation and Protection Program (SHOPP) funding in the amount of $2,400,000 to the project and authorizing the City Manager or his designee to execute the Agreement.

Consent

8. Consider approving Amendment #3 to the Cooperative Agreement with the California Department of Transportation (Caltrans) for the State Route 132 West Freeway/Expressway – Phase 1 Project to update the funding table and to approve payment of $15,000 for pavement skid testing to be performed by Caltrans. (Funding Source: Measure L Funds)
    - Resolution approving Amendment #3 to the Cooperative Agreement with the California Department of Transportation (Caltrans) for the State Route 132

West Freeway/Expressway – Phase 1 Project to modify the funding table and to approve payment of $15,000 for Pavement Skid Testing to be performed by Caltrans and authorizing the City Manager or his designee to execute the amendment.

CED; Vickey Dion, 571-5542, vdion@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-148 approving Amendment #3 to the Cooperative Agreement with the California Department of Transportation (Caltrans) for the State Route 132 West Freeway/Expressway – Phase 1 Project to modify the funding table and to approve payment of $15,000 for Pavement Skid Testing to be performed by Caltrans and authorizing the City Manager or his designee to execute the amendment.

Consent

9. Consider approving the plans and specifications for the Scenic Drive Pavement Rehabilitation Phase I project, accepting the bid, and awarding a contract to George Reed, Inc. of Modesto, California, in the amount of $1,173,458; and authorizing the Director of Utilities to approve change orders up to the cumulative amount of $117,345; and amending the Fiscal Year 2020-2021 Capital Improvement Program (CIP) budget in the amount of $187,000. (Funding Source: Local Control Measure L Funds)
    - Resolution approving the Plans and Specifications for the Scenic Drive Pavement Rehabilitation Phase I Project, accepting the bid, and awarding a contract to George Reed, Inc. of Modesto, California, in the amount of $1,173,458 and authorizing the City Manager, or his designee to execute the Agreement.
    - Resolution authorizing the Director of Utilities to approve Change Orders up to the cumulative amount of $117,345 (10% of the original contract price) for the Scenic Drive Pavement Rehabilitation Phase I project.
    - Resolution amending the Fiscal Year 2020-2021 Capital Improvement Program (CIP) budget, Project #101168 in the amount of $187,000 and increasing the transfer from the Measure L – Local Road Tax Fund to fund pavement rehabilitation on Scenic Drive from Lakewood Avenue to Claus Road and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this resolution.

    CED; Phillip Soares, 577-5258, psoares@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-149 approving the Plans and Specifications for the Scenic Drive Pavement Rehabilitation Phase I Project, accepting the bid, and awarding a contract to George Reed, Inc. of Modesto, California, in the amount of $1,173,458 and authorizing the City Manager, or his designee to execute the Agreement.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-150 authorizing the Director of Utilities to approve Change Orders up to the cumulative amount of $117,345 (10% of the original contract price) for the Scenic Drive Pavement Rehabilitation Phase I project.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-151 amending the Fiscal Year 2020-2021 Capital Improvement Program (CIP) budget, Project #101168 in the amount of $187,000 and increasing the transfer from the Measure L – Local Road Tax Fund to fund pavement rehabilitation on Scenic Drive from Lakewood Avenue to Claus Road and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this resolution.

Consent

10. Consider approving a loan to Archway EAH II L.P. of $1,400,000 in Home Investment Partnerships Program (HOME) entitlement funds, plus activity delivery costs in an amount not to exceed $80,000 to be used for the development of Archway Commons Phase II and amending the Fiscal Year 2020-21 multi-year project budget; and reauthorizing the City to accept Affordable Housing & Sustainable Communities (AHSC) loan and grant awards for Archway Commons Phase II. (Funding Source: HOME entitlement funds)
    - Resolution approving a Loan Agreement between the City of Modesto and Archway EAH II LP for the allocation of Home Investment Partnerships Program (HOME) entitlement funds in the amount of $1,400,000, plus activity delivery costs in an amount not to exceed $80,000 to be used for the development of Archway Commons Phase II and authorizing the City Manager or his designee to execute any documents and/or Agreements with such changes as determined by the City Attorney.
    - Resolution amending the existing Fiscal Year 2020-2021 Capital Improvement Program (CIP) Budget to allocate HOME entitlement funds in the amount of $1,400,000, plus activity delivery costs of $80,000 for a total project budget of $1,480,000 and authorizing the City Manager or his designee to take the necessary steps to implement the provisions of this resolution.
    - Resolution accepting the Affordable Housing & Sustainable Communities (AHSC) loan and grant awards in an aggregate amount of $24,766,157 for the Archway Commons Phase II project, approving entering into the AHSC Standard Agreements with the State of California, and authorizing the City Manager to execute the AHSC Standard Agreements and any subsequent amendments or modifications as well as any other documents which are related to the program or the AHSC loan and grant awards to the City as the State of California may deem appropriate.
    - Resolution approving a Memorandum of Understanding (MOU) between the City of Modesto and Archway EAH II LP regarding use of units in Archway Commons Phase II for Rapid Rehousing and authorizing the City Manager or his designee to execute any documents and/or Agreements with such changes determined by the City Attorney.

    CED; Jessica Narayan, 577-5321, jnarayan@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-152 approving a Loan Agreement between the City of Modesto and Archway EAH II LP for the allocation of Home Investment Partnerships Program (HOME) entitlement funds in the amount of $1,400,000, plus activity delivery costs in an amount not to exceed $80,000 to be used for the development of Archway

Commons Phase II and authorizing the City Manager or his designee to execute any documents and/or Agreements with such changes as determined by the City Attorney.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-153 amending the existing Fiscal Year 2020-2021 Capital Improvement Program (CIP) Budget to allocate HOME entitlement funds in the amount of $1,400,000, plus activity delivery costs of $80,000 for a total project budget of $1,480,000 and authorizing the City Manager or his designee to take the necessary steps to implement the provisions of this resolution.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-154 accepting the Affordable Housing & Sustainable Communities (AHSC) loan and grant awards in an aggregate amount of $24,766,157 for the Archway Commons Phase II project, approving entering into the AHSC Standard Agreements with the State of California, and authorizing the City Manager to execute the AHSC Standard Agreements and any subsequent amendments or modifications as well as any other documents which are related to the program or the AHSC loan and grant awards to the City as the State of California may deem appropriate.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-155 approving a Memorandum of Understanding (MOU) between the City of Modesto and Archway EAH II LP regarding use of units in Archway Commons Phase II for Rapid Rehousing and authorizing the City Manager or his designee to execute any documents and/or Agreements with such changes determined by the City Attorney.

Consent

11. Considering accepting an award from the Governor's Office of Business and Economic Development (Go-Biz) for the Cannabis Equity Grants Program for Local Jurisdictions and authorizing the Grant Agreement with the Governor's Office of Business and Economic Development (Go-Biz). (Funding Source: Grant Funds)
    - Resolution authorizing the Grant Agreement with the Governor's Office of Business and Economic Development (Go-Biz) and authorizing the City Manager to execute by electronic signature on behalf of the City of Modesto the Grant Agreement, including any extensions or amendments thereof and any subsequent Grant Agreement within the Governor's Office of Business and Economic Development in relation thereto.

    CED; Marcus Tucker, 577-5473, mtucker@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-156 authorizing the Grant Agreement with the Governor's Office of Business and Economic Development (Go-Biz) and authorizing the City Manager to execute by electronic signature on behalf of the City of Modesto the Grant Agreement, including any extensions or amendments thereof and any subsequent Grant Agreement within the Governor's Office of Business and Economic Development in relation thereto.

Consent

12. Consider approving the Second Amendment increasing the Agreement amount with Elavon Inc., for Merchant Services by $189,863 from $2,325,047 to a new total

amount of $2,514,910 and extending the term of the Agreement from May 31, 2021 to May 31, 2022. (Funding Source: Various Funds)

- Resolution approving the Second Amendment increasing the Agreement amount with Elavon Inc., for Merchant Services by $189,863 from $2,325,047 to a new total amount of $2,514,910 and extending the term of the Agreement from May 31, 2021 to May 31, 2022, and authorizing the City Manager or his designee, to execute the amendment.

FINANCE DEPARTMENT; Gina Brown, 571-5381, gbrown@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-157 approving the Second Amendment increasing the Agreement amount with Elavon Inc., for Merchant Services by $189,863 from $2,325,047 to a new total amount of $2,514,910 and extending the term of the Agreement from May 31, 2021 to May 31, 2022, and authorizing the City Manager or his designee, to execute the amendment.

Consent

13. Consider approving the Award of Bid and Purchasing Agreement for Federal Brand Ammunition to San Diego Police Equipment, San Diego, CA, for a one year Agreement with four one-year extension options, for an estimated annual cost of $150,000 and a total amount not to exceed $750,000 over five years. (Funding Source: MPD General Fund and SLESF Fund)

    - Resolution approving the Award of Bid and Purchase Agreement for Federal Brand Ammunition to San Diego Police Equipment, San Diego, CA, for a one year Agreement with four one-year extension options for an estimated annual cost of $150,000 and a total amount of $750,000 over five years; and authorizing the Purchasing Manager, or her designee, to execute the Agreement.

    FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) **Resolution 2021-158** approving the Award of Bid and Purchase Agreement for Federal Brand Ammunition to San Diego Police Equipment, San Diego, CA, for a one year Agreement with four one-year extension options for an estimated annual cost of $150,000 and a total amount of $750,000 over five years; and authorizing the Purchasing Manager, or her designee, to execute the Agreement.

Consent

14. Consider approving a First Amendment extending the termination date with Du-All Safety, LLC, Fremont, CA, for the Furnishing of Safety Training and Consultation Services through May 6, 2022. (Funding Source: Various Funds)

    - Resolution approving the First Amendment to extending the termination date with Du-All Safety, LLC, for the Furnishing of Safety Training and Consultation Services through May 6, 2022, and authorizing the City Manager, or his designee to execute the Amendment.

    HUMAN RESOURCES; Jiles Smith II, 577-5446, jsmith@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-159 approving the First Amendment to extending the termination date with Du-All Safety, LLC, for the Furnishing of Safety Training and Consultation Services through May 6, 2022, and authorizing the City Manager, or his designee to execute the Amendment.

Consent

15. Consider accepting the Park Operations Water Use and Expense Report for Fiscal Year 2020-21. (Funding Source: General Fund)
    - Motion accepting the Park Operations Water Use and Expense Report for Fiscal Year 2020-21.

    PRN; Kelly Gallagher, 342-2270, kgallagher@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Motion accepting the Park Operations Water Use and Expense Report for Fiscal Year 2020-21.

Consent

16. Consider approving the First Amendment increasing the Purchasing Agreement with Dan Ely Backflow Services, Turlock, CA, for Backflow Prevention Testing Services by $13,000 for the last year of the Agreement, from a total amount of $49,000 to $62,000 for service level increases. (Funding Source: General Fund, Airport and Community Center Funds)
    - Resolution approving the First Amendment increasing the Purchasing Agreement with Dan Ely Backflow Services, Turlock, CA, for Backflow Prevention Testing Services by $13,000 for the last year of the Agreement, from a total amount of $49,000 to $62,000 for service level increases and authorizing the Purchasing Manager or her designee to execute the amendment.

    PRN; Kelly Gallagher, 342-2270, kgallagher@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-160 approving the First Amendment increasing the Purchasing Agreement with Dan Ely Backflow Services, Turlock, CA, for Backflow Prevention Testing Services by $13,000 for the last year of the Agreement, from a total amount of $49,000 to $62,000 for service level increases and authorizing the Purchasing Manager or her designee to execute the amendment.

Consent

17. Consider approving a five-year Agreement with Kimley-Horn and Associates, Inc. to provide Engineering, Design, Construction and Planning Services for Airport Capital Improvement Projects for the Modesto City-County Airport. (Funding Source: 90% Federal Aviation Administration Grant Funding and 10% Local Match)
    - Resolution approving a five-year Agreement with Kimley-Horn and Associates, Inc. to provide Engineering, Design, Construction and Planning Services for Airport Capital Improvement Projects for the Modesto City-County Airport; and authorizing the City Manager, or his designee, to execute the Agreement.

    PUBLIC WORKS; Steve Fischio, 342-2222, sfischio@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-161 approving a five-year Agreement with Kimley-Horn and Associates, Inc. to provide Engineering, Design, Construction and Planning Services for Airport Capital Improvement Projects for the Modesto City-County Airport; and authorizing the City Manager, or his designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

Councilmember Ricci spoke regarding Finance Committee meetings last week and lack of public participation during day meetings; he also spoke regarding CAHOOTS, recruitment of the next Police Chief, parenting, and public access television.

Councilmember Madrigal spoke regarding funding for public access television and programming.

Action: Motion (Madrigal/Ricci; 7/0) requesting a report back from staff at the May 25, 2021 Council meeting regarding available funding for public access television, including MyTV-26.

CITY MANAGER COMMENTS & REPORTS

18. Consider an informational update on "Forward Together" – the engagement initiative on policing in Modesto. (Funding Source: Not Applicable)
CITY MANAGER; Joseph Lopez, 577-5223, jlopez@modestogov.com

ACTION: No reportable action.

HEARINGS

19. Conduct a Public Hearing and consider adopting a Resolution of Necessity (RON) and directing the commencement of an eminent domain proceeding and authorizing the making of deposit of probable compensation to acquire fee title to the entire property located at 4125 Sisk Road, Modesto, CA, APN 135-029-022 ("Subject Property"), for Phase 2 of the State Route 99/Pelandale Avenue Interchange Reconstruction Project ("Project").
Pursuant to the provisions in section 1245.235 of the Code of Civil Procedure of the State of California, "Notice of Intent to Adopt a Resolution of Necessity" was mailed to the property owner and the identified legal representative of the property owner on March 25, 2021, and the owner has been given reasonable opportunity to appear and be heard before the Modesto City Council. (Funding Source: Statewide Transportation Improvement Program (STIP) funds)
    - Resolution Determining that the Public Interest and Necessity Require the Acquisition of Certain Real Property for Phase 2 of the State Route 99/Pelandale Avenue Interchange Reconstruction Project, Directing the Commencement of an Eminent Domain Proceeding, and Authorizing the Making of a Deposit of Probable Compensation (4125 Sisk Road, Modesto, CA., 95356, APN: 135-029-022).

CED; Vickey Dion, 571-5542, vdion@modestogov.com

ACTION: (Wright/Ricci; 7/0) Resolution 2021-162 determining that the Public Interest and Necessity Require the Acquisition of Certain Real Property for Phase 2 of the State Route 99/Pelandale Avenue Interchange Reconstruction Project, Directing the Commencement of an Eminent Domain Proceeding, and Authorizing the Making of a Deposit of Probable Compensation (4125 Sisk Road, Modesto, CA., 95356, APN: 135-029-022).

Mayor and Councilmembers sang Happy Birthday to Trevor Seever in honor of his 30th birthday.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:55 p.m.

CLOSED SESSION

Please take notice that a special Closed Session meeting of the Council of the City of Modesto has been called pursuant to Section 2-1.02 of the Modesto Municipal Code to be convened on

TUESDAY, APRIL 27, 2021, at 4:30 P.M.

and after the regularly scheduled meeting in the Tenth Street Place, Chambers Conference Room, Basement Level, 1010 Tenth Street, Modesto, California.

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

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

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
One Case (Pursuant to Section 54956.9(a) of the Government Code)
Name of case(s): Travis Wilson v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ12451089

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – MCEA
Negotiator: Christina Alger
Employee Organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – MCMA
Negotiator: Christina Alger
Employee Organization: Modesto Confidential & Management Association

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – MPOA
Negotiator: Christina Alger
Employee Organization: Modesto Police Officers' Association

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – MPNSA
Negotiator: Christina Alger
Employee Organization: Modesto Police Non-Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) –MPMA
Negotiator: Christina Alger
Employee Organization: Modesto Police Management Association

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

Employee Organization: Modesto City Firefighters Association

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – Unrepresented
Negotiator: Christina Alger
Employee Organization: Unrepresented Management and Confidential Employees

Attest:_____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto

ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP

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

Monday May 03, 2021 at 5:30 PM

Roll Call – Present: Mayor Zwahlen, Councilmembers Madrigal and Ricci (arrived after Item 7)
Also Present: Councilmember Wright (alternate for Items 1-7)
Absent: None

PUBLIC COMMENTS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-6

CONSENT

Consent

1. Consider approving a Resolution of Intention to form City of Modesto Community Facilities District (CFD) No. 2021-1 (Woodglen), an area bounded by Pelandale Avenue, Carver Road, Bangs Avenue, and Tully Road, and forwarding to Council for approval. (Funding Source: Developer Deposit)
   CED; Jessica Hill, 577-5211, jhill@modestogov.com

ACTION: Motion (Madrigal/Mayor Zwahlen; 3/0) approving a Resolution of Intention to form City of Modesto Community Facilities District (CFD) No. 2021-1 (Woodglen), an area bounded by Pelandale Avenue, Carver Road, Bangs Avenue, and Tully Road, and forwarding to Council for approval.

Consent

2. Consider approving an increase to the amount for the purchase of ten 2022 Ford Police Interceptors to Napa Ford, Napa, CA by $2,320 from $406,977 for a new total amount not to exceed $409,297 and forwarding to Council for approval. (Funding Source: Fleet Replacement Fund and Surface Transportation Fund)
   FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: Motion (Madrigal/Mayor Zwahlen; 3/0) approving an increase to the amount for the purchase of ten 2022 Ford Police Interceptors to Napa Ford, Napa, CA by $2,320 from $406,977 for a new total amount not to exceed $409,297 and forwarding to Council for approval.

Consent

3. Consider approving a 20-year lease with the Federal Aviation Administration for the ground that their Air Traffic Control Tower is upon, and forwarding to Council for approval. (Funding Source: Not Applicable)
   PUBLIC WORKS; Steve Fischio, 342-2222, sfischio@modestogov.com

ACTION: Motion (Madrigal/Mayor Zwahlen; 3/0) approving a 20-year lease with the Federal Aviation Administration for the ground that their Air Traffic Control Tower is upon, and forwarding to Council for approval.

Consent

4. Consider authorizing payment to Storer Transit Systems in the amount of $221,646 for a fixed cost adjustment for the Fiscal Year 2019-2020 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 (Madrigal/Mayor Zwahlen; 3/0) authorizing payment to Storer Transit Systems in the amount of $221,646 for a fixed cost adjustment for the Fiscal Year 2019-2020 operation of Modesto Area Dial-A-Ride and forwarding to Council for approval.

Consent

5. Consider approving an Agreement with Carollo Engineers, Sacramento, CA, for Engineering Design Services for the Yosemite Transmission Main Project in the amount $1,186,648 for the identified scope of services, plus $118,665 in additional services, if needed, for a total not to exceed amount of $1,305,313; amending the Fiscal Year 2020-21 Capital Improvement Project Program Budget in the amount of $1,348,790 and forwarding to Council for approval. (Funding Source: Water Fund)
   UTILITIES; Robert Davalos, 571-5869, rdavalos@modestogov.com

ACTION: Motion (Madrigal/Mayor Zwahlen; 3/0) approving an Agreement with Carollo Engineers, Sacramento, CA, for Engineering Design Services for the Yosemite Transmission Main Project in the amount $1,186,648 for the identified scope of services, plus $118,665 in additional services, if needed, for a total not to exceed amount of $1,305,313; amending the Fiscal Year 2020-21 Capital Improvement Project Program Budget in the amount of $1,348,790 and forwarding to Council for approval.

Consent

6. Consider approving a Third Amendment to the Purchase Agreement for Sodium Hypochlorite, Sodium Hydroxide, and Citric Acid from Univar USA Inc., San Jose, CA, and Sulfuric Acid and Phosphoric Acid from Northstar Chemical, Modesto, CA, to increase the amount by $49,915 from $259,782 to a new total of $309,697, and extending the term of the Agreement from June 13, 2021 to December 31, 2021 and forwarding to Council for approval. (Funding Source: Wastewater Fund)
   UTILITIES; Ben Koehler, 342-4502, bkoehler@modestogov.com

ACTION: Motion (Madrigal/Mayor Zwahlen; 3/0) approving a Third Amendment to the Purchase Agreement for Sodium Hypochlorite, Sodium Hydroxide, and Citric Acid from Univar USA Inc., San Jose, CA, and Sulfuric Acid and Phosphoric Acid from Northstar Chemical, Modesto, CA, to increase the amount by $49,915 from $259,782 to a new total of $309,697, and extending the term of the Agreement from June 13, 2021 to December 31, 2021 and forwarding to Council for approval.

UNFINISHED BUSINESS

7. Consider accepting an 2nd quarterly update regarding Starship Robot Grocery Delivery Program and forwarding to Council for direction. (Funding Source: Not Applicable)
   CED; Jaylen French, 571-2938, jfrench@modestogov.com

ACTION: Motion (Wright/Mayor Zwahlen; 3/0) accepting an 2nd quarterly update regarding Starship Robot Grocery Delivery Program and forwarding to Council for direction.

Councilmember Ricci arrived

8. Consider an informational report update on the proposed Digital Billboard at 2024 W. Orangeburg and consider the community benefit component of the Digital Billboard Ordinance. (Funding Source: Not Applicable)
   CED; Marcus Tucker, 577-5473, mtucker@modestogov.com

ACTION: Motion (Madrigal/Ricci; 3/0) directing staff to: (i) pursue Option 1 - (staff continues to work with applicants and bring forward proposals that staff believes meets intent of Ordinance and Council continues to evaluate as presented; **and NOT bring back to the Economic Development Committee; (ii) pursue Option 3** (Council amends **benefit options menu to amend the Ordinance to the Economic Development Committee in June.**

NEW BUSINESS

9. Consider approving angled parking on J Street from 9th Street to 16th Street and directing staff to request a Change Order on the 2016 Pavement Rehabilitation Project to install, and forwarding to Council for approval. (Funding Source: Federal Grant and Measure L)
   CED; Vickey Dion, 571-5542, vdion@modestogov.com

ACTION: Motion (Madrigal/Mayor Zwahlen; 3/0) approving angled parking on J Street from 9th Street to 16th Street and directing staff to request a Change Order on the 2016 Pavement Rehabilitation Project to install, and forwarding to Council for approval.

10. Consider adopting the 2020 Joint Urban Water Management Plan as required by the State's Water Code; adopting the Modesto Water Shortage Contingency Plan Update and forwarding to Council for approval. (Funding Source: Water Fund)
    UTILITIES; Jim Alves, 571-5557, jalves@modestogov.com

ACTION: Motion (Ricci/Madrigal; 3/0) adopting the 2020 Joint Urban Water Management Plan as required by the State's Water Code; adopting the Modesto Water Shortage Contingency Plan Update and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:34 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 May 04, 2021 at 5:30 PM

Roll Call - Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen

Pledge of Allegiance to the Flag

Invocation: Scott Elliott, Big Valley Christian School

Mayor Zwahlen spoke regarding the recent passing of Marie Gallo.

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation from Stanislaus County Board of Supervisors for update related to Covid-19 (Funding Source: Not Applicable)
   CITY MANAGER; Joseph Lopez, 577-5298, jlopez@modestogov.com

ACTION: Supervisor Grewal gave an update related to COVID-19.

PUBLIC COMMENT PERIOD

- Sebastian Jones spoke regarding the renaming of Dr. Martin Luther King, Jr. Park and the King-Kennedy Center; he also spoke regarding a statue in honor of Dr. Martin Luther King, Jr.

- Allison Seever spoke thanked Councilmembers Kenoyer and Escutia-Braaton for their kind gestures; she also spoke in support of CAHOOTS and an independent Civilian Review Board.

- Darlene Ruiz also thanked Councilmembers Kenoyer and Escutia-Braaton; she spoke in support of an independent police auditor, CAHOOTS, and an independent Civilian Review Board; she also spoke about the May 22, 2021 Forward Together meeting.

- Ramon Rodriguez spoke regarding a Modesto Police Department incident with Alonso Nunez-Villalobos.

- Kyle Seever spoke in support of a mural and statue for Trevor Seever in Downtown Modesto, an independent Civilian Review Board, and CAHOOTS,

- Stephen Allen spoke regarding police accountability in Modesto.

- Marla Seever spoke regarding law enforcement and the shooting of her nephew, Trevor Seever.

- A citizen spoke in support of the Salvation Army abandoned building in Downtown Modesto.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 2-9: (Kenoyer/Wright; 7/0)

CONSENT ITEMS

Consent
2. Consider approving the minutes from the April 27, 2021 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the April 27, 2021 Council Meeting.

    CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Motion approving the minutes from the April 27, 2021 Council Meeting.

Consent
3. Consider accepting an informational report for the March 2021 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the March 2021 Accounts Payable Payment Register and Void report.

    FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Motion accepting an informational report for the March 2021 Accounts Payable Payment Register and Void report.

Consent
4. Consider accepting the Monthly Investment Report for February 2021. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for February 2021.

FINANCE DEPARTMENT; Calogero Maniscalco, 577-5219, cmaniscalco@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Motion accepting the Monthly Investment Report for February 2021.

Consent

5. Consider approving the Award of Bids for six City Fleet Replacements for Utilities Department, Public Works and Modesto Police Department in the amount of $464,350 and approving the Competitive Bid Process from Sourcewell (formerly National Joint Powers Alliance) with John Deere's authorized dealer Pape Machinery, French Camp, CA for a Backhoe Loader for a cost not to exceed $135,199. (Funding Source: Fleet Replacement Fund)
    - Resolution approving the Award of Bid for the purchase of an Aerial Truck to Altec Industries Inc., Elizabethtown, KY for a total cost not to exceed $204,974, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.
    - Resolution approving the Award of Bid for the purchase of three One-Ton Trucks to Towne Ford, Redwood City, CA for a total cost not to exceed $174,029, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.
    - Resolution approving the Award of Bid for the purchase of two Half-Ton Pick-Up Trucks to Towne Ford, Redwood City, CA for a total cost not to exceed $85,347, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.
    - Resolution approving the Award of Bid for the purchase of a Backhoe Loader to Pape Machinery, French Camp, CA for a total cost not to exceed $135,199, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

    FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-163 approving the Award of Bid for the purchase of an Aerial Truck to Altec Industries Inc., Elizabethtown, KY for a total cost not to exceed $204,974, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-164 approving the Award of Bid for the purchase of three One-Ton Trucks to Towne Ford, Redwood City, CA for a total cost not to exceed $174,029, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-165 approving the Award of Bid for the purchase of two Half-Ton Pick-Up Trucks to Towne Ford, Redwood City, CA for a total cost not to exceed $85,347, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-166 approving the Award of Bid for the purchase of a Backhoe Loader to Pape Machinery, French Camp, CA for a total cost not to exceed $135,199, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

Consent

6. Consider approving the Sole Source Agreement with Badger Meter, Inc. for the purchase of Badger water meters, automated meter readers, and related parts for a two-year Agreement with three one-year extension options, for an annual estimated cost of $600,880 and a total amount not to exceed $3,059,022 over five years, and authorizing the Purchasing Manager, or her designee, the ability to add parts based on the department's needs, ensuring the total cost does not exceed the authorized amount, and authorizing the Purchasing Manager, or her designee, to execute the Agreement. (Funding Source: Water Fund)
    - Resolution approving the Sole Source Agreement with Badger Meter, Inc. for the purchase of Badger water meters, automated meter readers, and related parts for a two-year agreement with three one-year extension options, for an annual estimated cost of $600,880 and a total amount not to exceed $3,059,022 over five years, and authorizing the Purchasing Manager, or her designee, ability to add parts based on the department's needs, ensuring the total cost does not exceed the authorized amount, and authorizing the Purchasing Manager, or her designee, to execute the Agreement.

    FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-167 approving the Sole Source Agreement with Badger Meter, Inc. for the purchase of Badger water meters, automated meter readers, and related parts for a two-year agreement with three one-year extension options, for an annual estimated cost of $600,880 and a total amount not to exceed $3,059,022 over five years, and authorizing the Purchasing Manager, or her designee, ability to add parts based on the department's needs, ensuring the total cost does not exceed the authorized amount, and authorizing the Purchasing Manager, or her designee, to execute the Agreement.

Consent

7. Consider approving the submission of an application for the Fiscal Year 2021 Cal Fire Rural Fire Capacity Program Grant, in an amount that will not exceed $40,000, which includes a 50% local match, for the procurement of Wildland Firefighting Equipment. (Funding Source: General Fund)
    - Resolution approving the submission of an application for the Fiscal Year 2021 Cal Fire Rural Fire Capacity Program Grant, in an amount that will not exceed $40,000, which includes a 50% local match, for the procurement of Wildland Firefighting Equipment, and authorizing the City Manager, or his designee, to execute the application.

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

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-168 approving the submission of an application for the Fiscal Year 2021 Cal Fire Rural Fire Capacity Program Grant, in an amount

that will not exceed $40,000, which includes a 50% local match, for the procurement of Wildland Firefighting Equipment, and authorizing the City Manager, or his designee, to execute the application.

Consent

8. Consider approving an Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for Engineering Services for the Operations Guidance Model Project in the amount of $182,925 for the identified scope of services, plus $18,293 in additional services, if needed, for a total not to exceed amount of $201,218 and amending the Fiscal Year 2020-21 Multi-Year Program Budget in the amount of $73,218. (Funding Source: Wastewater Fund)
    - Resolution approving an Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for Engineering Services for the Operations Guidance Model Project in the amount of $182,925 for the identified scope of services, plus $18,293 in additional services, if needed, for a total not to exceed amount of $201,218; and authorizing the City Manager, or his designee to execute the Agreement.
    - Resolution amending the Fiscal Year 2020-21 Multi-Year Program Budget in the amount of $73,218 to be transferred in to the project from Wastewater Fund Reserves in order to fund the Operations Guidance Model Project.

    UTILITIES; Cristian Ciotau, 577-5260, cciotau@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-169 approving an Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for Engineering Services for the Operations Guidance Model Project in the amount of $182,925 for the identified scope of services, plus $18,293 in additional services, if needed, for a total not to exceed amount of $201,218; and authorizing the City Manager, or his designee to execute the Agreement.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-170 amending the Fiscal Year 2020-21 Multi-Year Program Budget in the amount of $73,218 to be transferred in to the project from Wastewater Fund Reserves in order to fund the Operations Guidance Model Project.

Consent

9. Consider approving the transfer of real property (APN: 136-036-089) of a well site in Salida from Stanislaus County to the City of Modesto per quit-claim deed and authorizing the City Manager or his designee to execute the Certificate of Acceptance. (Funding Source: Water Fund)
    - Resolution approving the transfer of real property (APN: 136-036-089) of a well site in Salida from Stanislaus County to the City of Modesto per quit-claim deed and authorizing the City Manager or his designee to execute the Certificate of Acceptance.

    UTILITIES; Ryan Daugherty, 577-5399, rdaugherty@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-171 approving the transfer of real property (APN: 136-036-089) of a well site in Salida from Stanislaus County to the City of

Modesto per quit-claim deed and authorizing the City Manager or his designee to execute the Certificate of Acceptance.

COUNCIL COMMENTS & REPORTS

Councilmember Escutia-Braaton acknowledged International Firefighters Day.

Councilmember Madrigal attended the League of California Cities Board of Directors meeting last week and gave an update regarding the American Rescue Plan; he also attended a conference regarding illegal dumping and blight.

Councilmember Ricci spoke in support of the May 22, 2021 Forward Together meeting.

Councilmember Kenoyer spoke regarding the death of Marie Gallo.

CITY MANAGER COMMENTS & REPORTS

None.

NEW BUSINESS

10. Consider approving the Second Amendment increasing the Agreement amount with Grover Landscape Services, Inc., Modesto, CA, for Landscape Services by $3,457,775 from $9,584,472, to a new total amount of $13,042,247, and extending the term of the Agreement for one year from October 24, 2021 to October 24, 2022. (Funding Source: General Fund – Parks Operations, Community Facilities District Funds, Joint Powers of Authority Tuolumne River Regional Park Fund, Various City and Enterprise Funds)
    - Resolution approving the Second Amendment increasing the Agreement amount with Grover Landscape Services, Inc., Modesto, CA, for Landscape Services by $3,457,775 from $9,584,472, to a new total amount of $13,042,247, and extending the term of the Agreement for one year from October 24, 2021 to October 24, 2022; and authorizing the City Manager, or his designee to execute the Amendment.

    PRN; Kelly Gallagher, 342-2270, kgallagher@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2021-172 approving the Second Amendment increasing the Agreement amount with Grover Landscape Services, Inc., Modesto, CA, for Landscape Services by $3,457,775 from $9,584,472, to a new total amount of $13,042,247, and extending the term of the Agreement for one year from October 24, 2021 to October 24, 2022; and authorizing the City Manager, or his designee to execute the Amendment.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:33 p.m.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
One Case (Pursuant to Section 54956.9(d)(1) of the Government Code)
Name of Case: Peltier v. City of Modesto
Superior Court of California, County of Stanislaus
Stanislaus County Case No. 2022652

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 May 10, 2021 at 5:00 PM

Roll Call - Present: Councilmembers Kenoyer, Ricci, Mayor Zwahlen
Absent: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: 1-2

CONSENT

1. Consider the application and issuance of a permit to operate as a Non-Emergency Medical Transport Company to Norcal Ambulance in the City of Modesto, and forward to Council for approval. (Funding Source: General Fund)
POLICE DEPARTMENT; Brandon Gillespie, 572-9500, gillespieb@modestopd.com

ACTION: Motion (Ricci/Mayor Zwahlen; 3/0) approving the application and issuance of a permit to operate as a Non-Emergency Medical Transport Company to Norcal Ambulance in the City of Modesto, and forward to Council for approval.

2. Consider the application and issuance of a permit to operate as a non-emergency medical transport company to Sacramento Valley Ambulance in the City of Modesto, and forward to Council for approval. (Funding Source: General Fund)
POLICE DEPARTMENT; Brandon Gillespie, 572-9500, gillespieb@modestopd.com

ACTION: Motion (Ricci/Mayor Zwahlen; 3/0) approving the application and issuance of a permit to operate as a non-emergency medical transport company to Sacramento Valley Ambulance in the City of Modesto, and forward to Council for approval.

NEW BUSINESS

3. Consider authorizing the extension of the Abandoned Vehicle Abatement Program Fee until April 30, 2032, and forwarding to Council for approval. (Funding Source: General Fund)
POLICE DEPARTMENT; Brandon Gillespie, 572-9500, gillespieb@modestopd.com

ACTION: Motion (Ricci/Mayor Zwahlen; 3/0) authorizing the extension of the Abandoned Vehicle Abatement Program Fee until April 30, 2032, and forwarding to Council for approval.

4. Consider accepting an informational report on Muni Golf Course and provide direction to staff if needed. (Funding Source: Golf Fund / General Fund)
PRN; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: Motion (Zwahlen/Ricci; 3/0) accepting an informational report on Muni Golf Course **and directing staff to report back to the Safety & Communities Committee in two months.**

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:37 p.m.

Attest:_____
Joseph Lopez

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday May 11, 2021 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
Absent: None

Pledge of Allegiance to the Flag

Invocation: Lyn Crase, Emmanuel Lutheran Church

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Sanchez reported on Closed Session matters: No reportable action

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation from Stanislaus County Board of Supervisors for update related to Covid-19. (Funding Source: Not Applicable)
CITY MANAGER; Joseph Lopez, 577-5223, jlopez@modestogov.com

ACTION: Supervisor Grewal gave an update related to COVID-19.

PUBLIC COMMENT PERIOD

- Sebastian Jones spoke regarding Dr. Martin Luther King Park, changing the name of the King-Kennedy Center, and a statue for Dr. Martin Luther King.

- Allison Seever, sister of Trevor Seever, spoke regarding a CAHOOTS program, outside agency review of police shootings, Officer Lamantia and Civilian Review Board,

- Ramon Rodriguez requested an update regarding Alonso Nunez-Villalobos, a Civilian Review Board and the Modesto Police Department.

- Darlene Ruiz, mother of Trevor Seever, requested the City of Modesto hire a police internal auditor; she also spoke regarding the Modesto Police Department.

- Bianca Lopez had questions regarding the City Council Special May 22, 2021 meeting/listening session.

- Lynette Scott spoke in support of MyTV-26 and public access television.

- Kyle Seever, brother of Trevor Seever, spoke regarding a mural or statue for his brother.

- Ray Ruiz spoke regarding CAHOOTS, Civilian Review Board, and an independent police auditor.

- Stephen Allen spoke regarding the Modesto Police Department.

- Nicholas Dokozlian spoke in support of local youth programs.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 2-7: (Kenoyer/Wright; 7/0)

CONSENT ITEMS

Consent
2. Consider approving the minutes from the May 4, 2021 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the May 4, 2021 Council Meeting.

    CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Motion approving the minutes from the May 4, 2021 Council Meeting.

Consent
3. Consider approving the recommended budget adjustments to Fiscal Year 2020-2021 Annual Operating and Capital Improvement Program Budgets. (Funding Source: Various Funds)
    - Resolution amending Fiscal Year 2020-2021 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager, to make the necessary steps to implement the provisions of this resolution.

    BUDGET; Steve Christensen, 577-5390, schristensen@modestgov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-173 amending Fiscal Year 2020-2021 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager, to make the necessary steps to implement the provisions of this resolution.

Consent

4. Consider approving an additional $50,000 Homeowner Rehabilitation Loan for a total of $135,107 Homeowner Rehabilitation Loan and a $10,000 Homeowner Rehabilitation Grant, for Emily Dunn for the property located at 1541 W Orangeburg Avenue, Modesto, CA 95350 and authorizing the City Manager to execute the Agreements. (Funding Source: CDBG Revolving Funds)
    - Resolution approving an additional $50,000 Homeowner Rehabilitation Loan for a total of $135,107 Homeowner Rehabilitation Loan and a $10,000 Homeowner Rehabilitation Grant, for Emily Dunn for the property located at 1541 W Orangeburg Avenue, Modesto, CA 95350 and authorizing the City Manager to execute the Agreements.

    CED; Jessica Narayan, 577-5321, jnarayan@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-174 approving an additional $50,000 Homeowner Rehabilitation Loan for a total of $135,107 Homeowner Rehabilitation Loan and a $10,000 Homeowner Rehabilitation Grant, for Emily Dunn for the property located at 1541 W Orangeburg Avenue, Modesto, CA 95350 and authorizing the City Manager to execute the Agreements.

Consent

5. Consider approving a Third Amendment increasing the Agreement with Alpha Analytical Laboratories, Dublin, CA, for the Furnishing of Analytical Laboratory Testing Services in the amount of $175,000, for a revised annual estimated amount of $345,000, and a total amount not to exceed $1,025,000 over five years. (Funding Source: Wastewater Fund)
    - Resolution approving a Third Amendment increasing the Agreement with Alpha Analytical Laboratories, Dublin, CA, for the Furnishing of Analytical Laboratory Testing Services in the amount of $175,000, for a revised annual estimated amount not to exceed $345,000, and a total amount not to exceed $1,025,000 over five years, and authorizing the Purchasing Manager, or her designee, to execute the Amendment.

    UTILITIES; Thomas Sinclair, 577-6240, tsinclair@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-175 approving a Third Amendment increasing the Agreement with Alpha Analytical Laboratories, Dublin, CA, for the Furnishing of Analytical Laboratory Testing Services in the amount of $175,000, for a revised annual estimated amount not to exceed $345,000, and a total amount not to exceed $1,025,000 over five years, and authorizing the Purchasing Manager, or her designee, to execute the Amendment.

Consent

6. Consider accepting the Destruction of Wells 2017 Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $699,434 to Abundant Water Wells Inc., of Leona Valley, CA. (Funding Source: Water Fund – CIP and State Proposition-1 Groundwater Grant Program)

- Resolution accepting the Destruction of Wells 2017 Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $699,434 to Abundant Water Wells Inc., of Leona Valley, CA.

UTILITIES; Greg Showerman, 571-5860, gshowerman@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-176 accepting the Destruction of Wells 2017 Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $699,434 to Abundant Water Wells Inc., of Leona Valley, CA.

Consent

7. Consider accepting the Kansas Avenue 12-Inch Water Main Upgrade Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $796,351 to Platinum Pipeline of Livermore, CA. (Funding Source: Water Fund)
    - Resolution accepting the Kansas Avenue 12-Inch Water Main Upgrade Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $796,351 to Platinum Pipeline, Inc., of Livermore, California.

    UTILITIES; Greg Showerman, 571-5860, gshowerman@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-177 accepting the Kansas Avenue 12-Inch Water Main Upgrade Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $796,351 to Platinum Pipeline, Inc., of Livermore, California.

COUNCIL COMMENTS & REPORTS

Councilmember Wright spoke regarding touring parks in the City with Councilmember Escutia-Braaton, he thanked employee Brad Miller while touring at Orchard Park; he also thanked the Modesto Police Department.

Councilmember Ricci spoke regarding a CAHOOTS Program; he also spoke regarding the May 22, 2021 Special Council Meeting and communicating with the public.

Councilmember Madrigal also spoke regarding the May 22, 2021 Special City Council meeting and communicating with the public.

Councilmember Kenoyer spoke regarding the passing of Marie Gallo.

CITY MANAGER COMMENTS & REPORTS

City Manager Lopez spoke regarding the Special May 22, 2021 Council meeting.

HEARINGS

Published in the Modesto Bee and Vida on March 31, 2021

8. Hearing to approve the City of Modesto Program Year 2021-2022 Annual Action Plan amending the Fiscal Year 2021-2022 City of Modesto's Annual Operating, Multi-Year and Capital Improvement Project Budgets to reflect the allocation of funds outlined in the program year 2021-2022 Annual Action Plan. (Funding Source: Community Development Block Grant, HOME Investment Partnerships and Emergency Solutions Grant Funds)
    - Resolution approving the City of Modesto Program Year 2021-2022 Annual Action Plan for use of Community Development Block Grant Programs, Emergency Solutions Grant, and HOME Investment Partnerships Program funding received from the U.S. Department of Housing and Urban Development and authorizing the City Manager, or his designee, to negotiate and execute any related program Agreements, contracts or other documentation required for implementation of the Program Year 2021-2022 Annual Action Plan, and 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 approving the allocation of funds outlined in the program year 2021-2022 Annual Action Plan budget to reflect proposal submitted to the U.S. Department of Housing and Urban Development and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this resolution.

    CED; Jessica Narayan, 577-5321, jnarayan@modestogov.com

ACTION: (Madrigal/Wright; 7/0) Resolution 2021-178 approving the City of Modesto Program Year 2021-2022 Annual Action Plan for use of Community Development Block Grant Programs, Emergency Solutions Grant, and HOME Investment Partnerships Program funding received from the U.S. Department of Housing and Urban Development and authorizing the City Manager, or his designee, to negotiate and execute any related program Agreements, contracts or other documentation required for implementation of the Program Year 2021-2022 Annual Action Plan, and 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: (Madrigal/Wright; 7/0) Resolution 2021-179 approving the allocation of funds outlined in the program year 2021-2022 Annual Action Plan budget to reflect proposal submitted to the U.S. Department of Housing and Urban Development and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this resolution.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:55 p.m.

CLOSED SESSION

CLOSED SESSION

1. Consider appointing Real Property Negotiators Ryan Daugherty, Property Agent and Bill Sandhu, Director of Public Works for Property: APN: 101-003-005-000.

- Motion appointing Real Property Negotiators Ryan Daugherty, Property Agent and Bill Sandhu, Director of Public Works for Property: APN: 101-003-005-000.

City Attorney, Jose M. Sanchez, 577-5284, jsanchez@modestogov.com

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

Property: APN: 101-003-005-000, 416 N Jefferson Street Modesto, CA 95351

Property Owners: David Edward and Carole Lynn Kamrar Trust

Negotiating Parties:
For City: Ryan Daugherty, Property Agent and Bill Sandhu, Director of Public Works
For Buyer: Dave Kamrar

Under Negotiation: Price and Terms

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Four Cases (Pursuant to Section 54956.9(d)(1) of the Government Code)

Name of Case: WLMBS, Inc. dba Burnside Body Shop v. City of Modesto, et al.
Superior Court of California, County of Stanislaus
Stanislaus County Case No.: CV 20-003270

Lamb v. City of Modesto
Superior Court of California, County of Stanislaus
Stanislaus County Case No. CV-18-002019

David Sawyer v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ10200623, ADJ13799583, ADJ10240885, ADJ8665851, ADJ4563583

Doug Williams v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ1167661; ADJ11938782; ADJ2160476; ADJ13039503

Attest:_____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto
CITY COUNCIL MEETING

Thursday May 20, 2021 at 4:00 PM

(Held Via Teleconference)

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
Absent: None

PUBLIC COMMENT PERIOD

None.

NEW BUSINESS

1. City Council Workshop Regarding Best Practices for Local Governance, Team Building and Communication (Funding Source: Not Applicable)
CITY COUNCIL; Sue Zwahlen, 571-5597, szwahlen@modestogov.com

ACTION: No reportable action.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:00 p.m.

Attest:_____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto
CITY COUNCIL MEETING

Friday May 21, 2021 at 4:00 PM

(Held Via Teleconference)

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
Absent: None

PUBLIC COMMENT PERIOD

None.

NEW BUSINESS

1. City Council Workshop Regarding Best Practices for Local Governance, Team Building and Communication (Funding Source: Not Applicable)
CITY COUNCIL; Sue Zwahlen, 571-5597, szwahlen@modestogov.com

ACTION: No reportable action.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:00 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
Saturday May 22, 2021 at 10:00 AM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
Absent: None

Pledge of Allegiance to the Flag

Mayor Zwahlen opened the Special Council Meeting Forward Together Listening Session

Deputy City Manager Douglass gave instructions for calling into meeting

PUBLIC COMMENT PERIOD

- Debra Harper spoke regarding respect.
- John X. Mataka, Valley Improvement Project, spoke regarding the Covanta Waste-to-Energy Facility and requested the City to stop burning trash; he also spoke regarding the need for recycling in Modesto.
- Bianca Lopez, Valley Improvement Project, also spoke regarding the Covanta Waste-to- Energy Facility and recycling.
- Miguel Donoso spoke regarding a community center on Crows Landing.
- Rafael Hernandez spoke regarding unlicensed contractors working in the City and County.
- Sebastian Jones requested renaming the King-Kennedy Center to Dr. Martin Luther King, Jr. Center, as well as a statue and a sign on the freeway.

NEW BUSINESS

1. Forward Together - Listening Session to launch a community engagement process to evaluate and improve policing in Modesto. (Funding Source: Not Applicable)

CITY MANAGER; Joseph Lopez, 577-5223, jlopez@modestogov.com

Mayor Zwahlen read an opening statement in support of Forward Together and policing in the City of Modesto; she introduced Facilitator Kate Trompetter.

Kate Trompetter spoke regarding the process moving forward and requested patience; Discussion: Goals and Ground Rules.

Susan Powers spoke in favor of today's meeting, police and homeless in Modesto.

Miguel Donoso spoke regarding documents at today's meeting are not in Spanish and the need to communicate with community; any agency receiving State funding should provide documents in Spanish; problem with approach to the community and meetings at schools and community centers; problems with the police and communicating with the people they are serving; racism in the Police; City Attorney Sanchez and City Manager Lopez should do outreach to the community; City should establish a Commission that will do outreach regarding race ethnicity and equity.

Carole Stark spoke regarding the need for a Civilian Review Board and the Modesto Police Department.

Debra Harper spoke regarding being able to speak at the meeting.

Doug Tucker spoke in favor of the Modesto Police Department.

John Mataka spoke regarding the filing of 50 citizen complaints against the Modesto Police Department; he is in favor of an independent review board and a CAHOOTS program.

Steven Finch spoke in support of CAHOOTS program and SHARE (Stanislaus Homeless Advocacy and Resource Enterprise).

Jo Lambert is in support of the Modesto Police Department; she also spoke regarding a review committee.

Michael Shiefelbein spoke in favor of the Forward Together initiative; he is in support of a Civilian Review Board and independent auditor.

Roxanne Chakas spoke regarding her son's mental health issues and the Modesto Police Department.

Perfecto Munoz spoke regarding a Modesto Police Civilian Review Board and community policing.

Ken Bryant spoke in favor of a Civilian Review Board and independent auditor for the Modesto Police Department.

Allison Seever, sister of Trevor Seever, spoke in support of a Civilian Review Board and independent auditor.

Debbie Martinez spoke regarding campus school security at Modesto City Schools and the Modesto Police Department.

Dan Freeman spoke in favor of changes to the Modesto Police Department and keeping police at City schools.

Sabrina Chmielski spoke regarding neighborhood issues with notices from the Modesto Police Department.

Mark Echbarn spoke regarding a proactive approach with homeless and mental health; he supports the Modesto Police Department.

John Lucas spoke in support of an independent police auditor and a Civilian Review Board.

Sebastian Jones spoke in support of a Civilian Review Board; he also spoke regarding changes to the Modesto Police Department.

Gavin Bruce spoke regarding the Modesto Police Department and community programs.

Darlene Ruiz, mother of Trevor Seever, spoke regarding her amazing son and reform of the Modesto Police Department: independent police auditor, CAHOOTS program, and independent civilian review board.

Will Kelly spoke regarding policing at the Modesto Police Department and a CAHOOTS program.

Recess at 11:55 a.m.
Reconvene at 12:00 p.m.

Kyle Seever, brother of Trevor Seever, spoke regarding the death of his brother, the Modesto Police Department, Officer Lamantia and CAHOOTS program.

Amanda Duran gave recommendations for the Modesto Police Department.

Debra Dupree, MYTV26, offered a public voice through public broadcast television.

Ray Ruiz spoke in support of an independent police auditor and a civilian review board.

Wendy Byrd, NAACP, spoke in favor of Forward Together, a civilian review board, and independent auditor.

Emerson Drake spoke in support of an independent auditor and independent civilian review board.

Thomas Helme spoke regarding police oversight and accountability.

Stephen Allen spoke regarding public safety and police holding police accountable; he is in support of an independent civilian review board, independent auditor and a CAHOOTS program.

Ramon Rodriguez spoke regarding police violence and mental health services; he also spoke regarding the beating of Alonzo Nunez by the Modesto Police Department.

Marla Seever spoke regarding training for Modesto Police Department, all city police departments, and Stanislaus County Sheriff; she also spoke in support of a citizens review board, independent auditor and special prosecutor.

Kevin McBride-Luman spoke in support of a civilian review board and independent auditor.

Lindsey Barth spoke regarding his neighborhood and their support for the Modesto Police Department.

Diane Kroeze spoke regarding police training.

Recess at 12:52 p.m.
Reconvened at 1:25 p.m.

Linda Johnson, retired Stockton Police Department, spoke in support of the Modesto Police Department.

Ken Schroeder spoke in support of a civilian review board and independent auditor.

Tom Crain, ACLU Northern California, spoke in support of civilian oversight and independent review of police activities.

Debra Harper spoke regarding the Modesto Police Department.

Tehresa Gamboa, Woodland West Neighborhood Watch Coordinator, spoke in support of the Modesto Police Department.

Lisa Battista spoke regarding unjustified killings, racism, mental health issues and police departments; she is in support of a civilian review board and independent auditor.

Kevin McClarty spoke in support of an independent auditor and citizens review board; he also spoke in support of beat officers.

Corey Plauts spoke regarding law enforcement and community members.

Bianca Lopez spoke regarding the meeting process and Spanish translation services.

Mayor Zwahlen and Councilmembers made final comments regarding today's "Forward Together - Listening Session."

Deputy City Manager Barnes announced next steps.

ACTION: No reportable action.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 2:42 p.m.

Attest:_____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP

Monday May 24, 2021 at 3:00 PM

(Held Via Teleconference)

Roll Call - Present: Councilmembers Kenoyer, Wright and Ricci
Absent: Councilmember Zoslocki

PUBLIC COMMENTS

None.

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

CONSENT

1. Consider approving the recommended budget adjustments to Fiscal Year 2020-21 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval. (Funding Source: Various Funds)
BUDGET; Steve Christensen, 577-5390, schristensen@modestogov.com

ACTION: Motion (Wright/Ricci; 3/0) approving the recommended budget adjustments to Fiscal Year 2020-21 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval.

2. Consider accepting an informational report on the March and April 2021 grant applications and awards and forwarding to Council for approval. (Funding Source: Not Applicable)
FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com

ACTION: Motion (Wright/Ricci; 3/0) accepting an informational report on the March and April 2021 grant applications and awards and forwarding to Council for approval.

3. Consider approving an Agreement with Kovarus Inc., Sacramento, CA, by utilizing the competitive bidding process with the State of California, for Virtual Computer Server Equipment Replacements, Software, Licensing and Support Services for a five-year Agreement, for a total amount not to exceed $705,376 and forwarding to Council for approval. (Funding Source: Information Technology Fund)
FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: Motion (Wright/Ricci; 3/0) approving an Agreement with Kovarus Inc., Sacramento, CA, by utilizing the competitive bidding process with the State of California, for Virtual Computer Server Equipment Replacements, Software, Licensing and Support Services for a five-year Agreement, for a total amount not to exceed $705,376 and forwarding to Council for approval.

4. Consider approving the competitive bidding process from Sourcewell (formerly National Joint Powers Alliance) with Volvo Construction Equipment, Corona, CA for three Trailer Mounted Air Compressors for an amount not to exceed $90,669 and forwarding to Council for approval. (Funding Source: Fleet Replacement Fund)
FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: Motion (Wright/Ricci; 3/0) approving the competitive bidding process from Sourcewell (formerly National Joint Powers Alliance) with Volvo Construction Equipment, Corona, CA for three Trailer Mounted Air Compressors for an amount not to exceed $90,669 and forwarding to Council for approval.

5. Consider authorizing a payment in the amount of $150,052 to Belfor Property Restoration, Modesto, CA for the Dryden Golf Clubhouse Fire Renovation; and forwarding to Council for approval. (Funding Source: Capital Improvement Project 101294)
PRN; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: Motion (Wright/Ricci; 3/0) authorizing a payment in the amount of $150,052 to Belfor Property Restoration, Modesto, CA for the Dryden Golf Clubhouse Fire Renovation; and forwarding to Council for approval.

NEW BUSINESS

6. Consider amending the Cannabis Business activity description to properly categorize the cannabis tax on the primary activity and to amend the cannabis tax rates effective July 1, 2021; including amending Microbusiness to Microbusiness (Retail) at eight percent (8%), Microbusiness (Manufacturing-Wholesale) at four percent (4%), and Microbusiness (Cultivation-Wholesale) at two and a half percent (2.5%); amending the Cultivation category by type to Cultivation (Nursery) at one percent (1%) and Cultivation (Indoor Only) at two and a half percent (2.5%); reduce the Distribution tax rate to two and a half percent (2.5%); and reduce the Testing Labs tax rate to one and a half percent (1.5%). (Funding Source: Permitted Cannabis Businesses)
FINANCE DEPARTMENT; Gina Brown, 577-5381, gbrown@modestogov.com

ACTION: Motion (Ricci/Wright; 3/0) amending the Cannabis Business activity description to properly categorize the cannabis tax on the primary activity and to amend the cannabis tax rates effective July 1, 2021; including amending Microbusiness to Microbusiness (Retail) at eight percent (8%), Microbusiness (Manufacturing-Wholesale) at four percent (4%), and Microbusiness (Cultivation-Wholesale) at two and a half percent (2.5%); amending the

Cultivation category by type to Cultivation (Nursery) at one percent (1%) and Cultivation (Indoor Only) at two and a half percent (2.5%); reduce the Distribution tax rate to two and a half percent (2.5%); and reduce the Testing Labs tax rate to one and a half percent (1.5%).

7. Consider authorizing the annual payment to bind and purchase insurance, through the broker of record, to secure insurance policies for Excess General Liability, Excess Workers' Compensation, Property, and other insurances as may be determined necessary by the City Manager, or his designee, including Crime, Pollution, Cyber Liability, and Airport and Aircraft Liability, and authorizing City staff to negotiate and execute settlements for claims in the Workers' Compensation and General Liability Programs not exceeding $50,000, and forwarding to Council for approval. (Funding Source: Insurance Administration Fund, General Liability Fund, Workers' Compensation Fund, Property Insurance Fund)
HUMAN RESOURCES; Jiles Smith II, 571-5446, jsmith@modestogov.com

ACTION: motion (Wright/Ricci; 3/0) authorizing the annual payment to bind and purchase insurance, through the broker of record, to secure insurance policies for Excess General Liability, Excess Workers' Compensation, Property, and other insurances as may be determined necessary by the City Manager, or his designee, including Crime, Pollution, Cyber Liability, and Airport and Aircraft Liability, and authorizing City staff to negotiate and execute settlements for claims in the Workers' Compensation and General Liability Programs not exceeding $50,000, and forwarding to Council for approval.

8. Consider approving the annual rate adjustment to the Maximum Rate Schedule for City Solid Waste Collection Services, for an increase of $0.79 per month for residential services, an increase of $6.56 per cubic yard for commercial services, and a decrease of $14.78 per pull for industrial services; increasing the Compost Facility tip fees for Modesto customers from $30.35 per ton to $38.00 per ton, and for Green Waste Diversion from $16.90 per ton to $21.13 per ton, and for outside Modesto customers from $60.00 to $75.00 per ton to become effective July 1, 2021, and rescinding Resolution No. 2020-533 and 2020-359 and modifying the portion of Resolution 2020-248 pertaining to the $60.00 tip fee, and forwarding to Council for approval. (Funding Source: Solid Waste Funds)
PUBLIC WORKS; Karin Neep, 577-5453, kneep@modestogov.com

ACTION: Motion (Ricci/Wright; 3/0) approving the annual rate adjustment to the Maximum Rate Schedule for City Solid Waste Collection Services, for an increase of $0.79 per month for residential services, an increase of $6.56 per cubic yard for commercial services, and a decrease of $14.78 per pull for industrial services; increasing the Compost Facility tip fees for Modesto customers from $30.35 per ton to $38.00 per ton, and for Green Waste Diversion from $16.90 per ton to $21.13 per ton, and for outside Modesto customers from $60.00 to $75.00 per ton to become effective July 1, 2021, and rescinding Resolution No. 2020-533 and 2020-359 and modifying the portion of Resolution 2020-248 pertaining to the $60.00 tip fee, and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 3:46 p.m.

Attest: _____
Joseph Lopez

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday May 25, 2021 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
Absent: None

Pledge of Allegiance to the Flag

Invocation: Mark Krieger, Modesto Covenant Church

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

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

City Attorney Sanchez reported on Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Poem of the month (Funding Source: Not Applicable)
CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Ed Bearden read a Poem entitled "Memorial Day."

2. Presentation from Stanislaus County Board of Supervisors for update related to Covid-19. (Funding Source: Not Applicable)
CITY MANAGER; Joseph Lopez, 577-5223, jlopez@modestogov.com

ACTION: Supervisor Grewal and Dr. Vaishampayan presented a COVID-19 Update.

MISCELLANEOUS

3. Consider accepting the resignation of David Roddick from the City's Board of Zoning Adjustment. (Funding Source: Not Applicable)
Staff Recommendation:

- Resolution accepting the resignation of David Roddick from the City of Modesto Board of Zoning Adjustment.

CED; Steve Mitchell, 577-5267, smitchell@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-180 accepting the resignation of David Roddick from the City of Modesto Board of Zoning Adjustment.

4. Consider accepting the resignation of Rhoda Yare from the City's Board of Zoning Adjustment. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution accepting the resignation of Rhoda Yare from the City of Modesto Board of Zoning Adjustment.

CED; Steve Mitchell, 577-5267, smitchell@modestogov.com

ACTION: (Wright/Zoslocki; 7/0) Resolution 2021-181 accepting the resignation of Rhoda Yare from the City of Modesto Board of Zoning Adjustment.

5. Consider accepting the resignation of Joseph Cahill from the City's Landmark Preservation Commission. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution accepting the resignation of Joseph Cahill from the City of Modesto Landmark Preservation Commission.

CED; Steve Mitchell, 577-5267, smitchell@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2021-182 accepting the resignation of Joseph Cahill from the City of Modesto Landmark Preservation Commission.

PUBLIC COMMENT PERIOD

- Chris Davidson. Elmwood Avenue Neighbors, spoke regarding a noise complaint coming from The Splash Video Bar.

- Ramon Rodriguez spoke regarding Saturday's listening session and the Modesto Police Department.

- Tehresa Gamboa thanked the Modesto Police Department.

- Diana Ringer spoke regarding public access television.

- Sebastian Jones requested the City of Modesto rename the King-Kennedy Center to Dr. Martin Luther King Park and Center, a statue and sign on the freeway.

- Kevin McClarty spoke regarding the clock at the meeting and Council Agenda items.

- Emerson Drake spoke about not being able to see Council during the meeting.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION ITEMS 6-12: (Kenoyer/Wright; 7/0)

CONSENT ITEMS

Consent

6. Consider approving the minutes from the May 11, 2021 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the May 11, 2021 Council Meeting.

    CITY CLERK; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Motion approving the minutes from the May 11, 2021 Council Meeting.

Consent

7. Consider approving the Fourth Amendment to Agreement with Property Specialists, Inc. (dba CPSI), now known as Interwest Consulting Group, Inc., for additional right of way services for the State Route 132 West Freeway/Expressway - Phase 1 Project by $214,500 from $3,522,913 to a new total amount of $3,737,413. (Funding Source: Regional Measure L and Streets Capital Facility Fees (CFF))
    - Resolution approving the Fourth Amendment to the Agreement with Property Specialists, Inc. (dba CPSI), now known as Interwest Consulting Group, Inc. for additional right of way services for the State Route 132 West Freeway/Expressway - Phase 1 Project in the amount of $195,000, plus $19,500 for additional services (if needed), from $3,522,913 to a new total amount of $3,737,413, and authorizing the City Manager, or his designee to execute the Fourth Amendment.

    CED; John Rawles, 577-5253, jrawles@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-183 approving the Fourth Amendment to the Agreement with Property Specialists, Inc. (dba CPSI), now known as Interwest Consulting Group, Inc. for additional right of way services for the State Route 132 West Freeway/Expressway - Phase 1 Project in the amount of $195,000, plus $19,500 for additional services (if needed), from $3,522,913 to a new total amount of $3,737,413, and authorizing the City Manager, or his designee to execute the Fourth Amendment.

Consent

8. Consider approving Professional Services Agreements to provide Citywide Occupational Medicine Services on an as needed basis with Occu-Med, LTD., Fresno, CA for an annual estimated amount of $135,000, and Life Extension Clinics, Inc., DBA Life Scan Wellness Centers, Tampa, FL, for an annual estimated amount of $145,000, unless additional remuneration is otherwise approved by the City Manager or his designee based on the needs of the City so long as the total combined amount does not exceed $1,400,000 over five years. (Funding Source: General Fund and Workers Compensation Fund)

- Resolution approving Professional Services Agreements to provide Citywide Occupational Medicine Services on an as needed basis with Occu-Med, LLC., Fresno, CA for an annual estimated amount of $135,000, and Life Extension Clinics, Inc., DBA Life Scan Wellness Centers, Tampa, FL, for an annual estimated amount of $145,000, unless additional remuneration is otherwise approved by the City Manager or his designee based on the needs of the City so long as the total combined amount does not exceed $1,400,000 over five years; and authorizing the City Manager, or his designee, to execute the Agreement.

HUMAN RESOURCES; Jiles Smith II, 571-5446, jsmith@!modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-184 approving Professional Services Agreements to provide Citywide Occupational Medicine Services on an as needed basis with Occu-Med, LLC., Fresno, CA for an annual estimated amount of $135,000, and Life Extension Clinics, Inc., DBA Life Scan Wellness Centers, Tampa, FL, for an annual estimated amount of $145,000, unless additional remuneration is otherwise approved by the City Manager or his designee based on the needs of the City so long as the total combined amount does not exceed $1,400,000 over five years; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

9. Consider approving the Award of Proposal and Agreement for the Furnishing of General Liability Claims Administration Services to George Hills Company, Rancho Cordova, CA, for two year Agreement with three one-year extension options, for an annual estimated cost of $400,000 and a total amount not to exceed $2,000,000 over five years. (Funding Source: General Liability Fund)
    - Resolution approving the Award of Proposal and Agreement for the Furnishing of General Liability Claims Administration Services to George Hills Company, Rancho Cordova, CA, for two year agreement with three one-year extension options, for an annual estimated cost of $400,000 and a total amount not to exceed $2,000,000 over five years and authorizing the City Manager, or his designee, to execute the Agreement.

HUMAN RESOURCES; Jiles Smith II, 577-5446, jsmith@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-185 approving the Award of Proposal and Agreement for the Furnishing of General Liability Claims Administration Services to George Hills Company, Rancho Cordova, CA, for two year agreement with three one-year extension options, for an annual estimated cost of $400,000 and a total amount not to exceed $2,000,000 over five years and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

10. Consider approving the extension of the Abandoned Vehicle Abatement Program Fee until April 30, 2032. (Funding Source: General Fund)
    - Resolution approving the extension of the Abandoned Vehicle Abatement Program Fee until April 30, 2032.

POLICE DEPARTMENT; Brandon Gillespie, 572-9500, gillespieb@modestopd.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-186 approving the extension of the Abandoned Vehicle Abatement Program Fee until April 30, 2032.

Consent

11. Consider approving a 20-year lease with the Federal Aviation Administration for the ground that their Air Traffic Control Tower is upon at the Modesto City-County Airport. (Funding Source: Not Applicable)
    - Resolution approving a 20-year lease with the Federal Aviation Administration (FAA) for the ground that their Air Traffic Control Tower (ATCT) is upon at the Modesto City-County Airport; and authorizing the City Manager, or his designee, to execute the Agreement.

    PUBLIC WORKS; Steve Fischio, 342-2222, sfischio@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-187 approving a 20-year lease with the Federal Aviation Administration (FAA) for the ground that their Air Traffic Control Tower (ATCT) is upon at the Modesto City-County Airport; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

12. Consider authorizing payment to Storer Transit Systems in the amount of $221,646 for a fixed cost adjustment for the Fiscal Year 2019-2020 operation of Modesto Area Dial-A-Ride. (Funding Source: Transit Funds)
    - Resolution authorizing payment to Storer Transit Systems in the amount of $221,646 for a fixed cost adjustment for the Fiscal Year 2019-2020 operation of Modesto Area Dial-A-Ride.

    PUBLIC WORKS; Adam Barth, 577-5298, abarth@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-188 authorizing payment to Storer Transit Systems in the amount of $221,646 for a fixed cost adjustment for the Fiscal Year 2019-2020 operation of Modesto Area Dial-A-Ride.

COUNCIL COMMENTS & REPORTS

Councilmember Madrigal thanked staff and public for participating in the "Forward Together" listening session on Saturday; he also discussed American Rescue Plan funding; and he asked staff to research establishing a Municipal Identification Program and return to a Committee for discussion.

Councilmember Ricci spoke regarding National App Competition; he thanked staff for assisting with citizens' suggestions; he also approves of streaming on YouTube and other social media, as well as the creation of Community Development Corporation in the community.

Councilmember Escutia-Braaton spoke regarding the Council Workshop last Thursday and Friday; she also thanked citizens for participating at last Saturday's listening session – "Forward Together"; she also announced events for Memorial Day on Monday.

Councilmember Wright spoke regarding his tour of the Modesto Graffiti Museum with Councilmember Zoslocki.

Mayor Zwahlen spoke regarding City Council workshop on Thursday and Friday; she also spoke regarding Saturday's Forward Together listening session on Saturday; she also toured the City's Wastewater Management Department with Councilmember Escutia-Braaton.

Councilmember Zoslocki spoke regarding the City's Strategic Plan.

Councilmember Kenoyer spoke about working together as a Council; she also spoke regarding Memorial Day.

CITY MANAGER COMMENTS & REPORTS

City Manager Lopez thanked City staff who participated at the Modesto Centre Plaza vaccination clinics.

13. Consider an informational update regarding Spanish translation services at City Council meetings and the potential use of MyTV26 Public Access Television Channel. (Funding Source: Not Applicable)
CITY MANAGER; Joseph Lopez, 577-5223, jlopez@modestogov.com

ACTION: Deputy City Manager Scotty Douglass gave an informational update regarding Spanish translation services at City Council meetings and the potential use of MyTV26 Public Access Television Channel.

UNFINISHED BUSINESS

14. Consider approving angled parking on J Street from 9th Street to 16th Street and authorizing staff to issue a Change Order on the 2016 Pavement Rehabilitation Project to install the striping. (Funding Source: Federal Grant and Measure L)
    - Resolution approving angled parking on J Street from 9th Street to 16th Street and authorizing staff to issue a Change Order on the 2016 Pavement Rehabilitation Project to install the striping.

    CED; Phillip Soares, 577-5258, psoares@modestogov.com

ACTION: (Wright/Ricci; 7/0) Resolution 2021-189 approving angled parking on J Street from 9th Street to 16th Street and authorizing staff to issue a Change Order on the 2016 Pavement Rehabilitation Project to install the striping.

HEARINGS

Published in the Modesto Bee on May 18, 2021

15. Hearing to consider the annexation of 'Metro at the Village', Assessor Parcel Number 085-040-063 and 'Icon at the Village', Assessor Parcel Number 085-007-009 to City of Modesto Community Facilities District No. 2004-1 (Village One #2), authorizing the levy of special taxes therein; calling a special election; and declaring the results of the May 25, 2021 special election. (Funding Source: CFD No. 2004-1 (Village One #2))
    - Resolution calling a special election for the Annexation of Additional Territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2).
    - Resolution declaring the results of the May 25, 2021 special election and ordering the Annexation of the Additional Territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2).

    CED; Jessica Hill, 577-5321, jhill@modestogov.com

ACTION: (Zoslocki/Kenoyer; 7/0) Resolution 2021-190 calling a special election for the Annexation of Additional Territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2).

ACTION: (Escutia-Braaton/Zoslocki; 7/0) Resolution 2021-191 declaring the results of the May 25, 2021 special election and ordering the Annexation of the Additional Territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2).

Recess at 7:27 p.m.
Reconvened at 7:33 p.m.

Published in the Modesto Bee on May 14, 2021

16. Hearing to consider the applications of Norcal Ambulance and Sacramento Valley Ambulance and issuing each entity a permit to operate as Non-Emergency Medical Transport Services in the City of Modesto. (Funding Source: General Fund)
    - Resolution approving the applications of Norcal Ambulance and Sacramento Valley Ambulance and issuing both entities a permit to operate as a Non-Emergency Medical Transport company in the City of Modesto.

    POLICE DEPARTMENT; Brandon Gillespie, 572-9500, gillespieb@modestopd.com

ACTION: (Ricci/Wright; 7/0) Resolution 2021-192 approving the applications of Norcal Ambulance and Sacramento Valley Ambulance and issuing both entities a permit to operate as a Non-Emergency Medical Transport company in the City of Modesto.

NEW BUSINESS

17. Consider and review the Draft Budget as submitted by the City Manager with the Mayor's Final Budget Modifications and combining the documents into the Proposed Budget for Fiscal Year 2021-22, and noticing a public hearing to be held on June 22, 2021 for Council's consideration and adoption of the Fiscal Year 2021-22 Proposed Budget and related actions. (Funding Source: All City Funds)

- Resolution combining the City Manager's Draft Budget and the Mayor's Final Budget Modifications into the Proposed Budget for Fiscal Year 2021-22, and noticing a public hearing to be held on June 22, 2021 for Council's consideration and adoption of the Fiscal Year 2021-22 Proposed Budget and related actions.

BUDGET; Stephan Christensen, 577-5390, schristensen@modestogov.com

ACTION: (Wright/Zoslocki; 7/0) Resolution 2021-193 combining the City Manager's Draft Budget and the Mayor's Final Budget Modifications into the Proposed Budget for Fiscal Year 2021-22, and noticing a public hearing to be held on June 22, 2021 for Council's consideration and adoption of the Fiscal Year 2021-22 Proposed Budget and related actions.

18. Consider approving the Pandemic Recovery Strategy, Modesto Forward, and the associated spending plan for the American Rescue Plan funds; and authorizing the City Manager to carry out the necessary steps to implement the strategy and spending plan for the first allocation. (Funding Source: American Rescue Plan Funding)
    - Resolution approving the Pandemic Recovery Strategy, Modesto Forward, and the associated spending plan for the American Rescue Plan funds; and authorizing the City Manager to carry out the necessary steps to implement the strategy and spending plan for the first allocation.

CITY MANAGER; Edgar Garcia, 571-5101, edgarcia@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2021-194 approving the Pandemic Recovery Strategy, Modesto Forward, and the associated spending plan for the American Rescue Plan funds; and authorizing the City Manager to carry out the necessary steps to implement the strategy and spending plan for the first allocation.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:40 p.m.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Two Cases (Pursuant to Section 54956.9(d)(1) of the Government Code)

Name of Case: Dorado v. City of Modesto
Stanislaus County Superior Court
Case No. 2017930

Stephanie Lopez v. City of Modesto, et al.
Superior Court of California, County of Stanislaus
Stanislaus County Case No.: CV-21-00925

CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION
One Case (Pursuant to Section 54956.9(d)(2) of the Government Code)

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
One Case (Pursuant to Section 54957(B)(2) of the Government Code)

Attest:_____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday Jun 01, 2021 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci (arrived at 5:55 p.m.), Wright, Zoslocki, Mayor Zwahlen

Pledge of Allegiance to the Flag

Invocation: Marvin Jacobo, City Ministry Network

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: No Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation from Stanislaus County Board of Supervisors for update related to Covid-19. (Funding Source: Not Applicable)
   CITY MANAGER; Joseph Lopez, 577-5223, jlopez@modestogov.com

ACTION: Supervisor Grewal gave an update related to COVID-19.

PUBLIC COMMENT PERIOD

- Daisy Mayoraga spoke in support of a Citizens' Oversight Board in Modesto and former Modesto Police Officer Joseph Lamantia.
- Ramon Rodriguez spoke regarding the shooting of a teenager last week by the Stanislaus County Sheriff's deputies and the danger of police chases.
- Bianca Lopez spoke regarding the Forward Together meeting on May 22, 2021.
- Kevin McClarty spoke regarding people jaywalking at nighttime in Modesto.

- Sarbat spoke regarding the shooting of a teenager by Stanislaus County Sheriff's deputies last week.

- Mi'Shaye spoke regarding police misconduct and transparency in Modesto.

- Kyle Seever, brother of Trevor Seever, spoke regarding transparency and changes in the Modesto Police Department.

- Hunter spoke regarding more police oversight and police misconduct in the Modesto Police Department.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 2-16: (Kenoyer/Wright; 7/0)

CONSENT ITEMS

Consent
2. Consider approving the minutes from the May 25, 2021 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the May 25, 2021 Council Meeting.

    CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Motion approving the minutes from the May 25, 2021 Council Meeting.

Consent
3. Consider amending Section 4 of the Housing and Urban Development Policies & Procedures Manual. (Funding Source: HOME Investment Partnerships)
    - Resolution amending Section 4 of the Housing and Urban Development Policies & Procedures Manual, and authorizing the City Manager or his designee to execute all related documents.

    CED; Jessica Hill, 577-5211, jhill@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-195 amending Section 4 of the Housing and Urban Development Policies & Procedures Manual, and authorizing the City Manager or his designee to execute all related documents.

Consent
4. Consider approving a Resolution of Intention to form City of Modesto Community Facilities District (CFD) No. 2021-1 (Woodglen), an area bounded by Pelandale Avenue, Carver Road, Bangs Avenue, and Tully Road. (Funding Source: Developer Deposit)
    - Resolution declaring the City Council's Intention to Establish City of Modesto Community Facilities District No. 2021-1 (Woodglen) and to Authorize the Levy of a Special Tax within said Community Facilities District.

    CED; Jessica Hill, 577-5211, jhill@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-196 declaring the City Council's Intention to Establish City of Modesto Community Facilities District No. 2021-1 (Woodglen) and to Authorize the Levy of a Special Tax within said Community Facilities District.

Consent

5. Consider approving a transfer of the remaining funds in the Continuum of Care Planning Grant in the amount of $84,779 to Stanislaus County for funding expended by Stanislaus County. (Funding Source: Continuum of Care Funds)
    - Resolution approving the transfer of funds remaining in the Continuum of Care Planning Grant to Stanislaus County in the amount of $84,779 and authorizing the City Manager or his designee to take the necessary steps to implement the provisions of this resolution.
    - Resolution approving a budget adjustment to the Fiscal Year 2020-21 operating budget to account for an increase in revenues and expenses associated with the planning grant on behalf of Stanislaus County and authorizing the City Manager or his designee to take the necessary steps to implement the provisions of this resolution.

    CED; Jessica Hill, 577-5321, jhill@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-197 approving the transfer of funds remaining in the Continuum of Care Planning Grant to Stanislaus County in the amount of $84,779 and authorizing the City Manager or his designee to take the necessary steps to implement the provisions of this resolution.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-198 approving a budget adjustment to the Fiscal Year 2020-21 operating budget to account for an increase in revenues and expenses associated with the planning grant on behalf of Stanislaus County and authorizing the City Manager or his designee to take the necessary steps to implement the provisions of this resolution.

Consent

6. Consider approving a First Amendment to the Affordable Housing & Sustainable Communities (AHSC) Implementation and Cooperation Agreement for Archway Commons Phase II. (Funding Source: AHSC State Funding)
    - Resolution approving a First Amendment to the Affordable Housing & Sustainable Communities (AHSC) Implementation and Cooperation Agreement for Archway Commons Phase II, and authorizing the City Manager or his designee to execute the Agreement.

    CED; Jessica Hill, 577-5321, jhill@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-199 approving a First Amendment to the Affordable Housing & Sustainable Communities (AHSC) Implementation and Cooperation Agreement for Archway Commons Phase II, and authorizing the City Manager or his designee to execute the Agreement.

Consent

7. Consider the appointment of Council Member David Wright to serve as a non-voting member on the Blight Abatement Advisory Committee. (Funding Source: Not Applicable)
    - Resolution approving the appointment of Council Member David Wright to serve as a non-voting member on the Blight Abatement Advisory Committee, subject to the Mayor's annual committee assignment process.

    CITY CLERK; Edgar Garcia, 571-5101, edgarcia@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-200 approving the appointment of Council Member David Wright to serve as a non-voting member on the Blight Abatement Advisory Committee, subject to the Mayor's annual committee assignment process.

Consent

8. Consider accepting an informational report for the April 2021 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the April 2021 Accounts Payable Payment Register and Void report.

    FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Motion accepting an informational report for the April 2021 Accounts Payable Payment Register and Void report.

Consent

9. Consider accepting the Monthly Investment Report for March 2021. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for March 2021.

    FINANCE DEPARTMENT; Calogero Maniscalco, 577-5219, cmaniscalco@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Motion accepting the Monthly Investment Report for March 2021.

Consent

10. Consider approving an increase to the amount for the purchase of ten 2022 Ford Police Interceptors to Napa Ford, Napa, CA by $2,320 from $406,977 for a new total amount not to exceed $409,297 (Funding Source: Fleet Replacement Fund and Surface Transportation Fund)
    - Resolution approving an increase to the amount for the purchase of ten 2022 Ford Police Interceptors to Napa Ford, Napa, CA by $2,320 from $406,977 for a new total amount not to exceed $409,297, and authorizing the Purchasing Manager, or her designee to amend the Purchase Order.

    FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-201 approving an increase to the amount for the purchase of ten 2022 Ford Police Interceptors to Napa Ford, Napa, CA by $2,320 from

$406,977 for a new total amount not to exceed $409,297, and authorizing the Purchasing Manager, or her designee to amend the Purchase Order.

Consent

11. Consider approving the competitive bidding process from Sourcewell (formerly National Joint Powers Alliance) with Volvo Construction Equipment, Corona, CA for three Trailer Mounted Air Compressors for an amount not to exceed $90,669. (Funding Source: Fleet Replacement Fund and Wastewater Fund)
    - Resolution approving the competitive bidding process from Sourcewell (formerly National Joint Powers Association) with Volvo Construction Equipment, Corona, CA, for three Trailer Mounted Air Compressors for an amount not to exceed $90,669, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

    FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-202 approving the competitive bidding process from Sourcewell (formerly National Joint Powers Association) with Volvo Construction Equipment, Corona, CA, for three Trailer Mounted Air Compressors for an amount not to exceed $90,669, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

Consent

12. Consider approving the donation of Canine Hudson from Thor's Hope Foundation, for use as a facility dog for the City of Modesto Fire Department, for an estimated initial cost of $287, and an estimated annual cost of $3,337. (Funding Source: General Fund)
    - Resolution approving the donation of Canine Hudson from Thor's Hope Foundation, for use as a facility dog for the City of Modesto Fire Department, for an estimated initial cost of $287, and an estimated annual cost of $3,337.

    FIRE DEPARTMENT; Alan Ernst, 572-9590, aernst@modestofire.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-203 approving the donation of Canine Hudson from Thor's Hope Foundation, for use as a facility dog for the City of Modesto Fire Department, for an estimated initial cost of $287, and an estimated annual cost of $3,337.

Consent

13. Consider authorizing a payment in the amount of $150,052 to Belfor Property Restoration, Modesto, CA for the Dryden Golf Clubhouse Fire Renovation. (Funding Source: Capital Improvement Project 101294)
    - Resolution authorizing a payment in the amount of $150,052 to Belfor Property Restoration, Modesto, CA for the Dryden Golf Clubhouse Fire Renovation; and authorizing the Purchasing Manager, or her designee, to execute the payment.

    PRN; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-204 authorizing a payment in the amount of $150,052 to Belfor Property Restoration, Modesto, CA for the Dryden Golf Clubhouse Fire Renovation; and authorizing the Purchasing Manager, or her designee, to execute the payment.

Consent

14. Consider accepting the Coffee Road Pavement Rehabilitation project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities and releasing payments totaling $2,805,738 to United Pavement Maintenance, Inc. of Hughson, CA. (Funding Source: Local Control Measure L Funds)
    - Resolution accepting the Coffee Road Pavement Rehabilitation project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $2,805,738 to United Pavement Maintenance, Inc., of Hughson, CA.

    UTILITIES; Greg Showerman, 571-5860, gshowerman@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-205 accepting the Coffee Road Pavement Rehabilitation project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $2,805,738 to United Pavement Maintenance, Inc., of Hughson, CA.

Consent

15. Consider accepting the Tully Road Pavement Rehabilitation project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities and releasing payments totaling $1,633,621, to DSS Company dba Knife River Construction of Stockton, California. (Funding Source: Local Control Measure L Funds)
    - Resolution accepting the Tully Road Pavement Rehabilitation project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $1,633,621 to DSS Company dba Knife River Construction of Stockton, CA.

    UTILITIES; Greg Showerman, 571-5860, gshowerman@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-206 accepting the Tully Road Pavement Rehabilitation project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $1,633,621 to DSS Company dba Knife River Construction of Stockton, CA.

Consent

16. Consider approving an Agreement with Carollo Engineers, Sacramento, CA, for Engineering Design Services for the Yosemite Transmission Main Project in the amount of $1,186,648 for the identified scope of services, plus $118,665 in additional services, if needed, for a total not to exceed amount of $1,305,313; and amending the Fiscal Year 2020-21 Capital Improvement Project Program Budget in the amount of $1,348,790. (Funding Source: Water Fund)
    - Resolution approving an Agreement with Carollo Engineers, Sacramento, CA, for Engineering Design Services for the Yosemite Transmission Main Project in the amount of $1,186,648 for the identified scope of services, plus $118,665 in additional services, if needed, for a total not to exceed amount of $1,305,313, and authorizing the City Manager, or his designee, to execute the Agreement.

- Resolution amending the Fiscal Year 2020-21 Capital Improvement Program Budget in the amount of $1,348,790 to be transferred into the project from Water Fund Reserves in order to fund the Yosemite Transmission Main 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: (Kenoyer/Wright; 7/0) Resolution 2021-207 approving an Agreement with Carollo Engineers, Sacramento, CA, for Engineering Design Services for the Yosemite Transmission Main Project in the amount of $1,186,648 for the identified scope of services, plus $118,665 in additional services, if needed, for a total not to exceed amount of $1,305,313, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-208 amending the Fiscal Year 2020-21 Capital Improvement Program Budget in the amount of $1,348,790 to be transferred into the project from Water Fund Reserves in order to fund the Yosemite Transmission Main Project and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

COUNCIL COMMENTS & REPORTS

Councilmember Escutia-Braaton spoke regarding the vaccine clinic at the Modesto Centre Plaza.

Councilmember Ricci thanked the Stanislaus County Sheriff's Department for participating in Forward Together on May 22, 2021.

Councilmember Kenoyer attended the Institute of Technology's 20th Anniversary event with Mayor Zwahlen.

Councilmember Wright thanked 3 citizens who assisted a Modesto Police Officer.

Councilmember Madrigal spoke regarding bottled water for County residents who have tainted water.

Mayor Zwahlen encouraged everyone to stay hydrated during the heat wave.

CITY MANAGER COMMENTS & REPORTS

City Attorney Sanchez spoke regarding the census and formation of a Citizen's Districting Commission.

UNFINISHED BUSINESS

17. Consider (i) accepting an update on the proposed renaming of the King-Kennedy Memorial Center and (ii) approving the Culture Commission’s recommendation to

permanently recognize the Mellis family with the naming of the pavilion to the Mellis Family Pavilion and the installment of a Mellis family historical plaque to be located adjacent to the pavilion. (Funding Source: General Fund)

- Resolution accepting an update on the proposed renaming of the King-Kennedy Memorial Center and approving the Culture Commission's recommendation to permanently recognize the Mellis family with the naming of the pavilion to the Mellis Family Pavilion and the installment of a Mellis family historical plaque to be located adjacent to the pavilion.

PRN; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: (Wright/Kenoyer; 7/0) Resolution 2021-209 accepting an update on the proposed renaming of the King-Kennedy Memorial Center and approving the Culture Commission's recommendation to permanently recognize the Mellis family with the naming of the pavilion to the Mellis Family Pavilion and the installment of a Mellis family historical plaque to be located adjacent to the pavilion.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:57 p.m.

Attest:_____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto

ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP

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

Monday Jun 07, 2021 at 2:00 PM

Roll Call - Present: Mayor Zwahlen, Councilmembers Madrigal and Ricci
Absent: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-6

CONSENT

Consent

1. Consider accepting the January - March 2021 Permitting Efficiency Report (Funding Source: Development User Fees)
   CED; Oscar Diaz, 571-5885, odiaz@modestogov.com

ACTION: Motion (Ricci/Madrigal; 3/0) accepting the January - March 2021 Permitting Efficiency Report.

Consent

2. Consider approving the award of bid for the Furnishing of Sewer Root Control Services for the Utilities Department, Wastewater Division, to Dukes Root Control, Inc., Syracuse, NY, for a two year Agreement with three one-year extension options, for an estimated annual amount of $65,879, and a total amount not to exceed $329,395 over five years and forwarding to Council for approval. (Funding Source: Wastewater Fund)
   FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: Motion (Ricci/Madrigal; 3/0) approving the award of bid for the Furnishing of Sewer Root Control Services for the Utilities Department, Wastewater Division, to Dukes Root Control, Inc., Syracuse, NY, for a two year Agreement with three one-year extension options, for an estimated annual amount of $65,879, and a total amount not to exceed $329,395 over five years and forwarding to Council for approval.

Consent

3. Consider approving the award of bids for eight City Fleet Replacements for Modesto Police (MPD) and Parks, Recreation and Neighborhoods (PRN) one new addition for Utilities in the amount of $596,762 and forwarding to Council for approval. (Funding Source: Fleet Replacement Fund and Water Fund)
   FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: Motion (Ricci/Madrigal; 3/0) approving the award of bids for eight City Fleet Replacements for Modesto Police (MPD) and Parks, Recreation and Neighborhoods (PRN) one new addition for Utilities in the amount of $596,762 and forwarding to Council for approval.

Consent

4. Consider approving the Sole Source Agreement with Hach, Loveland, CO, for Field Services for a one year Agreement with two one-year extension options, for an estimated annual cost of $27,922 and a total not to exceed $86,305 over three years and forwarding to Council for approval. (Funding Source: Wastewater Fund)
   FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: Motion (Ricci/Madrigal; 3/0) approving the Sole Source Agreement with Hach, Loveland, CO, for Field Services for a one year Agreement with two one-year extension options, for an estimated annual cost of $27,922 and a total not to exceed $86,305 over three years and forwarding to Council for approval.

Consent

5. Consider approving a Lease Agreement with Don Wilson et al of Wilson Family Plumbing, Inc. to utilize the Frazine and Norseman parcels for agricultural purposes for an initial term of 5 years and forwarding to Council for approval. (Funding Source: Water Fund)
   UTILITIES; Jesse Franco, 571-5175, jfranco@Modestogov.com

ACTION: Motion (Ricci/Madrigal; 3/0) approving a Lease Agreement with Don Wilson et al of Wilson Family Plumbing, Inc. to utilize the Frazine and Norseman parcels for agricultural purposes for an initial term of 5 years and forwarding to Council for approval.

Consent

6. Consider approving the Sole Source Agreement with HSQ Technology, Hayward, CA, for Maintenance and Support of the Supervisory Control and Data Acquisition (SCADA System), for a two-year Agreement with three one-year extension options, for an estimated annual amount of $47,520, and a total amount not to exceed $252,348 over five years and forwarding to Council for approval. (Funding Source: Water and Wastewater Funds)
   INFORMATION TECHNOLOGY; Kevin Harless, 571-5593, kharless@modestogov.com

ACTION: Motion (Ricci/Madrigal; 3/0) approving the Sole Source Agreement with HSQ Technology, Hayward, CA, for Maintenance and Support of the Supervisory Control and Data Acquisition (SCADA System), for a two-year Agreement with three one-year extension options, for an estimated annual amount of $47,520, and a total amount not to exceed $252,348 over five years and forwarding to Council for approval.

NEW BUSINESS

7. Consider directing staff to proceed with a Comprehensive General Plan Update and its Environmental Impact Report; approving an Agreement with PlaceWorks, to prepare the Comprehensive General Plan Update and Environmental Impact Report, in the amount of $1,579,412 plus a ten percent contingency of $157,941, if needed, for an Agreement total not to exceed $1,737,353; unfreeze the currently frozen Associate Planner position to assist with project work; authorize project funding, and forwarding to Council for approval. (Funding Source: General Fund Reserves, REAP Grant, ARPA)
   CED; Brad Wall, 577-5273, bwall@modestogov.com

ACTION: Motion (Madrigal/Ricci; 3/0) directing staff to proceed with a Comprehensive General Plan Update and its Environmental Impact Report; approving an Agreement with PlaceWorks, to prepare the Comprehensive General Plan Update and Environmental Impact Report, in the amount of $1,579,412 plus a ten percent contingency of $157,941, if needed, for an Agreement total not to exceed $1,737,353; unfreeze the currently frozen Associate Planner position to assist with project work; authorize project funding, and forwarding to Council for approval.

8. Consider allowing Parklets in City right-of-way, and forwarding to Council for approval. (Funding Source: Not Applicable)
   CED; Marcus Tucker, 577-5473, mtucker@modestogov.com

ACTION: Motion (Madrigal/Ricci; 3/0) allowing Parklets in City right-of-way, and forwarding to Council for approval.

9. Consider approving the award and Agreement for the Housing Plan–SB2 to Opticos Design, Inc., Berkeley, CA, for a total amount not to exceed $355,805 including a $10,000 contingency, and forwarding to Council for approval. (Funding Source: SB2 State Housing Grant Program)
   FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: Motion (Ricci/Madrigal; 3/0) approving the award and Agreement for the Housing Plan–SB2 to Opticos Design, Inc., Berkeley, CA, for a total amount not to exceed $355,805 including a $10,000 contingency, and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 2:6 p.m.

Attest:_____
Joseph Lopez

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday Jun 08, 2021 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
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 Sanchez reported on Closed Session matters; no reportable action

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation from Stanislaus County Board of Supervisors for update related to Covid-19. (Funding Source: Not Applicable)
CITY MANAGER; Joseph Lopez, 577-5223, joelopez@modestogov.com

ACTION: No reportable action.

2. Proclamation recognizing June 2021 as Pride Month. (Funding Source: Not Applicable)
CITY COUNCIL; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Zwahlen read a Proclamation recognizing June 2021 as Pride Month.

PUBLIC COMMENT PERIOD

- Darlene Ruiz, mother of Trevor Seever, demanded an independent auditor for the Modesto Police Department.

- Gavin Bruce also demanded an independent auditor for the Modesto Police Department and the shooting of Xander Mann by the Stanislaus County Sheriff's office.

- Ray Ruiz also spoke in support of an independent police auditor for the Modesto Police Department.

- Marjorie Sturdy, Modesto Progressive Democratic Club, spoke about law enforcement oversight in Modesto and Stanislaus County.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 3-9: (Kenoyer/Wright; 7/0)

CONSENT ITEMS

Consent
3. Consider approving the minutes from the June 1, 2021 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the June 1, 2021 Council Meeting.

    CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Motion approving the minutes from the June 1, 2021 Council Meeting.

Consent
4. Consider approving the recommended budget adjustments to Fiscal Year 2020-2021 Annual Operating and Capital Improvement Program Budgets. (Funding Source: Various Funds)
    - Resolution amending Fiscal Year 2020-2021 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager, to make the necessary steps to implement the provisions of this resolution.

    BUDGET; Steve Christensen, 577-5390, schristensen@modestgov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-210 amending Fiscal Year 2020-2021 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager, to make the necessary steps to implement the provisions of this resolution.

Consent
5. Consider amending the Cannabis Business activity description to properly categorize the cannabis tax on the primary activity and to amend the cannabis tax rates effective July 1, 2021; including amending Microbusiness to Microbusiness (Retail) at eight percent (8%), Microbusiness (Manufacturing-Wholesale) at four percent (4%), and Microbusiness (Cultivation-Wholesale) at two and a half percent (2.5%); amending the Cultivation category by type to Cultivation (Nursery) at one percent (1%) and Cultivation (Indoor Only) at two and a half percent (2.5%); reduce the Distribution tax rate to two and a half percent (2.5%); and reduce the Testing Labs tax rate to one and a half percent (1.5%). (Funding Source: Permitted Cannabis Businesses)

- Resolution adopting the Cannabis Business activity description to properly categorize the cannabis tax on the primary activity and to amend the cannabis tax rates effective July 1, 2021; including amending Microbusiness to Microbusiness (Retail) at eight percent (8%), Microbusiness (Manufacturing-Wholesale) at four percent (4%), and Microbusiness (Cultivation-Wholesale) at two and a half percent (2.5%); amending the Cultivation category by type to Cultivation (Nursery) at one percent (1%) and Cultivation (Indoor Only) at two and a half percent (2.5%); reduce the Distribution tax rate to two and a half percent (2.5%); and reduce the Testing Labs tax rate to one and a half percent (1.5%).

FINANCE DEPARTMENT; Gina Brown, 577-5381, gbrown@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-211 adopting the Cannabis Business activity description to properly categorize the cannabis tax on the primary activity and to amend the cannabis tax rates effective July 1, 2021; including amending Microbusiness to Microbusiness (Retail) at eight percent (8%), Microbusiness (Manufacturing-Wholesale) at four percent (4%), and Microbusiness (Cultivation-Wholesale) at two and a half percent (2.5%); amending the Cultivation category by type to Cultivation (Nursery) at one percent (1%) and Cultivation (Indoor Only) at two and a half percent (2.5%); reduce the Distribution tax rate to two and a half percent (2.5%); and reduce the Testing Labs tax rate to one and a half percent (1.5%).

Consent

6. Consider approving the award of bid for the Standby Rental and/or Delivery of By-Pass Pumps DV-400C to Western Oilfields Supply Company dba Rain for Rent, Bakersfield, CA, for an amount not to exceed $60,545, 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 award of bid for the Standby Rental and/or Delivery of By-Pass Pumps DV-400C to Western Oilfields Supply Company dba Rain for Rent, Bakersfield, CA, for an amount not to exceed $60,545, to ensure the City has the necessary equipment to mitigate any service disruptions during peak cannery discharge season and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

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

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-212 approving the award of bid for the Standby Rental and/or Delivery of By-Pass Pumps DV-400C to Western Oilfields Supply Company dba Rain for Rent, Bakersfield, CA, for an amount not to exceed $60,545, to ensure the City has the necessary equipment to mitigate any service disruptions during peak cannery discharge season and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

Consent

7. Consider accepting the Empire Sanitary Sewer Trunk Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing

payments totaling $4,288,105 to Rolfe Construction, Inc., Atwater, CA. (Funding Source: Wastewater Fund)

- Resolution accepting the Empire Sanitary Sewer Trunk Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $4,288,105 to Rolfe Construction, Inc., Atwater, CA.

UTILITIES; Greg Showerman, 571-5860, gshowerman@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-213 accepting the Empire Sanitary Sewer Trunk Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $4,288,105 to Rolfe Construction, Inc., Atwater, CA.

Consent

8. Consider accepting the Spencer Avenue Neighborhood Strengthen & Replace Water Mains project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $1,314,761 to Rolfe Construction, Inc., Atwater, CA. (Funding Source: Water Fund)

    - Resolution accepting the Spencer Avenue Neighborhood Strengthen & Replace Water Mains project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $1,314,761 to Rolfe Construction, Inc., Atwater, CA.

    UTILITIES; Greg Showerman, 571-5860, gshowerman@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-214 accepting the Spencer Avenue Neighborhood Strengthen & Replace Water Mains project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $1,314,761 to Rolfe Construction, Inc., Atwater, CA.

Consent

9. Consider rejecting all bids for the Codoni Lift Station Force Main Replacement Project and authorizing staff to re-advertise the project for bids at a future date. (Funding Source: Wastewater)

    - Resolution rejecting all bids for the Codoni Lift Station Force Main Replacement Project and authorizing staff to re-advertise the project for bids at a future date.

    UTILITIES; Cristian Ciotau, 577-5260, cciotau@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-215 rejecting all bids for the Codoni Lift Station Force Main Replacement Project and authorizing staff to re-advertise the project for bids at a future date.

COUNCIL COMMENTS & REPORTS

Councilmember Ricci announced the National App Competition for local students.

Councilmember Kenoyer attended a ribbon-cutting ceremony; she also thanked the Sheriff's Department for busting illegal marijuana grows.

Councilmember Madrigal attended Legislative Action Day meeting with Assembly Member Flora; he requested more funding for fireworks disposal program; he thanked City of Modesto Fire Department for their help during a fire in District 2 near his home.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

10. Consider approving the Forward Together working group and listening session themes; and directing staff to carry out the appropriate next steps and return to Council with recommendations. (Funding Source: Not Applicable)
    - Resolution approving Forward Together working group and listening session themes; and directing staff to carry out the appropriate next steps and return to Council with recommendations.

    CITY MANAGER; Edgar Garcia, 571-5101, edgarcia@modestogov.com

ACTION: (Madrigal/Ricci; 7/0) Resolution 2021-216 approving Forward Together working group and listening session themes; and directing staff to carry out the appropriate next steps and return to Council with recommendations. **(AS AMENDED)**

HEARINGS

Published in the Modesto Bee on May 28, 2021.

11. Hearing to consider approving the annual rate adjustment to the Maximum Rate Schedule for City Solid Waste Collection Services, for an increase of $0.79 per month for residential services, an increase of $6.56 per cubic yard for commercial services, and a decrease of $14.78 per pull for industrial services; increasing the Compost Facility tip fees for Modesto customers from $30.35 per ton to $38.00 per ton, and for Green Waste Diversion from $16.90 per ton to $21.13 per ton, and for outside Modesto customers from $60.00 to $75.00 per ton to become effective July 1, 2021, and rescinding Resolution No. 2020-533 and 2020-359 and amending the portion of Resolution 2020-248 pertaining to the $60.00 tip fee. (Funding Source: Solid Waste Funds)
    - Resolution approving the annual rate adjustment to the Maximum Rate Schedule for City Solid Waste Collection Services provided by the garbage haulers, for an increase of $0.79 per month for residential services, an increase of $6.56 per cubic yard for commercial services, and a decrease of $14.78 per pull for industrial services to become effective July 1, 2021, and rescinding Resolution No. 2020-533 for the January 1, 2021 rate adjustment.
    - Resolution increasing the Compost Facility tip fees for Modesto customers from $30.35 per ton to $38.00 per ton, and for Green Waste Diversion from $16.90 per ton to $21.13 per ton to become effective July 1, 2021, and

rescinding Resolution No. 2020-359 and increasing the tip fee for outside Modesto customers from $60.00 per ton to $75.00 per ton, amending the portion of Resolution 2020-248 pertaining to the $60.00 tip fee.

PUBLIC WORKS; Karin Neep, 577-5453, kneep@modestogov.com

ACTION: (Wright/Kenoyer; 7/0) Resolution 2021-217 approving the annual rate adjustment to the Maximum Rate Schedule for City Solid Waste Collection Services provided by the garbage haulers, for an increase of $0.79 per month for residential services, an increase of $6.56 per cubic yard for commercial services, and a decrease of $14.78 per pull for industrial services to become effective July 1, 2021, and rescinding Resolution No. 2020-533 for the January 1, 2021 rate adjustment.

ACTION: (Wright/Kenoyer; 7/0) Resolution 2021-218 increasing the Compost Facility tip fees for Modesto customers from $30.35 per ton to $38.00 per ton, and for Green Waste Diversion from $16.90 per ton to $21.13 per ton to become effective July 1, 2021, and rescinding Resolution No. 2020-359 and increasing the tip fee for outside Modesto customers from $60.00 per ton to $75.00 per ton, amending the portion of Resolution 2020-248 pertaining to the $60.00 tip fee.

Published in the Modesto Bee on May 24th and May 31st.

12. Hearing to consider adopting the 2020 Joint Urban Water Management Plan as required by the State's Water Code; and adopting the City of Modesto Water Shortage Contingency Plan Update. (Funding Source: Water Fund)
    - Resolution adopting the 2020 Joint Urban Water Management Plan as required by the State's Water Code and instructing staff to submit the Final 2020 Joint Urban Water Management Plan to Department of Water Resources by July 1, 2021.
    - Resolution adopting the City of Modesto Water Shortage Contingency Plan Update and instructing staff to submit as part of the Final 2020 Joint Urban Water Management Plan to Department of Water Resources by July 1, 2021.

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

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2021-219 adopting the 2020 Joint Urban Water Management Plan as required by the State's Water Code and instructing staff to submit the Final 2020 Joint Urban Water Management Plan to Department of Water Resources by July 1, 2021.

ACTION: (Escutia-Braaton/Kenoyer; 7/0) Resolution 2021-220 adopting the City of Modesto Water Shortage Contingency Plan Update and instructing staff to submit as part of the Final 2020 Joint Urban Water Management Plan to Department of Water Resources by July 1, 2021.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:05 p.m.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Three Cases (Pursuant to Section 54956.9(d)(1) of the Government Code)

Name of Case: Dorado v. City of Modesto
Stanislaus County Superior Court
Case No. 2017930

Estate of Kim Jackson et al. v. City of Modesto, et al.
United States Eastern District
Case No.: 1:21-CV-00415

Stephanie Lopez v. City of Modesto, et al.
Superior Court of California, County of Stanislaus
Stanislaus County Case No.: CV-21-00925

CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION
Four Cases (Pursuant to Section 54956.9(d)(2) of the Government Code)

Attest:_____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto

SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP

(Held Via Teleconference)

Monday Jun 14, 2021 at 5:00 PM

Roll Call Present: Councilmembers Kenoyer and Ricci; Mayor Zwahlen
Absent: None

PUBLIC COMMENTS

None.

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

CONSENT

1. Consider an Ordinance amending sections 9-4.201(b), 9-4.201(m), 9-4.201(w), 9-4.201(am), 9-4.302, 9-4.402(a)(6), 9-4.02(d)(2)(ii), 9-4.501(c)(1), 9-4.501(c)(5)(ii)(A), and 9-4.603(f), and adding Section 9-4.307 to Chapter 4 Floodplain Management, of Title 9, Building Regulations, of the Modesto Municipal Code to adopt flood hazard maps, designate a floodplain administrator, and for other purposes; providing for severability and an effective date and forwarding to Council for approval. (Funding Source: General Fund)
CED; Oscar Diaz, 571-5885, odiaz@modestogov.com

ACTION: Motion (Zwahlen/Ricci; 3/0) approving an Ordinance amending sections 9-4.201(b), 9-4.201(m), 9-4.201(w), 9-4.201(am), 9-4.302, 9-4.402(a)(6), 9-4.02(d)(2)(ii), 9-4.501(c)(1), 9-4.501(c)(5)(ii)(A), and 9-4.603(f), and adding Section 9-4.307 to Chapter 4 Floodplain Management, of Title 9, Building Regulations, of the Modesto Municipal Code to adopt flood hazard maps, designate a floodplain administrator, and for other purposes; providing for severability and an effective date and forwarding to Council for approval.

2. Consider approving a Lease Agreement with New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company (AT&T), for a co-located cell tower lease at Ustach Park totaling 400 sq. ft. and adjacent to the existing cell tower, and forwarding to Council for approval. (Funding Source: Cell Tower Facility Rental Revenue, Village One CFD, Village One CFD #2)
PRN; Nathan Houx, 571-5526, nhoux@modestogov.com

ACTION: Motion (Zwahlen/Ricci; 3/0) approving a Lease Agreement with New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company (AT&T), for a co-located cell tower lease at Ustach Park totaling 400 sq. ft. and adjacent to the existing cell tower, and forwarding to Council for approval.

NEW BUSINESS

3. Consider accepting an informational presentation on the Police Department's research related to best practices for mental health response models. (Funding Source: Not Applicable)
   POLICE; Brandon Gillespie, 572-9500, gillespieb@modestopd.com

ACTION: No reportable action.

4. 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; Scott Collins, 577-5431, scollins@modestogov.com

ACTION: Motion (Ricci/Zwahlen; 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.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:42 p.m.

Attest:_____
Joseph Lopez

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday Jun 22, 2021 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
Absent: None

Pledge of Allegiance to the Flag

Invocation: Jeremiah Williams, The Revival Center

City Clerk's Announcements: One email public comment received from Julissa Ruiz Ramirez and distributed to Council

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. County/Covid-19 update. (Funding Source: Not Applicable)
CITY MANAGER; Joseph Lopez, 577-5223, joelopez@modestogov.com

ACTION: Supervisor Grewal gave an update on COVID-19.

2. Poem of the Month (Funding Source: Not Applicable)
CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Poem of the Month from Poet Laureate Salvatore Salerno.

3. Presentation of commendations to citizens who came to an officer's aid on May 25 (Funding Source: Not Applicable)
POLICE; Brandon Gillespie, 572-9500, GillespieB@modestopd.com

ACTION: Interim Police Chief Gillespie presented Certificates of Commendation to 3 citizens who came to the aid of Modesto Police Officer Soria.

PUBLIC COMMENT PERIOD

- Jose Garcia spoke in opposition to a civilian oversight review board and independent auditor for the Modesto Police Department.

- Geraldine Cavalli, CVP, spoke in support of a civilian oversight review board, independent auditor and CAHOOTS program in Modesto.

- Adam K. spoke regarding the Constitution, equal rights and Forward Together program.

- PB spoke in opposition to Proud Boys group and hate in Modesto.

- Janet spoke in support of the Constitution and the Modesto Police Department.

- Meghan Tazir spoke in support of Officer Lamantia and the Modesto Police Department.

- Cory Runyan spoke regarding racism, the Proud Boys and the Constitution; drop charges against Officer Lamantia.

- JKC spoke against the Proud Boys; she spoke in support of a civilian review board.

- J. Marie spoke in support of the Modesto Police Department and the Constitution,

- Kevin McClarty spoke regarding jaywalking in Modesto at night and grants for enforcement by Modesto Police officers.

- Darlene Ruiz, mother of Trevor Seever, spoke regarding Officer Lamantia and in support of Forward Together, civilian review board, independent police auditor and CAHOOTS program in Modesto.

- Marla Seever, aunt of Trevor Seever, spoke regarding Officer Lamantia and the Modesto Police Department.

- Stephen Allen spoke in support of Trevor Seever's family and police accountability.

- Allison Seever, sister of Trevor Seever, spoke in support of a police auditor and accountability.

- Josh Fulfer spoke regarding law enforcement, mental health and a civilian review board.

- Mi'Shaye spoke regarding justice for Trevor Seever's family.

- Kyle Seever, brother of Trevor Seever, spoke regarding the shooting of Xander Mann; he also spoke against Interim Police Chief Gillespie, District Attorney Birgit Fladager, Alex Bettis, and Councilmember Zoslocki; he spoke in support of a civilian review board, independent police auditor, and drug testing for Modesto Police Officers.

- Reuben Sanchez, friend of the Seever Family, spoke regarding the shooting of Trevor Seever.

- Christian spoke regarding accountability and education; she spoke in support of the Seever Family.

- Trina spoke in support of the Seever Family.

- Giselle Cisneros spoke in support of accountability for the Modesto Police Department and support of the Seever Family.

- Melisa Koessel-Verderame spoke regarding accountability for the Modesto Police Department.

- Dovante Robinson spoke regarding Officer Lamantia, the Proud Boys and justice for Trevor Seever and Xander Mann.

- Dixie Alcantar spoke regarding the shooting of Trevor Seever, Officer Lamantia and civilian oversight committee.

- Don Grundman spoke regarding the Proud Boys, Straight Pride Parade and Planned Parenthood.

- Emerson Drake spoke regarding the Proud Boys and Forward Together group and the Zoom screen on television.

- Chango the Fourth spoke regarding the Proud Boys.

Recess at 7:23 p.m.
Reconvened at 7:30 p.m.

- Taun Hall spoke in support of the Seever Family.

- Kay Smith spoke in support of a civilian oversight review board; she also spoke regarding police department budgets.

- Harpreet spoke regarding the shooting of Xander Mann and law enforcement; she spoke in support of mental health officials, and a civilian review board.

- Eric spoke regarding the Proud Boys, the Constitution and defunding the police.

- Dixie Prather, grandmother of Trevor Seever, spoke regarding the shooting by Officer Lamantia.

- Ray Ruiz spoke in support of an independent police auditor, civilian review board and CAHOOTS program.

- Kayla Alcala, cousin of Trevor Seever, spoke regarding making Modesto a safer place.

- Drea spoke in support of the Seever Family.

- John Mataka spoke regarding Officer Lamantia and the Proud Boys; he's in support of a civilian oversight review board.

- Jon Grammatico spoke regarding mental health and the police department.

- Kelly, Trevor's aunt, spoke regarding the Proud Boys and respect for the Seever Family.

- AFA spoke regarding the Proud Boys.

- Sabrina Courtrel spoke in support of the Seever Family.

Recess at 8:08 p.m.
Reconvened at 8:12 p.m.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 4-16: (Kenoyer/Wright; 7/0)

CONSENT ITEMS

Consent
4. Consider approving the minutes from the June 8, 2021 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the June 8, 2021 Council Meeting.

    CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Motion approving the minutes from the June 8, 2021 Council Meeting.

Consent
5. Consider accepting the 2020 General Plan Annual Progress Report and authorizing staff to submit it to the State of California. (Funding Source: General Fund)
    - Resolution accepting the 2020 General Plan Annual Progress Report and authorizing staff to submit it to the State of California.

    CED; Cindy van Empel, 577-5267, cvanempel@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-221 accepting the 2020 General Plan Annual Progress Report and authorizing staff to submit it to the State of California.

Consent

6. Consider approving the Fiscal Year 2021-2022 Appropriation Limit, which is an annual spending limit calculation that identifies the maximum amount of appropriations for publicly funded programs. (Funding Source: Not Applicable)
    - Resolution establishing the appropriation limit for the Fiscal Year 2021-2022 annual budget.

    FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-222 establishing the appropriation limit for the Fiscal Year 2021-2022 annual budget.

Consent

7. Consider approving payment of various Equipment Maintenance Agreements for Fiscal Year 2021-2022 with multiple equipment manufacturers for all City Departments, for an annual cost not to exceed $534,029; and authorizing the City Manager, or his designee to execute Equipment Maintenance Agreements associated with the items in Exhibit B – Fiscal Year 2021-2022 Equipment Maintenance Agreements (more than $50,000). (Funding Source: Various Funds)
    - Resolution approving payment of various Equipment Maintenance Agreements for Fiscal Year 2021-2022 with multiple equipment manufacturers for all City Departments, for an annual cost not to exceed $534,029; and authorizing the City Manager, or his designee, to execute Equipment Maintenance Agreements associated with the items in Exhibit B – Fiscal Year 2021-2022 Equipment Maintenance Agreements (more than $50,000).

    FINANCE DEPARTMENT; DeAnna Christensen, 577-5387, dachristensen@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-223 approving payment of various Equipment Maintenance Agreements for Fiscal Year 2021-2022 with multiple equipment manufacturers for all City Departments, for an annual cost not to exceed $534,029; and authorizing the City Manager, or his designee, to execute Equipment Maintenance Agreements associated with the items in Exhibit B – Fiscal Year 2021-2022 Equipment Maintenance Agreements (more than $50,000).

Consent

8. Consider authorizing the annual payment to bind and purchase insurance, through the broker of record, to secure insurance policies for Excess General Liability, Excess Workers' Compensation, Property, and other insurances as may be determined necessary by the City Manager, or his designee, including Crime, Pollution, Cyber Liability, and Airport and Aircraft Liability, and authorizing City staff to negotiate and execute settlements for claims in the Workers' Compensation and General Liability

programs not exceeding $50,000. (Funding Source: Insurance Administration Fund, General Liability Fund, Workers' Compensation Fund, Property Insurance Fund)

- Resolution authorizing the annual payment to bind and purchase insurance, through the broker of record, to secure insurance policies for Excess General Liability, Excess Workers' Compensation, Property, and other insurances as may be determined necessary by the City Manager, or his designee, including Crime, Pollution, Cyber Liability, and Airport and Aircraft Liability and authorizing the City Manager, or his designee, to execute the Agreements.
- Resolution authorizing City staff to negotiate and execute settlements for claims in the Workers' Compensation and General Liability programs not exceeding $50,000.

HUMAN RESOURCES; Jiles Smith, 571-5446, jsmith@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-224 authorizing the annual payment to bind and purchase insurance, through the broker of record, to secure insurance policies for Excess General Liability, Excess Workers' Compensation, Property, and other insurances as may be determined necessary by the City Manager, or his designee, including Crime, Pollution, Cyber Liability, and Airport and Aircraft Liability and authorizing the City Manager, or his designee, to execute the Agreements.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-225 authorizing City staff to negotiate and execute settlements for claims in the Workers' Compensation and General Liability programs not exceeding $50,000.

Consent

9. Consider approving the payment of Hardware and Software Maintenance Support Agreements for Fiscal Year 2021-2022 for an estimated annual cost not to exceed $5,566,945; 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 2021-2022 (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 2021-2022 for an estimated annual cost not to exceed $5,566,945; and to authorize the City Manager, or his designee to execute routine renewal Agreements associated with Exhibit B.

    IT; Charlie Haase, 577-5229, chaase@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-226 approving the payment of Hardware and Software Maintenance Support Agreements for Fiscal Year 2021-2022 for an estimated annual cost not to exceed $5,566,945; and to authorize the City Manager, or his designee to execute routine renewal Agreements associated with Exhibit B.

Consent

10. Consider approving an Agreement with R3 Consulting Group, Inc. Roseville, CA for SB 1383 Implementation Plan, for a total amount not to exceed $65,240. (Funding Source: Solid Waste Fund, Compost Fund, Waste to Energy Fund)

- Resolution approving an Agreement with R3 Consulting Group, Inc. Roseville, CA for SB 1383 Implementation Plan, for a total amount not to exceed $65,240, and authorizing the City Manager, or his designee, to execute the Agreement.

PUBLIC WORKS; Karin Neep, 577-5453, kneep@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-227 approving an Agreement with R3 Consulting Group, Inc. Roseville, CA for SB 1383 Implementation Plan, for a total amount not to exceed $65,240, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

11. Consider approving a Second Amendment to the Agreement with e-Builder, Inc., Plantation, FL, for a one-year extension for Construction Management Software in an amount not to exceed $94,250 for System Maintenance, Support and Licensing. (Funding Source: Capital Improvement Support Fund)
    - Resolution approving a Second Amendment to the Agreement with e-Builder, Inc., Plantation, FL, for a one-year extension for Construction Management Software in an amount not to exceed $94,250 for System Maintenance, Support and Licensing, and authorizing the City Manager, or his designee, to execute the Amendment.

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

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-228 approving a Second Amendment to the Agreement with e-Builder, Inc., Plantation, FL, for a one-year extension for Construction Management Software in an amount not to exceed $94,250 for System Maintenance, Support and Licensing, and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

12. Consider approving an electrical easement to Turlock Irrigation District to cover electrical infrastructure for the Jennings Plant Entrance Improvements. (Funding Source: Wastewater Fund)
    - Resolution approving the grant of an electrical easement to Turlock Irrigation District for facilities along Jennings Road and authorizing the City Manager or his designee to execute the easement documents.

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

ACTION: (Kenoyer/Wright; 7/0) **Resolution 2021-229** approving the grant of an electrical easement to Turlock Irrigation District for facilities along Jennings Road and authorizing the City Manager or his designee to execute the easement documents.

Consent

13. Consider approving a third amendment to the Purchase Agreement for Sodium Hypochlorite, Sodium Hydroxide, and Citric Acid from Univar USA Inc., San Jose, CA, and Sulfuric Acid and Phosphoric Acid from Northstar Chemical, Modesto, CA, to increase the amount by $49,915 from $259,782 to a new total of $309,697, and

extending the term of the Agreement from June 13, 2021 to December 31, 2021. (Funding Source: Wastewater Fund)

- Resolution approving a third amendment to the Purchase Agreement for Sodium Hypochlorite, Sodium Hydroxide, and Citric Acid from Univar USA Inc., San Jose, CA, and Sulfuric Acid and Phosphoric Acid from Northstar Chemical, Modesto, CA, to increase the amount by $49,915 from $259,782 to a new total of $309,697, and extending the term of the Agreement from June 13, 2021 to December 31, 2021, and authorizing the City Manager, or his designee, to execute the Amendment.

UTILITIES; Ben Koehler, 342-4502, bkoehler@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-230 approving a third amendment to the Purchase Agreement for Sodium Hypochlorite, Sodium Hydroxide, and Citric Acid from Univar USA Inc., San Jose, CA, and Sulfuric Acid and Phosphoric Acid from Northstar Chemical, Modesto, CA, to increase the amount by $49,915 from $259,782 to a new total of $309,697, and extending the term of the Agreement from June 13, 2021 to December 31, 2021, and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

14. Consider accepting the Amtrak North Parking Lot Expansion Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $401,978 to Hudson Insurance Company of Scottsdale, AZ. (Funding Source: Local Transportation Fund)

    - Resolution accepting the Amtrak North Parking Lot Expansion Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $401,978 to Hudson Insurance Company of Scottsdale, AZ.

    UTILITIES; Greg Showerman, 571-5860, gshowerman@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-231 accepting the Amtrak North Parking Lot Expansion Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $401,978 to Hudson Insurance Company of Scottsdale, AZ.

Consent

15. Consider accepting the Pelandale Avenue Pavement Rehabilitation STPL-5059(220) Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $2,154,212 to DSS Company dba Knife River Construction, of Stockton, CA. (Funding Source: Funding Source: Federal RSTP and Local Control Measure L Funds)

    - Resolution accepting the Pelandale Avenue Pavement Rehabilitation Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $2,154,212 to DSS Company dba Knife River Construction, of Stockton, CA.

    UTILITIES; Greg Showerman, 571-5860, gshowerman@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-232 accepting the Pelandale Avenue Pavement Rehabilitation Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $2,154,212 to DSS Company dba Knife River Construction, of Stockton, CA.

Consent

16. Consider rejecting all bids for the River Trunk Realignment Gravity System Project and authorizing staff to re-advertise the project for bids at a future date. (Funding Source: Wastewater)
    - Resolution rejecting all bids for the River Trunk Realignment Gravity System Project and authorizing staff to re-advertise the project for bids at a future date.

    UTILITIES; Cristian Ciotau, 577-5260, cciotau@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-233 rejecting all bids for the River Trunk Realignment Gravity System Project and authorizing staff to re-advertise the project for bids at a future date.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer spoke regarding white buses in Modesto for the Stanislaus Regional Transit Authority; she attended to the Juneteenth event at Martin Luther King Park on Saturday.

Councilmember Madrigal commented on his vote in opposition to Item No. 17 at the end of the meeting.

CITY MANAGER COMMENTS & REPORTS

City Attorney Sanchez gave an update on the City's Redistricting Commission.

HEARINGS

Published in the Modesto Bee on June 11, 2021

17. Hearing to consider and approve the Final Proposed Fiscal Year 2021-22 Operating and Multi-Year Budget and Capital Improvement Program for the City and related Resolutions. (Funding Source: All City Funds)
    - Resolution approving the adoption of the Fiscal Year 2021-22 Annual and Multi-Year Operating Budgets and the 2021-22 Capital Improvement Program for the City of Modesto and the related Inter-Fund Transfers.
    - Resolution approving the Budget Principles, Policy on Workers Compensation and Employee Benefits Funds for FY 2021-22, and the Operating Budget Policy as outlined in the Fiscal Year 2021-22 Final Proposed Budget.
    - Resolution amending the Position Allocation for Fiscal Year 2021-22 as adopted in the Operating Budget.

- Resolution amending the Classification Plan for the City of Modesto to amend the Electrician I/II – Traffic and Buildings classification to remove the flexible staffing; and to amend the salary ranges to delete Electrician I – Traffic and Buildings.
- Resolution authorizing the City to approve an Early Retirement Incentive package to eligible employees; and authorizing the City Manager, or his designee, to sign implementation documents.
- Resolution approving a Letter of Agreement amending the Memorandum of Understanding (MOU) between the City of Modesto and the Modesto City Employee's Association (MCEA) for the term of July 1, 2019 to June 30, 2023 to add Leave Bank Purchase Option language; and authorizing the City Manager or his designee to take the necessary administrative action to implement the agreement.
- Resolution approving the Letter of Agreement amending the Memorandum of Understanding (MOU) between the City of Modesto and the Modesto Confidential and Management Association (MCMA) for the term of July 1, 2019 to June 30, 2023 to add Leave Bank Purchase Option language; and authorizing the City Manager or his designee to take the necessary administrative action to implement the agreement.
- Resolution approving a Letter of Agreement amending the Memorandum of Understanding (MOU) between the City of Modesto and the Modesto Police and Fire Non Sworn Association (MPNSA) for the term of July 1, 2019 to June 30, 2023 to add Leave Bank Purchase Option language; and authorizing the City Manager or his designee to take the necessary administrative action to implement the agreement.

BUDGET; Stephan Christiansen, 577-5390, schristensen@modestogov.com

ACTION: (Ricci/Wright; 6/1; Madrigal no) Resolution 2021-234 approving the adoption of the Fiscal Year 2021-22 Annual and Multi-Year Operating Budgets and the 2021-22 Capital Improvement Program for the City of Modesto and the related Inter-Fund Transfers.

ACTION: (Ricci/Wright; 6/1; Madrigal no) Resolution 2021-235 approving the Budget Principles, Policy on Workers Compensation and Employee Benefits Funds for FY 2021-22, and the Operating Budget Policy as outlined in the Fiscal Year 2021-22 Final Proposed Budget.

ACTION: (Ricci/Wright; 6/1; Madrigal no) Resolution 2021-236 amending the Position Allocation for Fiscal Year 2021-22 as adopted in the Operating Budget.

ACTION: (Ricci/Wright; 6/1; Madrigal no) Resolution 2021-237 amending the Classification Plan for the City of Modesto to amend the Electrician I/II – Traffic and Buildings classification to remove the flexible staffing; and to amend the salary ranges to delete Electrician I – Traffic and Buildings.

ACTION: (Ricci/Wright; 6/1; Madrigal no) Resolution 2021-238 authorizing the City to approve an Early Retirement Incentive package to eligible employees; and authorizing the City Manager, or his designee, to sign implementation documents.

ACTION: (Ricci/Wright; 6/1; Madrigal no) Resolution 2021-239 approving a Letter of Agreement amending the Memorandum of Understanding (MOU) between the City of Modesto and the Modesto City Employee's Association (MCEA) for the term of July 1, 2019 to June 30, 2023 to add Leave Bank Purchase Option language; and authorizing the City Manager or his designee to take the necessary administrative action to implement the agreement.

ACTION: (Ricci/Wright; 6/1; Madrigal no) Resolution 2021-240 approving the Letter of Agreement amending the Memorandum of Understanding (MOU) between the City of Modesto and the Modesto Confidential and Management Association (MCMA) for the term of July 1, 2019 to June 30, 2023 to add Leave Bank Purchase Option language; and authorizing the City Manager or his designee to take the necessary administrative action to implement the agreement.

ACTION: (Ricci/Wright; 6/1; Madrigal no) Resolution 2021- 241 approving a Letter of Agreement amending the Memorandum of Understanding (MOU) between the City of Modesto and the Modesto Police and Fire Non Sworn Association (MPNSA) for the term of July 1, 2019 to June 30, 2023 to add Leave Bank Purchase Option language; and authorizing the City Manager or his designee to take the necessary administrative action to implement the agreement.

Published in the Modesto Bee on June 2, 2021

18. Hearing to consider approving the Fiscal Year 2021-22 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 approving the Fiscal Year 2021-22 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.

    CED; Jessica Hill, 577-5211, jhill@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2021-242 approving the Fiscal Year 2021-22 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 2, 2021

19. Hearing to consider approving the Fiscal Year 2021-22 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 approving the Fiscal Year 2021-22 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.

CED; Jessica Hill, 577-5211, jhill@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-243 approving the Fiscal Year 2021-22 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 2, 2021

20. Hearing to consider approving the Fiscal Year 2021-22 Annual Assessment for the Shackelford Landscape and Lighting District. (Funding Source: Shackelford Landscape and Lighting District)
    - Resolution approving the Fiscal Year 2021-22 Diagram and Assessment, and ordering the Levy and Collection of Charges within the Shackelford Landscape and Lighting District.

    CED; Jessica Hill, 577-5211, jhill@modestogov.com

ACTION: (Madrigal/Ricci; 7/0) Resolution 2021-244 approving the Fiscal Year 2021-22 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 2, 2021

21. Hearing to approve the Parks, Recreation and Neighborhoods Cost Recovery Fee Policy, Recreation Fee Schedule, and Facility Fee Schedule effective July 1, 2021; authorizing the Director of Parks, Recreation and Neighborhoods, or his/her designee, to negotiate and establish recreation program, rental facility, and administrative fees; and rescinding Resolutions Nos. 2011-30, 2007-505, 2004-237, 2000-524, 96-166, 95-263, 95-264, 80-281, and 78-705. (Funding Source: General Fund)
    - Resolution approving the Parks, Recreation and Neighborhoods Cost Recovery Fee Policy, Recreation Fee Schedule, and Facility Fee Schedule effective July 1, 2021; authorizing the Director of Parks, Recreation & Neighborhoods, or his/her designee, to negotiate and establish recreation program, facility, and administrative fees; and rescinding Resolutions Nos. 2011-30, 2007-505, 2004-237, 2000-524, 96-166, 95-263, 95-264, 80-281, and 78-705.

    PRN; Ashley Weaver, 577-5428, aweaver@modestogov.com

ACTION: (Wright/Escutia-Braaton; 6/1; Ricci no) Resolution 2021-245 approving the Parks, Recreation and Neighborhoods Cost Recovery Fee Policy, Recreation Fee Schedule, and Facility Fee Schedule effective July 1, 2021; authorizing the Director of Parks, Recreation & Neighborhoods, or his/her designee, to negotiate and establish recreation program, facility, and administrative fees; and rescinding Resolutions Nos. 2011-30, 2007-505, 2004-237, 2000-524, 96-166, 95-263, 95-264, 80-281, and 78-705.

NEW BUSINESS

22. Consider approving various Agreements to transition Transit Services to the Stanislaus Regional Transit Authority. (Funding Source: Local Transportation Funds, State Transit Assistance, Farebox Revenue & Federal Transit Administration)
    - Resolution approving an Agreement with the Stanislaus Regional Transit Authority to provide Fleet Maintenance Services, and authorizing the City Manager, or his designee, to sign the Agreement.
    - Resolution approving an Agreement with the Stanislaus Regional Transit Authority to provide Facility Maintenance Services for the Transportation Center and Amtrak Station, and authorizing the City Manager, or his designee, to sign the Agreement.
    - Resolution approving a Lease Agreement with the Stanislaus Regional Transit Authority to provide the Bus Maintenance Facility buildings and property for transit purposes, and authorizing the City Manager, or his designee, to sign the Lease Agreement.
    - Resolution approving a Lease Agreement with the Stanislaus Regional Transit Authority to provide the Transportation Center for transit purposes, and authorizing the City Manager, or his designee, to sign the Lease Agreement.
    - Resolution approving a Memorandum of Understanding with the Stanislaus Regional Transit Authority to provide Grant Management Services and transfer transit related assets, and authorizing the City Manager, or his designee, to sign the Memorandum of Understanding and take action to transfer assets.
    - Resolution approving an Agreement with the Stanislaus Regional Transit Authority to provide Fare Media Sales, and authorizing the City Manager, or his designee, to sign the Agreement.
    - Resolution approving an assignment of Agreements to the Stanislaus Regional Transit Authority to provide various transit related functions, and authorizing the City Manager, or his designee, to sign the Agreement assignment.
    - Resolution approving Agreements with the Stanislaus Regional Transit Authority to provide Personnel Services, and authorizing the City Manager, or his designee, to sign the Agreements.
    - Resolution approving amendment #1 to the Agreement with the Stanislaus Council of Governments for the redistribution of Measure L funds, and authorizing the City Manager, or his designee, to sign the Agreement amendment.
    - Resolution approving a Memorandum of Understanding with the Stanislaus Regional Transit Authority to provide Parking Services and authorizing the City Manager, or his designee, to sign the Memorandum of Understanding.

    PUBLIC WORKS; Caluha Barnes, 571-5101, cbarnes@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-246 approving an Agreement with the Stanislaus Regional Transit Authority to provide Fleet Maintenance Services, and authorizing the City Manager, or his designee, to sign the Agreement.

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-247 approving an Agreement with the Stanislaus Regional Transit Authority to provide Facility Maintenance Services for the Transportation Center and Amtrak Station, and authorizing the City Manager, or his designee, to sign the Agreement.

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-248 approving a Lease Agreement with the Stanislaus Regional Transit Authority to provide the Bus Maintenance Facility buildings and property for transit purposes, and authorizing the City Manager, or his designee, to sign the Lease Agreement.

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-249 approving a Lease Agreement with the Stanislaus Regional Transit Authority to provide the Transportation Center for transit purposes, and authorizing the City Manager, or his designee, to sign the Lease Agreement.

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-250 approving a Memorandum of Understanding with the Stanislaus Regional Transit Authority to provide Grant Management Services and transfer transit related assets, and authorizing the City Manager, or his designee, to sign the Memorandum of Understanding and take action to transfer assets.

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-251 approving an Agreement with the Stanislaus Regional Transit Authority to provide Fare Media Sales, and authorizing the City Manager, or his designee, to sign the Agreement.

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-252 approving an assignment of Agreements to the Stanislaus Regional Transit Authority to provide various transit related functions, and authorizing the City Manager, or his designee, to sign the Agreement assignment.

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-253 approving Agreements with the Stanislaus Regional Transit Authority to provide Personnel Services, and authorizing the City Manager, or his designee, to sign the Agreements.

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-254 approving amendment #1 to the Agreement with the Stanislaus Council of Governments for the redistribution of Measure L funds, and authorizing the City Manager, or his designee, to sign the Agreement amendment.

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-255 approving a Memorandum of Understanding with the Stanislaus Regional Transit Authority to provide Parking Services and authorizing the City Manager, or his designee, to sign the Memorandum of Understanding.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 9:25 p.m.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Two Cases (Pursuant to Section 54956.9(d)(1) of the Government Code)

Name of Case: Brian Root v. City of Modesto
California Workers Compensation Appeals Board
Nos. MOD1900198

City of Modesto, et al. v. Covanta Stanislaus, Inc.
Stanislaus County Superior Court
Case No. CV-20-004932

Attest:_____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto

SPECIAL APPOINTMENTS COMMITTEE / COUNCIL WORKSHOP

Via Video Conference
Tenth Street Place, 1010 10th Street
Modesto, California

Thursday, June 24, 2021 at 5:00 PM

Roll Call - Present: Councilmember Madrigal, Councilmember Escutia-Braaton, Councilmember Kenoyer
Absent: None

PUBLIC COMMENTS

None

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: No Consent Items

NEW BUSINESS

1. Consider the appointments for two vacancies on the City of Modesto Board of Zoning Adjustment and scheduling interviews for candidates. (Funding Source: Not Applicable)
CED; Steve Mitchell, 577-5267, smitchell@modestogov.com

   ACTION: Motion (Escutia-Braaton/Kenoyer; 3/0) to schedule BZA interviews for the four applicants received.

2. Consider an appointment for one vacancy on the City of Modesto Landmark Preservation Commission and forwarding to Council for approval. (Funding Source: Not Applicable)
CED; Steve Mitchell, 577-5267, smitchell@modestogov.com

   ACTION: Motion (Escutia-Braaton/Kenoyer; 3/0) to appoint Harrison Power for one vacancy on the City of Modesto Landmark Preservation Commission and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 5:32 p.m.

Attest: _____
Dana Sanchez, Assistant City Clerk

MINUTES

City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
(Held Via Teleconference)

Monday Jun 28, 2021 at 3:00 PM

Roll Call - Present: Councilmembers Zoslocki, Kenoyer, Ricci (alternate)
Absent: Councilmember Wright

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-7

CONSENT

1. Consider approving the recommended budget adjustments to Fiscal Year 2020-21 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval. (Funding Source: Various Funds)
BUDGET; Steve Christensen, 577-5390, schristensen@modestogov.com

ACTION: Motion (Ricci/Kenoyer; 3/0) approving the recommended budget adjustments to Fiscal Year 2020-21 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval.

2. Consider approving Service Agreements with Elevator Industries Inc., Sacramento CA, and TK Elevator Corporation formally known as ThyssenKrupp Elevator, Sacramento, CA, by utilizing the competitive bid process with the County of Stanislaus for Elevator Maintenance and Repair Services for a two-year Agreement with two one-year extension options, for an annual estimated cost of $113,792 and a total combined cost not to exceed $455,168 over four years; and authorizing the Director of Finance or her designee to adjust Agreement totals between the two vendors based on contractor's availability and department's needs, ensuring the combined total cost does not change and forwarding to Council for approval. (Funding Source: Various Funds)
FINANCE DEPARTMENT; Cyndi Kline, 577-5412, ckline@modestogov.com

ACTION: Motion (Ricci/Kenoyer; 3/0) approving Service Agreements with Elevator Industries Inc., Sacramento CA, and TK Elevator Corporation formally known as ThyssenKrupp Elevator, Sacramento, CA, by utilizing the competitive bid process with the County of Stanislaus for Elevator Maintenance and Repair Services for a two-year Agreement with two one-year extension options, for an annual estimated cost of $113,792 and a total combined cost not to

exceed $455,168 over four years; and authorizing the Director of Finance or her designee to adjust Agreement totals between the two vendors based on contractor's availability and department's needs, ensuring the combined total cost does not change and forwarding to Council for approval.

3. Consider approving the First Amendment increasing the Agreement amount with CCS Facility Services, Fresno, CA for Custodial Services and Supplies for a one-time increase of $50,000 and an annual estimated cost increase by $13,000 from $667,298 to $680,298 to a revised total amount not to exceed $5,122,080 over seven years; and consider approving a Third Amendment increasing the Agreement with First Alarm Wellness for COVID-19 Management Services by $50,000 from $150,000, for a revised total not to exceed $200,000 and to extend the term of the Agreement to June 30, 2023 and forwarding to Council for approval. (Funding Source: Various Funds)
FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: Motion (Ricci/Kenoyer; 3/0) approving the First Amendment increasing the Agreement amount with CCS Facility Services, Fresno, CA for Custodial Services and Supplies for a one-time increase of $50,000 and an annual estimated cost increase by $13,000 from $667,298 to $680,298 to a revised total amount not to exceed $5,122,080 over seven years; and consider approving a Third Amendment increasing the Agreement with First Alarm Wellness for COVID-19 Management Services by $50,000 from $150,000, for a revised total not to exceed $200,000 and to extend the term of the Agreement to June 30, 2023 and forwarding to Council for approval.

4. Consider approving the First Amendment increasing the Agreement amount with Innovative Claim Solutions, for the Furnishing of Workers' Compensation Claims Management Services by $499,570 from $2,954,602 to a new total amount of $3,454,172, and extending the term of the Agreement from September 1, 2021 to September 1, 2022. (Funding Source: Workers Compensation Fund)
HUMAN RESOURCES; Jiles Smith II, 571-5446, jsmith@modestogov.com

ACTION: Motion (Ricci/Kenoyer; 3/0) approving the First Amendment increasing the Agreement amount with Innovative Claim Solutions, for the Furnishing of Workers' Compensation Claims Management Services by $499,570 from $2,954,602 to a new total amount of $3,454,172, and extending the term of the Agreement from September 1, 2021 to September 1, 2022.

5. Consider approving an Agreement using the competitive bidding process from the City of Fresno, CA, with Calgon Carbon Corporation, Moon Township, PA, for the Purchase and Installation of Granular Activated Carbon, for a one-year Agreement with four one-year extension options, for an estimated annual amount of $660,000 and a total amount not to exceed $3,504,683 over five years and forwarding to Council for approval. (Funding Source: Water Fund)
UTILITIES; Jeff Daniels, 342-4585, jdaniels@modestogov.com

ACTION: Motion (Ricci/Kenoyer; 3/0) approving an Agreement using the competitive bidding process from the City of Fresno, CA, with Calgon Carbon Corporation, Moon Township, PA, for the Purchase and Installation of Granular Activated Carbon, for a one-year Agreement with four one-year extension options, for an estimated annual amount of $660,000 and a total amount not to exceed $3,504,683 over five years and forwarding to Council for approval.

6. Consider approving an Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for Engineering Services for the Jennings Wastewater Treatment Plant Corrosion Control Measures Project in the amount of $636,712 for the identified scope of services, plus $63,671 in additional services, if needed, for a total not to exceed amount of $700,383 and forwarding to Council for approval (Funding Source: Wastewater Fund)
   UTILITIES; Cristian Ciotau, 577-5260, cciotau@modestogov.com

ACTION: Motion (Ricci/Kenoyer; 3/0) approving an Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for Engineering Services for the Jennings Wastewater Treatment Plant Corrosion Control Measures Project in the amount of $636,712 for the identified scope of services, plus $63,671 in additional services, if needed, for a total not to exceed amount of $700,383 and forwarding to Council for approval.

7. Consider approving an Agreement with CSI Services, Inc., Santa Clarita, CA, for Tank Coating Inspection Services for the Tank 5 & 12 Recoat & Repairs Project in the amount of $62,400 for the identified scope of services, plus $15,600 in additional services, if needed, for a total amount not to exceed $78,000 and forwarding to Council for approval. (Funding Source: Water Fund)
   UTILITIES; Robert Davalos, 571-5869, rdavalos@modestogov.com

ACTION: Motion (Ricci/Kenoyer; 3/0) approving an Agreement with CSI Services, Inc., Santa Clarita, CA, for Tank Coating Inspection Services for the Tank 5 & 12 Recoat & Repairs Project in the amount of $62,400 for the identified scope of services, plus $15,600 in additional services, if needed, for a total amount not to exceed $78,000 and forwarding to Council for approval.

NEW BUSINESS

8. Consider authorizing the classification of current Cash-On-Hand funds based on the definition that distinguishes Petty Cash vs. Change Funds, and consider authorizing an approval limit for the Director of Finance up to $35,000 of Cash-On-Hand funds, Petty Cash and Change Funds, and forwarding to Council for approval. (Funding Source: Not Applicable)
   FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com

ACTION: Motion (Ricci/Kenoyer; 3/0) authorizing the classification of current Cash-On-Hand funds based on the definition that distinguishes Petty Cash vs. Change Funds, and consider authorizing an approval limit for the Director of Finance up to $35,000 of Cash-On-Hand funds, Petty Cash and Change Funds, and forwarding to Council for approval.

9. Consider approving an amendment to the Purchasing Agreement for Office Supplies and Furniture to Staples, Stockton, CA, Office Depot, Modesto, CA, and Warden's, Modesto, CA for an increase in the annual estimated amount from $250,000 to $300,000 and a total revised combined amount cost from $1,250,000 to $1,400,000 over five years; and consider a second amendment to the Purchasing Agreement with Amazon Business for an Online Marketplace for Products to increase the annual estimated amount by $50,000, for a revised annual estimated cost from $125,000 to $175,000, and a total revised amount not to exceed from $1,000,000 to $1,350,000 over eight years and forwarding to Council for approval. (Funding Source: Various Funds)
FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: Motion (Kenoyer/Ricci; 3/0) approving an amendment to the Purchasing Agreement for Office Supplies and Furniture to Staples, Stockton, CA, Office Depot, Modesto, CA, and Warden's, Modesto, CA for an increase in the annual estimated amount from $250,000 to $300,000 and a total revised combined amount cost from $1,250,000 to $1,400,000 over five years; and consider a second amendment to the Purchasing Agreement with Amazon Business for an Online Marketplace for Products to increase the annual estimated amount by $50,000, for a revised annual estimated cost from $125,000 to $175,000, and a total revised amount not to exceed from $1,000,000 to $1,350,000 over eight years and forwarding to Council for approval.

10. Consider approving an Agreement with TJKM, Pleasanton, CA, for Transportation Engineering Services for a two-year Agreement with three one-year extension options for a cost not to exceed $700,000 the first two years, and a total amount not to exceed $1,300,000 over five years, and forwarding to Council for approval. (Funding Source: Congestion Mitigation and Air Quality, Highway Safety Improvement Program, Measure L)
PUBLIC WORKS; Scott Collins, 577-5431, scollins@modestogov.com

ACTION: Motion (Kenoyer/Ricci; 3/0) approving an Agreement with TJKM, Pleasanton, CA, for Transportation Engineering Services for a two-year Agreement with three one-year extension options for a cost not to exceed $700,000 the first two years, and a total amount not to exceed $1,300,000 over five years, and forwarding to Council for approval.

11. Consider approving the award of bid for Tree Removal Services to Grover Landscape Services Inc. for a total amount not to exceed $1,286,071 (includes 10% contingency funds) over a one-year period with a one-year extension option and consider approving five Limited Term Employee Positions for the Forestry Division to assist with Reforestation for an annual estimated cost of $448,974 and $192,020 for materials for a total annual cost of $640,994 annually and a total amount not to exceed $1,281,988 over two years; for a total amount of $2,568,059 over two years, and forwarding to Council for approval. (Funding Source: General Fund)
PUBLIC WORKS; Michael Hoesch, 342-4566, mhoesch@modestogov.com

ACTION: Motion (Kenoyer/Ricci; 3/0) approving the award of bid for Tree Removal Services to Grover Landscape Services Inc. for a total amount not to exceed $1,286,071 (includes 10%

contingency funds) over a one-year period with a one-year extension option and consider approving five Limited Term Employee Positions for the Forestry Division to assist with Reforestation for an annual estimated cost of $448,974 and $192,020 for materials for a total annual cost of $640,994 annually and a total amount not to exceed $1,281,988 over two years; for a total amount of $2,568,059 over two years, and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 3:58 p.m.

Attest:_____
Joseph Lopez

MINUTES

City of Modesto

SPECIAL APPOINTMENTS COMMITTEE / COUNCIL WORKSHOP

Via Video Conference
Tenth Street Place, 1010 10th Street
Modesto, California

Thursday, July 01, 2021 at 3:30 PM

Roll Call – Present: Councilmember Madrigal, Councilmember Escutia-Braaton, Councilmember Kenoyer
Absent: None

PUBLIC COMMENTS

None

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: No Consent Items

UNFINISHED BUSINESS

1. Consider interviewing and recommending two prospective candidates to fill the vacancies on the City of Modesto Board of Zoning Adjustment. (Funding Source: Not Applicable)
   CED; Steve Mitchell, 577-5267, smitchell@modestogov.com

   ACTION: Motion (Escutia-Braaton/Kenoyer; 3/0) to appoint Mark Niskanen to fill the vacancy of Rhoda Yare on the Board of Zoning Adjustment and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 4:26 p.m.

Attest: _____
Dana Sanchez, Assistant City Clerk

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, July 06, 2021 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
Absent: None

Pledge of Allegiance to the Flag

Invocation: Jeremiah Williams, The Revival Center

City Clerk's Announcements: Item 13 was removed from the agenda.

Declaration of Conflicts of Interest: None

Reports from Closed Session: Mayor Zwahlen reported on Closed Session matters: Regarding Public Employee Discipline/Dismissal/Release regarding City Clerk Stephanie Lopez, the Council by a vote of 6/1 (Madrigal; no) continued the 5% reduction for six months relating to previous discipline discussed. No other reportable action was given.

MISCELLANEOUS

1. Consider accepting the resignation of Mark Freitas from the City of Modesto Citizens' Transportation Sales Tax Commission. (Funding Source: Not Applicable)
   Staff Recommendation:
   - Resolution accepting the resignation of Mark Freitas from the City of Modesto's Citizens' Transportation Sales Tax Commission

   CED; Tamorah Bryant, 577-5328, tbryant@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-256 accepting the resignation of Mark Freitas from the City of Modesto's Citizens' Transportation Sales Tax Commission

PUBLIC COMMENT PERIOD

Kyle Seever spoke regarding death of his brother Trevor Seever, and asked for a review of Officer LaMantia's previous shootings.

Kevin McClarty spoke regarding threat against Mayor, and also expressed his feelings regarding solicitation of customers for a marijuana dispensary on McHenry Ave.

Jay thanked the Mayor for remaining neutral, and also asked to be appointed as part of the Forward Together Committee.

Ramon Rodriguez spoke regarding police reform including policy and procedure changes.

Debra Harper spoke regarding disability issues, and transit issues.

Emerson Drake spoke regarding Zoom broadcast of time clock. He also asked that Standing Committee meetings be recorded. He also spoke regarding whistleblower complaints being handled by the City Attorney's Office, and the need for an independent City Auditor. He also spoke regarding customer solicitations by businesses using public sidewalks.

Lisa Y spoke in support of law enforcement and electing people to the Forward Together Oversight Committee to make certain all sides are represented on the Committee, and helping officers by providing resources to do their job.

Marla Seever spoke regarding 911 assessment and dispatching appropriate response personnel to calls, including mental health and medical emergencies, and also called for a special prosecutor in certain cases.

Stephen Allen spoke regarding the threat against Mayor Zwahlen. Also to clear up misrepresentation and a need for public safety. Also expressed need for independent auditor, and Zoom display of clock.

Darlene Ruiz spoke regarding threat against Mayor Zwahlen. She also spoke regarding a need for a group like CAHOOTS, an independent review board, independent police auditor, and police transparency and accountability.

Nick spoke in support of police officers and providing more resources so police officers can do job effectively.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 2-12: (Kenoyer/Escutia-Braaton; 7/0), ITEM 13 was removed from the agenda.

CONSENT ITEMS

Consent

2. Consider approving the minutes from the June 22, 2021 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the June 22, 2021 Council Meeting.

    CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Motion approving the minutes from the June 22, 2021 Council Meeting.

Consent

3. Consider approving the recommended budget adjustments to Fiscal Year 2020-2021 Annual Operating and Capital Improvement Program Budgets. (Funding Source: Various Funds)
    - Resolution amending Fiscal Year 2020-2021 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager, to make the necessary steps to implement the provisions of this Resolution.

    BUDGET; Steve Christensen, 577-5390, schristensen@modestgov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-257 amending Fiscal Year 2020-2021 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager, to make the necessary steps to implement the provisions of this Resolution.

Consent

4. Consider accepting the Monthly Investment Report for April 2021. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for April 2021.

    FINANCE DEPARTMENT; Calogero Maniscalco, 577-5219, cmaniscalco@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Motion accepting the Monthly Investment Report for April 2021.

Consent

5. Consider accepting an informational report for the May 2021 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the May 2021 Accounts Payable Payment Register and Void report.

    FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Motion accepting an informational report for the May 2021 Accounts Payable Payment Register and Void report.

Consent

6. Consider accepting an informational report on the March and April 2021 Grant Applications and Awards. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the March and April 2021 Grant Applications and Awards.

    FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Motion accepting an informational report for the March and April 2021 Grant Applications and Awards.

Consent

7. Consider authorizing the classification of current Cash-On-Hand funds based on the definition that distinguishes Petty Cash vs. Change Funds, and consider authorizing an increase to the approval limit for the Director of Finance up to $35,000 of Cash-On-Hand funds, Petty Cash and Change Funds. (Funding Source: Not Applicable)
    - Resolution authorizing the classification of current Cash-On-Hand funds based on the definition that distinguishes petty cash vs change funds.
    - Resolution authorizing the Director of Finance to approve up to $35,000 of Cash-On-Hand Change Funds and Petty Cash Funds.

    FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-258 authorizing the classification of current Cash-On-Hand funds based on the definition that distinguishes petty cash vs change funds.

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-259 authorizing the Director of Finance to approve up to $35,000 of Cash-On-Hand Change Funds and Petty Cash Funds.

Consent

8. Consider approving a Purchase Order with Kovarus Inc., Sacramento, CA, by utilizing the competitive bidding process with the State of California, for Virtual Computer Server Equipment Replacements, Software, Licensing and Support Services for a five-year term, for a total amount not to exceed $705,376. (Funding Source: Information Technology Fund)
    - Resolution approving a Purchase Order with Kovarus Inc., Sacramento, CA, by utilizing the competitive bidding process with the State of California, for Virtual Computer Server Equipment Replacements, Software, Licensing and Support Services for a five-year term, for a total amount not to exceed $705,376, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

    FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-260 approving a Purchase Order with Kovarus Inc., Sacramento, CA, by utilizing the competitive bidding process with the State of California, for Virtual Computer Server Equipment Replacements, Software, Licensing and Support Services for a five-year term, for a total amount not to exceed $705,376, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

Consent

9. Consider approving the award of bids for nine City Fleet Replacements for Modesto Police , Parks, Recreation and Neighborhoods, and Public Works, and one new addition for Utilities in the amount of $628,528 (Funding Source: Fleet Replacement Fund and Water Fund)
    - Resolution approving the award of bid for the purchase of three Ford Police Interceptor SUV's to Towne Ford, Redwood City, CA, for a total amount not to

exceed $123,418, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

- Resolution approving the award of bid for the purchase of one One-Ton Truck to Towne Ford, Redwood City, CA, for a total amount not to exceed $92,314, and four One-Ton Trucks to Napa Ford, Napa, CA, for a total amount not to exceed $188,429, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.
- Resolution approving the award of bid for the purchase of a Chlorine Truck to Interstate Truck Center, Stockton, CA, for a total amount not to exceed $192,601, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.
- Resolution approving the award of bid for the purchase of a ¾ Ton Truck to Tracy Ford, Tracy, CA, for a total amount not to exceed $35,766, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com,

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-261 approving the award of bid for the purchase of three Ford Police Interceptor SUV's to Towne Ford, Redwood City, CA, for a total amount not to exceed $123,418, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-262 approving the award of bid for the purchase of one One-Ton Truck to Towne Ford, Redwood City, CA, for a total amount not to exceed $92,314, and four One-Ton Trucks to Napa Ford, Napa, CA, for a total amount not to exceed $188,429, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-263 approving the award of bid for the purchase of a Chlorine Truck to Interstate Truck Center, Stockton, CA, for a total amount not to exceed $192,601, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-264 approving the award of bid for the purchase of a ¾ Ton Truck to Tracy Ford, Tracy, CA, for a total amount not to exceed $35,766, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

Consent

10. Consider approving the Sole Source Agreement with Hach, Loveland, CO, for Field Services for a one year Agreement with two one-year extension options, for an estimated annual amount of $27,922 and a total amount not to exceed $86,305 over three years. (Funding Source: Wastewater Fund)
    - Resolution approving the Sole Source Agreement with Hach, Loveland, CO, for Field Services for a one year Agreement with two one-year extension options, for an estimated annual amount of $27,922 and a total amount not to exceed

$86,305 over three years and authorizing the City Manager, or his designee, to execute the Agreement.

FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-265 approving the Sole Source Agreement with Hach, Loveland, CO, for Field Services for a one year Agreement with two one-year extension options, for an estimated annual amount of $27,922 and a total amount not to exceed $86,305 over three years and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

11. Consider approving the award of bid for the Furnishing of Sewer Root Control Services for the Utilities Department, Wastewater Division, to Dukes Root Control, Inc., Syracuse, NY, for a two year Agreement with three one-year extension options, for an estimated annual amount of $65,879, and a total amount not to exceed $329,395 over five years. (Funding Source: Wastewater Fund)
    - Resolution approving the award of bid for the Furnishing of Sewer Root Control Services for the Utilities Department, Wastewater Division, to Dukes Root Control, Inc., Syracuse, NY, for a two year Agreement with three one-year extension options, for an estimated annual amount of $65,879, and a total amount not to exceed $329,395 over five years and authorizing the City Manager, or his designee, to execute the Agreement.

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

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-266 approving the award of bid for the Furnishing of Sewer Root Control Services for the Utilities Department, Wastewater Division, to Dukes Root Control, Inc., Syracuse, NY, for a two year Agreement with three one-year extension options, for an estimated annual amount of $65,879, and a total amount not to exceed $329,395 over five years and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

12. Consider approving the Agreement for the transfer of Canine Bane by its owner, the Modesto Police Canine Association (MPCA), to the City of Modesto for use as a police canine. (Funding Source: Not applicable)
    - Resolution approving an Agreement with the Modesto Police Canine Association for the donation and transfer of Canine Bane, to the City of Modesto for use as a police canine; and authorizing the City Manager, or his designee, to execute the Agreement.

    POLICE DEPARTMENT; Brandon Gillespie, 572-9500, gillespieb@modestopd.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-267 approving an Agreement with the Modesto Police Canine Association for the donation and transfer of Canine Bane, to the City of Modesto for use as a police canine; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

13. Consider approving a Lease Agreement with Don Wilson et al of Wilson Family Plumbing, Inc. to utilize the Frazine and Norseman parcels for agricultural purposes for an initial term of 5 years. (Funding Source: Water Fund)
    - Resolution approving a Lease Agreement with Wilson Family Plumbing, Inc. for use of Frazine Road Parcel APN 014-037-056 and Norseman Drive Parcel APN 009-001-025 for agricultural purposes, and authorizing the City Manager, or his designee, to execute the Agreement.

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

ACTION: Item 13 was removed from the agenda.

COUNCIL COMMENTS & REPORTS

Councilmember Escutia-Braaton shared she and the Mayor had the opportunity to tour the Real Time Crime Center, and were impressed with the technology.

Councilmember Kenoyer thanked the Kiwanis club regarding 4th of July Parade and is looking forward to the Graffiti Parade.

Councilmember Wright thanked Jeremiah Williams for organizing the 4th of July Parade

Councilmember Ricci thanked Chief Gillespie regarding progress improving the Police Department and dedication to making the City safer, and recommended dash cams for Police vehicles in the next budget. Also thanked the City for its support of the National App competition. And thanked the Fire & Police for all their hard work over 4th of July weekend, and the effort made to keep the City safe.

CITY MANAGER COMMENTS & REPORTS

None

HEARINGS

Published in the Modesto Bee on June 25, 2021

14. Hearing to consider an Ordinance amending sections 9-4.201(b), 9-4.201(m), 9-4.201(w), 9-4.201(am), 9-4.302, 9-4.402(a)(6), 9-4.02(d)(2)(ii), 9-4.501(c)(1), 9-4.501(c)(5)(ii)(A), and 9-4.603(f), and adding Section 9-4.307 to Chapter 4 Floodplain Management, of Title 9, Building Regulations, of the Modesto Municipal Code to adopt flood hazard maps, designate a floodplain administrator, and providing for severability and an effective date. (Funding Source: General Fund)
    - Motion introducing and waiving the first reading of an Ordinance amending sections 9-4.201(b), 9-4.201(m), 9-4.201(w), 9-4.201(am), 9-4.302, 9-4.402(a)(6), 9-4.02(d)(2)(ii), 9-4.501(c)(1), 9-4.501(c)(5)(ii)(A), and 9-4.603(f),

and adding Section 9-4.307 to Chapter 4 Floodplain Management, of Title 9, Building Regulations, of the Modesto Municipal Code to adopt flood hazard maps, designate a floodplain administrator, and providing for severability and an effective date.

CED; Oscar Diaz, 571-5885, odiaz@modestogov.com

ACTION: (Wright/Madrigal; 7/0) Motion introducing and waiving the first reading of an **Ordinance 3730-C.S**. amending sections 9-4.201(b), 9-4.201(m), 9-4.201(w), 9-4.201(am), 9-4.302, 9-4.402(a)(6), 9-4.02(d)(2)(ii), 9-4.501(c)(1), 9-4.501(c)(5)(ii)(A), and 9-4.603(f), and adding Section 9-4.307 to Chapter 4 Floodplain Management, of Title 9, Building Regulations, of the Modesto Municipal Code to adopt flood hazard maps, designate a floodplain administrator, and providing for severability and an effective date.

Published in the Modesto Bee on June 21, 2021

15. Hearing to consider establishing City of Modesto Community Facilities District (CFD) No. 2021-1 (Woodglen), authorizing the levy of special taxes therein, and establishing an annual appropriations limit; calling a special election; and declaring the results of the July 6, 2021 special election. (Funding Source: Special taxes generated by CFD No. 2021-1)
    - Resolution declaring formation of City of Modesto Community Facilities District No. 2021-1 (Woodglen), conditionally authorizing the levy of special taxes therein, and conditionally establishing an annual appropriations limit.
    - Resolution calling a special election for the City of Modesto Community Facilities District No. 2021-1 (Woodglen)
    - Resolution declaring the results of the July 6, 2021, special election and approving certain related actions pertaining to City of Modesto Community Facilities District No. 2021-1 (Woodglen).
    - Motion introducing and waiving the first reading of an Ordinance authorizing the levy of special taxes within the City of Modesto held within City of Modesto Community Facilities District No. 2021-1 (Woodglen).

    CED; Jessica Hill, 577-5211, jhill@modestogov.com

ACTION: (Escutia-Braaton/Zoslocki; 7/0) Resolution 2021-268 declaring formation of City of Modesto Community Facilities District No. 2021-1 (Woodglen), conditionally authorizing the levy of special taxes therein, and conditionally establishing an annual appropriations limit.

ACTION: (Ricci/Wright; 7/0) Resolution 2021-269 calling a special election for the City of Modesto Community Facilities District No. 2021-1 (Woodglen)

ACTION: (Wright/Kenoyer; 7/0) Resolution 2021-270 declaring the results of the July 6, 2021, special election and approving certain related actions pertaining to City of Modesto Community Facilities District No. 2021-1 (Woodglen).

ACTION: (Wright/Escutia-Braaton; 7/0) Motion introducing and waiving the first reading of an **Ordinance 3731-C.S.** authorizing the levy of special taxes within the City of Modesto held within City of Modesto Community Facilities District No. 2021-1 (Woodglen).

NEW BUSINESS

16. Consider directing staff to proceed with a comprehensive General Plan Update and associated Environmental Impact Report; approving an Agreement with PlaceWorks to prepare the comprehensive General Plan Update 2050 and associated Environmental Impact Report, in the amount of $1,579,412 plus a ten percent contingency of $157,941, if needed, for a total not to exceed $1,737,353; unfreeze the currently frozen Associate Planner position to assist with project work; and, authorize project funding. (Funding Source: General Fund Reserves, REAP Grant)
    - Motion directing staff to proceed with the comprehensive General Plan Update 2050 and its Environmental Impact Report.
    - Resolution approving a Professional Services Agreement with PlaceWorks of Santa Ana, California, to prepare the comprehensive General Plan Update 2050 and its Environmental Impact Report, in the amount of $1,579,412 plus a ten percent (10%) contingency of $157,941, if needed, for a total not to exceed $1,737,353 and authorizing the City Manager or his designee to execute the Agreement.
    - Resolution amending the position allocation for fiscal year 2021-22 as adopted in the operating budget.
    - Resolution amending the fiscal year 2021-22 multi-year budget for non-capital project #100838 (CED – Modesto Urban Area General Plan Update) to increase transfers in revenue to the project and transfer out from fund 0100 (General Fund) by $700,000, to increase the grant revenue budget for the project to account for the Regional Early Action Plan (REAP) grant in the amount of $577,284; to increase the professional services expenditure account in the project by $1,277,284; and to increase the Planning Division (Cost Center 14410) fiscal year 2021-22 expenditure budget by $107,148, to account for first year of funding for the Associate Planner position that is being unfrozen for fiscal year 2021-22.

    CED; Brad Wall, 577-5267, bwall@modestogov.com

ACTION: (Zoslocki/Kenoyer; 7/0) Motion directing staff to proceed with the comprehensive General Plan Update 2050 and its Environmental Impact Report.

ACTION: (Zoslocki/Kenoyer; 7/0) Resolution 2021-271 approving a Professional Services Agreement with PlaceWorks of Santa Ana, California, to prepare the comprehensive General Plan Update 2050 and its Environmental Impact Report, in the amount of $1,579,412 plus a ten percent (10%) contingency of $157,941, if needed, for a total not to exceed $1,737,353 and authorizing the City Manager or his designee to execute the Agreement.

ACTION: (Zoslocki/Kenoyer; 7/0) Resolution 2021-272 amending the position allocation for fiscal year 2021-22 as adopted in the operating budget.

ACTION: (Zoslocki/Kenoyer; 7/0) Resolution 2021-273 amending the fiscal year 2021-22 multi-year budget for non-capital project #100838 (CED – Modesto Urban Area General Plan

Update) to increase transfers in revenue to the project and transfer out from fund 0100 (General Fund) by $700,000, to increase the grant revenue budget for the project to account for the Regional Early Action Plan (REAP) grant in the amount of $577,284; to increase the professional services expenditure account in the project by $1,277,284; and to increase the Planning Division (Cost Center 14410) fiscal year 2021-22 expenditure budget by $107,148, to account for first year of funding for the Associate Planner position that is being unfrozen for fiscal year 2021-22.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 7:18 p.m.

CLOSED SESSION

CLOSED SESSION

1. Consider appointing Real Property Negotiators Richard Rand, Real Estate Agent and Bill Sandhu, Director of Public Works for Properties: APN: 101-003-005-000 & APN: 101-003-006-000.

Motion appointing Real Property Negotiators Richard Rand, Real Estate Agent and Bill Sandhu, Director of Public Works for Properties: APN: 101-003-005-000 & APN: 101-003-006-000. City Attorney, Jose M. Sanchez, 577-5284, jsanchez@modestogov.com

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

Property: APN: 101-003-005-000, 416 N Jefferson Street Modesto, CA 95351
APN: 101-003-006-000, 121 Elm Street Modesto, CA 95351

Property Owners: David Edward and Carole Lynn Kamrar Trust

Negotiating Parties:
For City: Richard Rand, Real Estate Agent and Bill Sandhu, Director of Public Works

For Buyer: Dave Kamrar

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: Stephanie Lopez v. City of Modesto, et al.
Superior Court of California, County of Stanislaus
Stanislaus County Case No.: CV-21-00925

CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION
One Case (Pursuant to Section 54956.9(d)(2) of the Government Code)

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Attest:_____
Dana Sanchez, Assistant City Clerk

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday Jul 13, 2021 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
Absent: None

Pledge of Allegiance to the Flag

Invocation: Dallas Jackson, Renew Church

City Clerk's Announcements: Item 4 is being combined with item 2; Item 6 - Removed from Consent; Items 22 and 24 - letters received and forwarded to Council

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. County/Covid-19 update. (Funding Source: Not Applicable)
CITY MANAGER; Joseph Lopez, 577-5223, joelopez@modestogov.com

ACTION: County staff gave an update on COVID-19.

2. Poem of the Month by City of Modesto out-going Poet Laureate, Stella Beratlis. (Funding Source: Not Applicable)
CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Poem of the Month by City of Modesto out-going Poet Laureate, Stella Beratlis.

3. Presentation of Proclamation proclaiming August 3, 2021 as National Night Out. (Funding Source: Not Applicable)
CITY COUNCIL; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Proclamation by Mayor Zwahlen declaring August 3, 2021, as "National Night Out" in the City of Modesto.

4. Proclamation & Presentation declaring July as National Parks and Recreation Month. (Funding Source: Not Applicable)
PRN; Marco Sepulveda, 577-5275, msepulveda@modestogov.com

ACTION: Presentation of Proclamation by Mayor Zwahlen declaring July as National Parks and Recreation Month.

PUBLIC COMMENT PERIOD

- Ashley Olson requested moving the "Modesto Taco Fest" event to another location in Modesto.
- Kyle Seever spoke regarding the death of his brother Trevor Seever and former Modesto Police Officers Joseph Lamantia and Alex Bettis.
- Steven Allen spoke regarding transparency and public officials.
- Ramon Rodriguez spoke in support of a civilian review board and a CAHOOTS program.
- Elaine Brown spoke regarding hate groups in Modesto.
- JK spoke regarding hate groups in Modesto, translation services, and Forward Together Committee.
- Emerson Drake spoke regarding the clock used during Zoom meetings; he also spoke regarding costs for SWAT training; he also spoke regarding the need for a City Auditor in Modesto; Looking Forward Committee members should be living in Modesto; he also spoke regarding Agenda Review meetings.
- Darlene Ruiz, mother of Trevor Seever, spoke in support of a civilian review board and an independent police auditor; she also spoke regarding threats by hate groups.
- Ray Ruiz spoke in support of a civilian review board and an independent police auditor.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 2-5; 7-21: (Kenoyer/Zoslocki; 7/0)

CONSENT ITEMS

Consent
5. Consider approving the minutes from the July 6, 2021 Council Meeting. (Funding Source: Not Applicable)

- Motion approving the minutes from the July 6, 2021 Council Meeting.

CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Motion approving the minutes from the July 6, 2021 Council Meeting.

Removed from Consent

6. Consider final adoption of Ordinance No. 3730-C.S. amending sections 9-4.201(b), 9-4.201(m), 9-4.201(w), 9-4.201(am), 9-4.302, 9-4.402(a)(6), 9-4.02(d)(2)(ii), 9-4.501(c)(1), 9-4.501(c)(5)(ii)(A), and 9-4.603(f), and adding Section 9-4.307 to Chapter 4 Floodplain Management, of Title 9, Building Regulations, of the Modesto Municipal Code to adopt flood hazard maps, designate a floodplain administrator, and providing for severability and an effective date. (Funding Source: General Fund)
    - Motion approving final adoption of Ordinance 3730-C.S. amending sections 9-4.201(b), 9-4.201(m), 9-4.201(w), 9-4.201(am), 9-4.302, 9-4.402(a)(6), 9-4.02(d)(2)(ii), 9-4.501(c)(1), 9-4.501(c)(5)(ii)(A), and 9-4.603(f), and adding Section 9-4.307 to Chapter 4 Floodplain Management, of Title 9, Building Regulations, of the Modesto Municipal Code to adopt flood hazard maps, designate a floodplain administrator, and providing for severability and an effective date.

    CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: (Escutia-Braaton/Wright; 7/0) Motion approving final adoption of **Ordinance 3730-C.S.** amending sections 9-4.201(b), 9-4.201(m), 9-4.201(w), 9-4.201(am), 9-4.302, 9-4.402(a)(6), 9-4.02(d)(2)(ii), 9-4.501(c)(1), 9-4.501(c)(5)(ii)(A), and 9-4.603(f), and adding Section 9-4.307 to Chapter 4 Floodplain Management, of Title 9, Building Regulations, of the Modesto Municipal Code to adopt flood hazard maps, designate a floodplain administrator, and providing for severability and an effective date.

Consent

7. Consider final adoption of Ordinance 3731-C.S. authorizing the levy of special taxes within the City of Modesto held within City of Modesto Community Facilities District No. 2021-1 (Woodglen). (Funding Source: Special taxes generated by CFD No. 2021-1)
    - Motion approving final adoption of Ordinance 3731-C.S. authorizing the levy of special taxes within the City of Modesto held within City of Modesto Community Facilities District No. 2021-1 (Woodglen).

    CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Motion approving final adoption of **Ordinance 3731-C.S.** authorizing the levy of special taxes within the City of Modesto held within City of Modesto Community Facilities District No. 2021-1 (Woodglen).

Consent

8. Consider appointing a voting delegate to the 2021 League of California Cities Annual Conference to be held in Sacramento, CA on September 22-24, 2021. (Funding Source: Not Applicable)
    - Motion approving Councilmember Madrigal as a voting delegate and Councilmember Escutia-Braaton and Mayor Sue Zwahlen as alternates for the 2021 League of California Cities Annual Conference to be held in Sacramento, CA on September 22-24, 2021.

    CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Motion approving Councilmember Madrigal as a voting delegate and Councilmember Escutia-Braaton and Mayor Sue Zwahlen as alternates for the 2021 League of California Cities Annual Conference to be held in Sacramento, CA on September 22-24, 2021.

Consent

9. Consider accepting the Public Improvements of Vintage Unit 3 Subdivision, and releasing securities upon expiration of statutory periods. (Funding Source: Not Applicable)
    - Resolution accepting the Public Improvements for Vintage Unit 3 Subdivision, located north of the Vintage Faire Mall, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder's Office, and to release securities upon expiration of statuary periods.

    CED; Tamorah Bryant, 577-5328, tbryant@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-274 accepting the Public Improvements for Vintage Unit 3 Subdivision, located north of the Vintage Faire Mall, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder's Office, and to release securities upon expiration of statuary periods.

Consent

10. Consider accepting the Public Improvements of Vintage Unit 4 Subdivision, and releasing securities upon expiration of statutory periods. (Funding Source: No City Funds)
    - Resolution accepting the Public Improvements for Vintage Unit 4 Subdivision, located north of the Vintage Faire Mall, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder's Office, and to release securities upon expiration of statuary periods.

    CED; Tamorah Bryant, 577-5328, tbryant@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-275 accepting the Public Improvements for Vintage Unit 4 Subdivision, located north of the Vintage Faire Mall, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder's Office, and to release securities upon expiration of statuary periods.

Consent

11. Consider approving the Final Map and Subdivision Agreement of Icon at the Village Subdivision located south of Sharon Avenue between Yellowhammer Lane and Snowy Egret Street, west of Claus Road. (Funding Source: Developer Fees)
    - Resolution approving the Final Map of Icon at the Icon at the Village Subdivision, approving the Subdivision Agreement and authorizing the City Manager, or his designee, to execute a Subdivision Agreement with the owner/ developer, SB Builders, LLC, and authorizing the City Clerk to certify the final map and record it with the Stanislaus County Recorder's Office.

    CED; Tamorah Bryant, 577-5328, tbryant@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-276 approving the Final Map of Icon at the Icon at the Village Subdivision, approving the Subdivision Agreement and authorizing the City Manager, or his designee, to execute a Subdivision Agreement with the owner/ developer, SB Builders, LLC, and authorizing the City Clerk to certify the final map and record it with the Stanislaus County Recorder's Office.

Consent

12. Consider approving the Final Map and Subdivision Agreement of Metro at the Village Subdivision located southeast of Floyd Avenue at Roselle Avenue. (Funding Source: Developer Fees)
    - Resolution approving the Final Map of Metro at the Village Subdivision, approving the Subdivision Agreement and authorizing the City Manager, or his designee, to execute a Subdivision Agreement with the owner/ developer, SB Builders, LLC, and authorizing the City Clerk to certify the final map and record it with the Stanislaus County Recorder's Office.

    CED; Tamorah Bryant, 577-5328, tbryant@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-277 approving the Final Map of Metro at the Village Subdivision, approving the Subdivision Agreement and authorizing the City Manager, or his designee, to execute a Subdivision Agreement with the owner/ developer, SB Builders, LLC, and authorizing the City Clerk to certify the final map and record it with the Stanislaus County Recorder's Office.

Consent

13. Consider approving an Amendment to the Purchasing Agreement for Office Supplies and Furniture to Staples, Stockton, CA, Office Depot, Modesto, CA, and Warden's, Modesto, CA for an increase in the annual estimated amount from $250,000 to $300,000 and a total revised combined amount cost from $1,250,000 to $1,400,000 over five years; and consider a Second Amendment to the Purchasing Agreement with Amazon Business for an Online Marketplace for Products to increase the annual estimated amount by $50,000, for a revised annual estimated cost from $125,000 to $175,000, and a total revised amount not to exceed from $1,000,000 to $1,350,000 over eight years and forwarding to Council for approval. (Funding Source: Various Funds)
    - Resolution approving an Amendment to the Purchasing Agreements for Office Supplies and Furniture to Staples, Stockton, CA, Office Depot, Modesto, CA,

and Warden's, Modesto, CA. for an increase in the annual estimated amount from $250,000 to $300,000 and a total revised combined amount not to exceed from $1,250,000 to $1,400,000 over five years and authorizing the Purchasing Manager or her designee to execute the Amendments.

- Resolution approving a Second Amendment to the Purchasing Agreement with Amazon Business for an Online Marketplace for Products to increase the annual estimated amount by $50,000, for a revised annual estimated amount from $125,000 to $175,000, and a total revised amount not to exceed from $1,000,000 to $1,300,000 over eight years and authorizing the Purchasing Manager or her designee to execute the Amendment.

FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-278 approving an Amendment to the Purchasing Agreements for Office Supplies and Furniture to Staples, Stockton, CA, Office Depot, Modesto, CA, and Warden's, Modesto, CA. for an increase in the annual estimated amount from $250,000 to $300,000 and a total revised combined amount not to exceed from $1,250,000 to $1,400,000 over five years and authorizing the Purchasing Manager or her designee to execute the Amendments.

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-279 approving a Second Amendment to the Purchasing Agreement with Amazon Business for an Online Marketplace for Products to increase the annual estimated amount by $50,000, for a revised annual estimated amount from $125,000 to $175,000, and a total revised amount not to exceed from $1,000,000 to $1,300,000 over eight years and authorizing the Purchasing Manager or her designee to execute the Amendment.

Consent

14. Consider approving the First Amendment increasing the Agreement amount with CCS Facility Services, Fresno, CA for Custodial Services and Supplies for a one-time increase of $50,000 and an annual estimated cost increase by $13,000 from $667,298 to $680,298 to a revised total amount not to exceed $5,122,080 over seven years; and consider approving a Third Amendment increasing the Agreement with First Alarm Wellness for COVID-19 Management Services by $50,000 from $150,000, for a revised total not to exceed $200,000 and to extend the term of the Agreement to June 30, 2023. (Funding Source: Various Funds)

    - Resolution approving the First Amendment increasing the Agreement amount with CCS Facility Services, Fresno, CA for Custodial Services and Supplies for a one-time increase of $50,000 and an annual estimated cost increase by $13,000 from $667,298 to $680,298 to a revised total amount not to exceed $5,122,080 over seven years and authorizing the City Manager or his designee to execute the Amendment.
    - Resolution approving a Third Amendment increasing the Agreement amount with First Alarm Wellness for COVID-19 Management Services by $50,000 from $150,000, for a revised total not to exceed $200,000 and to extend the term of the Agreement to June 30, 2023 and authorizing the City Manager or his designee to execute the Amendment.

FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-280 approving the First Amendment increasing the Agreement amount with CCS Facility Services, Fresno, CA for Custodial Services and Supplies for a one-time increase of $50,000 and an annual estimated cost increase by $13,000 from $667,298 to $680,298 to a revised total amount not to exceed $5,122,080 over seven years and authorizing the City Manager or his designee to execute the Amendment.

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-281 approving a Third Amendment increasing the Agreement amount with First Alarm Wellness for COVID-19 Management Services by $50,000 from $150,000, for a revised total not to exceed $200,000 and to extend the term of the Agreement to June 30, 2023 and authorizing the City Manager or his designee to execute the Amendment.

Consent

15. Consider approving a Lease Agreement with the State of California, State Lands Commission, for Construction, Use and Maintenance of approximately 3,056 square feet of land in the Tuolumne River to the planned location of the Neece Drive Boat Launch. (Funding Source: Not Applicable)
    - Resolution approving a Lease Agreement with the State of California, State Lands Commission, for Construction, Use and Maintenance of approximately 3,056 square feet of land in the Tuolumne River adjacent to the planned location of the Neece Drive Boat Launch and authorizing the City Manager, or his designee, to execute an Agreement.

    PRN; Nathan Houx, 571-5526, nhoux@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-282 approving a Lease Agreement with the State of California, State Lands Commission, for Construction, Use and Maintenance of approximately 3,056 square feet of land in the Tuolumne River adjacent to the planned location of the Neece Drive Boat Launch and authorizing the City Manager, or his designee, to execute an Agreement.

Consent

16. Consider approving a Lease Agreement with New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company (AT&T), for a co-located cell tower lease at Ustach Park totaling 400 sq. ft. and adjacent to the existing cell tower; and amending the Fiscal Year 2021-2022 Operating Budget as outlined in Attachment A. (Funding Source: Cell Tower Facility Rental Revenue, Village One CFD, Village One CFD #2)
    - Resolution approving a Lease Agreement with New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company (AT&T), for a co-located cell tower lease at Ustach Park totaling 400 sq. ft. and adjacent to the existing cell tower and authorizing the City Manager, or his designee, to execute an Agreement.
    - Resolution amending the Fiscal Year 2021-2022 Operating Budget as outlined in Attachment A and authorizing the City Manager or his designee to implement the provisions of this resolution.

PRN; Nathan Houx, 571-5526, nhoux@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-283 approving a Lease Agreement with New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company (AT&T), for a co-located cell tower lease at Ustach Park totaling 400 sq. ft. and adjacent to the existing cell tower and authorizing the City Manager, or his designee, to execute an Agreement.

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-284 amending the Fiscal Year 2021-2022 Operating Budget as outlined in Attachment A and authorizing the City Manager or his designee to implement the provisions of this resolution.

Consent

17. Consider approving an Agreement with LDA Partners, Inc of Stockton, CA for Completion of Construction Documentation (Design) Services for the Dryden Clubhouse Renovation Project in the amount of $295,000, plus $29,500 for additional services, if needed, for an Agreement total not to exceed $324,500; and amending the Fiscal Year 2021-2022 Capital Improvement Program Budget as outlined in Attachment A. (Funding Source: CIP #101294)
    - Resolution approving an Agreement with LDA Partners, Inc of Stockton, CA for Completion of Construction Documentation (Design) Services for the Dryden Clubhouse Renovation Project in the amount of $295,000, plus $29,500 for additional services, if needed, for an Agreement total not to exceed $324,500, and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution amending the fiscal year 2021-2022 Capital Improvement Program budget for project 101294 – Dryden Golf Course Fire Renovation Project as outlined in Attachment A and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

    PRN; Nathan Houx, 571-5526, nhoux@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) **Resolution 2021-285** approving an Agreement with LDA Partners, Inc of Stockton, CA for Completion of Construction Documentation (Design) Services for the Dryden Clubhouse Renovation Project in the amount of $295,000, plus $29,500 for additional services, if needed, for an Agreement total not to exceed $324,500, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-286 amending the fiscal year 2021-2022 Capital Improvement Program budget for project 101294 – Dryden Golf Course Fire Renovation Project as outlined in Attachment A and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

Consent

18. Consider an Ordinance amending Municipal Code Section 3-2.1401.1 to determine and designate speed limit changes. (Funding Source: Traffic Operations - Surface Transporation 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; Scott Collins, 577-5468, scollins@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Motion introducing and waiving the first reading of an **Ordinance No. 3732-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

19. Consider approving an Agreement with TJKM, Pleasanton, CA, for Transportation Engineering Services for a two-year Agreement with three one-year extension options for a cost not to exceed $700,000 the first two years, and a total amount not to exceed $1,300,000. (Funding Source: Congestion Mitigation and Air Quality, Highway Safety Improvement Program, Measure L)
    - Resolution approving an Agreement with TJKM, Pleasanton, CA, for Transportation Engineering Services for a two-year Agreement with three one-year extension options for a cost not to exceed $700,000 the first two years, and a total amount not to exceed $1,300,000; and authorizing the City Manager, or his designee, to execute the Agreement.

    PUBLIC WORKS; Scott Collins, 577-5431, scollins@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-287 approving an Agreement with TJKM, Pleasanton, CA, for Transportation Engineering Services for a two-year Agreement with three one-year extension options for a cost not to exceed $700,000 the first two years, and a total amount not to exceed $1,300,000; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

20. Consider accepting the Plans and Specifications for the Rebid Sutter Sanitary Sewer Trunk Rehabilitation Project, Phase 1 and awarding a construction contract to Mozingo Construction, of Oakdale, CA, in the amount of $3,237,314 plus $388,478 for contingency (if needed), for a total amount not to exceed $3,625,792; approving an Agreement with O'Dell Engineering for Engineering Support During Construction in the amount of $38,613, plus $3,862 for additional services (if needed), for a total amount not to exceed $42,475 and authorizing an increase in the Director's Authority to issue Change Orders from 8% ($258,985) to 12% ($388,478) of the construction contract amount of $3,237,314. (Funding Source: Wastewater Fund)
    - Resolution approving Plans and Specifications for the Rebid Sutter Sanitary Sewer Trunk Rehabilitation Project, Phase 1, accepting the bid, and approving a construction contract with Mozingo Construction, of Oakdale, CA, in the amount of $3,237,314 plus $388,478 for contingency (if needed) for a total amount not to exceed $3,625,792 and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution approving an Agreement with O'Dell Engineering, of Modesto, CA, for Engineering Support During Construction for the Rebid Sutter Sanitary

Sewer Trunk Rehabilitation Project, Phase 1, in the amount of $38,613 for the identified scope of services, plus $3,862 for additional services (if needed), for a maximum total amount of $42,475 and authorizing the City Manager, or his designee, to execute the Agreement.

- Resolution authorizing an increase in the Director's authority to issue Change Orders for the Rebid Sutter Sanitary Sewer Trunk Rehabilitation Project, Phase 1 from 8% ($258,985) to 12% ($388,478) of the construction contract price of $3,237,314 with Mozingo Construction, of Oakdale, CA.

UTILITIES; Cristian Ciotau, 577-5260, cciotau@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-288 approving Plans and Specifications for the Rebid Sutter Sanitary Sewer Trunk Rehabilitation Project, Phase 1, accepting the bid, and approving a construction contract with Mozingo Construction, of Oakdale, CA, in the amount of $3,237,314 plus $388,478 for contingency (if needed) for a total amount not to exceed $3,625,792 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-289 approving an Agreement with O'Dell Engineering, of Modesto, CA, for Engineering Support During Construction for the Rebid Sutter Sanitary Sewer Trunk Rehabilitation Project, Phase 1, in the amount of $38,613 for the identified scope of services, plus $3,862 for additional services (if needed), for a maximum total amount of $42,475 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-290 authorizing an increase in the Director's authority to issue Change Orders for the Rebid Sutter Sanitary Sewer Trunk Rehabilitation Project, Phase 1 from 8% ($258,985) to 12% ($388,478) of the construction contract price of $3,237,314 with Mozingo Construction, of Oakdale, CA.

Consent

21. Consider accepting the Upgrade Traffic Signals – 2013 CML-5059(185) project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $784,517 to St. Francis Electric, LLC, of San Leandro, CA. (Funding Source: Congestion Mitigation Air Quality (CMAQ) and Measure L Funds)

    - Resolution accepting the Upgrade Traffic Signals – 2013 CML-5059(185) project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $784,517 to St. Francis Electric, LLC, of San Leandro, California.

    UTILITIES; Greg Showerman, 571-5860, gshowerman@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-291 accepting the Upgrade Traffic Signals – 2013 CML-5059(185) project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $784,517 to St. Francis Electric, LLC, of San Leandro, California.

COUNCIL COMMENTS & REPORTS

Councilmember Ricci spoke regarding the Modesto Police Department, working on Forward Together to make Modesto safer; National Night Out, and the National App Competition.

Councilmember Kenoyer attended the Central Valley Rail Working Group meeting on Friday with updates on Amtrak and high speed rail; she also attended the Youth Navigation Center grand opening.

Councilmember Madrigal met with Community & Economic Development Director French regarding opportunities for Modesto.

Councilmember Escutia-Braaton spoke regarding a meeting with Senator Padilla's staff.

CITY MANAGER COMMENTS & REPORTS

None.

NEW BUSINESS

22. Consider approving the award and Agreement for the Housing Plan–SB2 to Opticos Design, Inc., Berkeley, CA, for a total amount of $355,805 including a $10,000 contingency for a total amount not to exceed $365,805. (Funding Source: SB2 State Housing grant program)
    - Resolution approving the Housing Plan-SB2 Agreement to evaluate and expand housing opportunities with Opticos Design, Inc., of Berkeley, CA for a total amount of $355,805 including a $10,000 contingency for a total amount not to exceed $365,805 and authorizing the City Manager, or his designee, to take the necessary steps to execute the Agreement.

    FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: (Madrigal/Wright; 7/0) Resolution 2021-292 approving the Housing Plan-SB2 Agreement to evaluate and expand housing opportunities with Opticos Design, Inc., of Berkeley, CA for a total amount of $355,805 including a $10,000 contingency for a total amount not to exceed $365,805 and authorizing the City Manager, or his designee, to take the necessary steps to execute the Agreement.

ACTION: Motion (Madrigal/Ricci; 2/5; Zoslocki, Kenoyer, Wright, Escutia-Braaton, Mayor Zwahlen no) directing staff to bring back agenda item at a future Council meeting for action regarding formation of a local housing committee. **(MOTION FAILED)**

Recess at 7:50 p.m.
Reconvened at 8:00 p.m.

23. Consider approving an Agreement to provide Fire Protection Services between the City of Modesto and the City of Ceres for a five-year term, with a two-year extension

option; approving the side letter to the Modesto City Fire Firefighters Association Memorandum of Understanding as it relates to the Agreement to provide Fire Protection Services between the City of Modesto and the City of Ceres; amending the Position Allocation for Fiscal Year 2021-22 as adopted in the operating budget; approving an application to the Stanislaus Local Agency Formation Commission to confirm the City of Modesto's fire service contract with the City of Ceres; and amending the Fiscal Year 2021-22 Operating Budget by $5,691,573 in revenues and $5,645,740 in expenses. (Funding Source: General Fund)

- Resolution approving an Agreement to provide Fire Protection Services between the City of Modesto and the City of Ceres for a five-year term, with a two-year extension option, and authorizing the City Manager, or his designee, to execute the Agreement.
- Resolution approving the side letter to the Modesto City Fire Firefighters Association Memorandum of Understanding as it relates to the Agreement to provide Fire Protection Services between the City of Modesto and the City of Ceres, and authorizing the City Manager, or his designee, to execute the Agreement.
- Resolution amending the Position Allocation for Fiscal Year 2021-22 as adopted in the operating budget.
- Resolution approving an application to the Stanislaus Local Agency Formation Commission to confirm the City of Modesto's fire service contract with the City of Ceres and authorizing the City Manager, or his designee, to execute the application.
- Resolution amending the Fiscal Year 2021-22 Operating Budget by $5,691,573 in revenues and $5,645,740 in Expenses and authorizing the City Manager, or his designee to implement the provisions of this resolutions.

FIRE DEPARTMENT; Alan Ernst, 572-9590, aernst@modestofire.com

ACTION: (Wright/Ricci; 7/0) Resolution 2021-293 approving an Agreement to provide Fire Protection Services between the City of Modesto and the City of Ceres for a five-year term, with a two-year extension option, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Wright/Ricci; 7/0) Resolution 2021-294 approving the side letter to the Modesto City Fire Firefighters Association Memorandum of Understanding as it relates to the Agreement to provide Fire Protection Services between the City of Modesto and the City of Ceres, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Wright/Ricci; 7/0) Resolution 2021-295 amending the Position Allocation for Fiscal Year 2021-22 as adopted in the operating budget.

ACTION: (Wright/Ricci; 7/0) Resolution 2021-296 approving an application to the Stanislaus Local Agency Formation Commission to confirm the City of Modesto's fire service contract with the City of Ceres and authorizing the City Manager, or his designee, to execute the application.

ACTION: (Wright/Ricci; 7/0) Resolution 2021-297 amending the Fiscal Year 2021-22 Operating Budget by $5,691,573 in revenues and $5,645,740 in Expenses and authorizing the City Manager, or his designee to implement the provisions of this resolutions.

24. Consider approving the award of bid for Tree Removal Services to Grover Landscape Services Inc. for a total amount not to exceed $1,286,071 over a one-year period with a one-year extension option; and approving five Limited Term Employee Positions for the Forestry Division to assist with Reforestation for an annual estimated cost of $448,974 and $192,020 for materials for a total annual cost of $640,994, a total amount not to exceed $1,281,988 over two years, for a total amount of $2,568,059 over two years; approving an Amendment to the position allocation for fiscal year 2021-22 as adopted in the operating budget; and amending the fiscal year 2021-22 operating budget to establish transfers in to fund 4892 (Green Waste Fund) and a transfer out from fund 0100 (General Fund) in the amount of $1,850,000; and to increase the Forestry Division (cost center 56040) expenditure budget by $1,810,149 to account for the Grover contract, limited term employee positions and materials. (Funding Source: General Fund)
    - Resolution approving the award of bid for Tree Removal Services to Grover Landscape Services Inc. for a total amount not to exceed $1,286,071 (includes 10% contingency funds) over a one-year period with a one-year extension option and authorizing the City Manager, or his designee to sign the Agreement.
    - Resolution approving five Limited Term Employee Positions for the Forestry Division to assist with Reforestation for an annual estimated cost of $448,974 and $192,020 for materials for a total annual cost of $640,994 and a total amount not to exceed $1,281,988 over two years.
    - Resolution amending the position allocation for fiscal year 2021-22 as adopted in the operating budget.
    - Resolution amending the fiscal year 2021-22 operating budget to establish transfers in to fund 4892 (Green Waste Fund) and a transfer out from fund 0100 (General Fund) in the amount of $1,850,000; and to increase the Forestry Division (cost center 56040) expenditure budget by $1,810,149 to account for the Grover contract, limited term employee positions and materials.

    PUBLIC WORKS; Michael Hoesch, 342-4566, mhoesch@modestogov.com

ACTION: (Wright/Ricci; 7/0) Resolution 2021-298 approving the award of bid for Tree Removal Services to Grover Landscape Services Inc. for a total amount not to exceed $1,286,071 (includes 10% contingency funds) over a one-year period with a one-year extension option and authorizing the City Manager, or his designee to sign the Agreement.

ACTION: (Wright/Ricci; 7/0) Resolution 2021-299 approving five Limited Term Employee Positions for the Forestry Division to assist with Reforestation for an annual estimated cost of $448,974 and $192,020 for materials for a total annual cost of $640,994 and a total amount not to exceed $1,281,988 over two years.

ACTION: (Wright/Ricci; 7/0) Resolution 2021-300 amending the position allocation for fiscal year 2021-22 as adopted in the operating budget.

ACTION: (Wright/Ricci; 7/0) Resolution 2021-301 amending the fiscal year 2021-22 operating budget to establish transfers in to fund 4892 (Green Waste Fund) and a transfer out from fund 0100 (General Fund) in the amount of $1,850,000; and to increase the Forestry Division (cost center 56040) expenditure budget by $1,810,149 to account for the Grover contract, limited term employee positions and materials.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:56 p.m.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
One Case (Pursuant to Section 54956.9(d)(1) of the Government Code)

Name of Case: Lamb v. City of Modesto
Superior Court of California, County of Stanislaus
Stanislaus County Case No. CV-18-002019

Attest:_____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto
ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP
(Held Via Teleconference)

Monday Aug 02, 2021 at 2:00 PM

Roll Call – Present: Mayor Zwahlen, Councilmembers Ricci and Escutia-Braaton (alternate)
Absent: Councilmember Madrigal

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-6

CONSENT

Consent

1. Consider approving the Award of Bid and Service Agreement for On-Call Mechanical and Refrigeration Services to Champion Industrial Contractors Inc., Modesto, CA for a two year Agreement with three one-year extension options, for an annual estimated cost of $158,101 and a total amount not to exceed $790,505 over five years and forwarding to Council for approval. (Funding Source: Various Funds)
FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: Motion (Ricci/Escutia-Braaton; 3/0) approving the Award of Bid and Service Agreement for On-Call Mechanical and Refrigeration Services to Champion Industrial Contractors Inc., Modesto, CA for a two year Agreement with three one-year extension options, for an annual estimated cost of $158,101 and a total amount not to exceed $790,505 over five years and forwarding to Council for approval.

Consent

2. Consider approving the award of bid to Towne Ford, Redwood City, CA for a City Fleet Replacement for Parks, Recreation and Neighborhoods (PRN) in the amount of $144,313 and forwarding to Council for approval. (Funding Source: Fleet Replacement Fund)
FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: Motion (Ricci/Escutia-Braaton; 3/0) approving the award of bid to Towne Ford, Redwood City, CA for a City Fleet Replacement for Parks, Recreation and Neighborhoods (PRN) in the amount of $144,313 and forwarding to Council for approval.

Consent

3. Consider approving the award of bid for the purchase of Solar Advanced School Zone Beacons to JAM Services Inc., Livermore, CA for a total amount not to exceed $76,538 and forwarding to Council for approval. (Funding Source: Local Control Measure L)
   FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: Motion (Ricci/Escutia-Braaton; 3/0) approving the award of bid for the purchase of Solar Advanced School Zone Beacons to JAM Services Inc., Livermore, CA for a total amount not to exceed $76,538 and forwarding to Council for approval.

Consent

4. Consider approving a First Amendment to the Citywide Purchasing Agreement with MSC Industrial Supply Co. Inc., W. Sacramento, CA, for the Purchase and Maintenance of Bin Stock Items and increasing the annual amount by $50,000 from $110,000, to a revised estimated annual amount of $160,000 and a new total amount not to exceed $700,000 over five years, and forwarding to Council for approval. (Funding Source: Various Funds)
   UTILITIES; Monte Hamilton, 342-4505, mhamilton@modestogov.com

ACTION: Motion (Ricci/Escutia-Braaton; 3/0) approving a First Amendment to the Citywide Purchasing Agreement with MSC Industrial Supply Co. Inc., W. Sacramento, CA, for the Purchase and Maintenance of Bin Stock Items and increasing the annual amount by $50,000 from $110,000, to a revised estimated annual amount of $160,000 and a new total amount not to exceed $700,000 over five years, and forwarding to Council for approval.

Consent

5. Consider approving a First Amendment to the Citywide Purchasing Agreement with W.W. Grainger, Inc., Lake Forest, IL, for Maintenance, Repair and Operation Supplies, and increasing the annual amount by $100,400 from $113,500, to a new estimated annual amount of $213,900 and a new total amount not to exceed $1,121,879 over six-years, and forwarding to Council for approval. (Funding Source: Various Funds)
   UTILITIES; Jeff Daniels, 342-4585, jdaniels@modestogov.com

ACTION: Motion (Ricci/Escutia-Braaton; 3/0) approving a First Amendment to the Citywide Purchasing Agreement with W.W. Grainger, Inc., Lake Forest, IL, for Maintenance, Repair and Operation Supplies, and increasing the annual amount by $100,400 from $113,500, to a new estimated annual amount of $213,900 and a new total amount not to exceed $1,121,879 over six-years, and forwarding to Council for approval.

Consent

6. Consider approving the Award of Bid and Purchasing Agreement for the Furnishing of Water Storage Tank Inspection, Cleaning, and Repair Services for the Utilities Department, Water Division, to Rubicon Applied Divers, Conroe, TX, as the primary contractor and DRS Marine, Vallejo, CA, as the secondary contractor for a two year Agreement with three one-year extension options, for an annual combined estimated cost of $75,000 and a total combined amount not to exceed $388,780 over five years and forwarding to Council for approval. (Funding Source: Water Fund)
UTILITIES; Jeff Daniels, 342-4585, jdaniels@modestogov.com

ACTION: Motion (Ricci/Escutia-Braaton; 3/0) approving the Award of Bid and Purchasing Agreement for the Furnishing of Water Storage Tank Inspection, Cleaning, and Repair Services for the Utilities Department, Water Division, to Rubicon Applied Divers, Conroe, TX, as the primary contractor and DRS Marine, Vallejo, CA, as the secondary contractor for a two year Agreement with three one-year extension options, for an annual combined estimated cost of $75,000 and a total combined amount not to exceed $388,780 over five years and forwarding to Council for approval.

UNFINISHED BUSINESS

7. Consider accepting an 3rd quarterly update regarding Starship Robot Grocery Delivery Program and forwarding to Council for direction. (Funding Source: Not Applicable)
CED; Marcus Tucker, 577-5473, mtucker@modestogov.com

ACTION: Motion (Escutia-Braaton/Ricci; 3/0) accepting an 3rd quarterly update regarding Starship Robot Grocery Delivery Program and forwarding to Council for direction.

NEW BUSINESS

8. Consider approving becoming a member of the California Enterprise Development Authority (CEDA), and authorizing CEDA, through Dividend Finance Inc. as Program Administrator, to offer its program and levy assessments within the City of Modesto for Property Assessed Clean Energy (PACE) program for only commercial properties; and forwarding to Council for approval. (Funding Source: Not Applicable)
FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: Motion (Mayor Zwahlen/Ricci; 3/0) approving becoming a member of the California Enterprise Development Authority (CEDA), and authorizing CEDA, through Dividend Finance Inc. as Program Administrator, to offer its program and levy assessments within the City of Modesto for Property Assessed Clean Energy (PACE) program for only commercial properties; and forwarding to Council for approval.

9. Consider approving submittal of grant applications for the Installation of Electric Vehicle Charging Stations for Parking Services to Multiple Agencies to include but not limited to: The San Joaquin Valley Air Pollution Control District, Inland Counties

Incentive Project, State of California, and the Federal Government; and forwarding to Council for approval. (Funding Source: Parking Services)
PUBLIC WORKS; Patrick Crowley, 402-6812, pcrowley@modestogov.com

ACTION: Motion (Ricci/Escutia-Braaton; 3/0) approving submittal of grant applications for the Installation of Electric Vehicle Charging Stations for Parking Services to Multiple Agencies to include but not limited to: The San Joaquin Valley Air Pollution Control District, Inland Counties Incentive Project, State of California, and the Federal Government; and forwarding to Council for approval.

10. Consider approving the Sole Source Procurement for the Replacement of Two Internalift Screw Pumps at the Sutter Wastewater Treatment Plant from Evoqua Water Technologies, of Thomasville, GA, for an estimated total cost of $1,601,950 plus $160,195 in contingency (if needed), for a total amount not to exceed $1,762,145 and amending the Fiscal Year 2021-22 Multi-Year Project budget in the amount of $732,145 and forwarding to Council for approval. (Funding Source: Wastewater Fund)
UTILITIES; Cristian Ciotau, 577-5260, cciotau@modestogov.com

ACTION: Motion (Ricci/Escutia-Braaton; 3/0) approving the Sole Source Procurement for the Replacement of Two Internalift Screw Pumps at the Sutter Wastewater Treatment Plant from Evoqua Water Technologies, of Thomasville, GA, for an estimated total cost of $1,601,950 plus $160,195 in contingency (if needed), for a total amount not to exceed $1,762,145 and amending the Fiscal Year 2021-22 Multi-Year Project budget in the amount of $732,145 and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 2:44 p.m.

Attest:_____
Joseph Lopez

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Wednesday Aug 04, 2021 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Wright, Zoslocki, Mayor Zwahlen
Absent: Councilmember Ricci

Pledge of Allegiance to the Flag

Invocation: Mike Gunnarson, City Ministry Network

City Clerk's Announcements: An email was received from Maryann Spikes re Items 7 and 12 and distributed to Council

Declaration of Conflicts of Interest: None

Reports from Closed Session: No Closed Session

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation proclaiming August 8-14, 2021 as National Health Center Week (Funding Source: Not Applicable)
CITY COUNCIL; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Proclamation proclaiming August 8-14, 2021 as National Health Center Week presented to Yamilet Valladolid, Golden Valley Health Centers.

MISCELLANEOUS

2. Consider appointing Harrison Power to the City of Modesto Landmark Preservation Commission, with a term expiration of January 1, 2025. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution appointing Harrison Power to the City of Modesto Landmark Preservation Commission, with a term expiration of January 1, 2025.

CED; Steve Mitchell, 577-5267, smitchell@modestogov.com

ACTION: (Wright/Madrigal; 6/0; Ricci absent) Resolution 2021-302 appointing Harrison Power to the City of Modesto Landmark Preservation Commission, with a term expiration of January 1, 2025.

3. Consider appointing Mark Niskanen to the City's Board of Zoning Adjustment, with a term expiration of January 1, 2025. (Funding Source: Not Applicable)
   Staff Recommendation:
   - Resolution appointing Mark Niskanen to the City of Modesto Board of Zoning Adjustment, with a term expiration of January 1, 2025.

   CED; Steve Mitchell, 577-5267, smitchell@modestogov.com

ACTION: (Wright/Zoslocki; 6/0; Ricci absent) Resolution 2021-303 appointing Mark Niskanen to the City of Modesto Board of Zoning Adjustment, with a term expiration of January 1, 2025.

PUBLIC COMMENT PERIOD

Dave Pratt asked for information regarding the new Courthouse.

Ramon Rodriguez spoke regarding police accountability in Modesto.

Leslie Selfridge spoke regarding the shooting of her nephew in Keyes.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 4-11: (Kenoyer/Escutia-Braaton; 6/0; Ricci absent)

CONSENT ITEMS

Consent

4. Consider approving the minutes from the July 13, 2021 Council Meeting. (Funding Source: Not Applicable)
   - Motion approving the minutes from the July 13, 2021 Council Meeting.

   CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 6/0; Ricci absent) Motion approving the minutes from the July 13, 2021 Council Meeting.

Consent

5. Consider final adoption of **Ordinance 3732-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 3732-C.S**. amending Municipal Code Section 3-2.1401.1 to determine and designate speed limit changes.

   CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 6/0; Ricci absent) Motion approving final adoption of **Ordinance 3732-C.S.** amending Municipal Code Section 3-2.1401.1 to determine and designate speed limit changes.

Consent

6. Consider approving an Ordinance adding section 2-8.10 -– "Electronic Filing Disclosure" to Chapter 8 – "Campaign Reform" of Title 2 "Administration" to the Modesto Municipal Code relating to electronic filing of Campaign Disclosure Statements and Statements of Economic Interests (Form 700). (Funding Source: Not Applicable)
    - Motion introducing and waiving the first reading of an Ordinance adding Section 2-8.10 – "Electronic Filing Disclosure" to Chapter 8 – "Campaign Reform" of Title 2 "Administration" to the Modesto Municipal Code relating to electronic filing of Campaign Disclosure Statements and Statements of Economic Interests (Form 700).

    CITY CLERK; Dana Sanchez, 577-5396, dasanchez@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 6/0; Ricci absent) Motion introducing and waiving the first reading of **Ordinance 3733-C.S.** adding Section 2-8.10 – "Electronic Filing Disclosure" to Chapter 8 – "Campaign Reform" of Title 2 "Administration" to the Modesto Municipal Code relating to electronic filing of Campaign Disclosure Statements and Statements of Economic Interests (Form 700).

Consent

7. Consider accepting a State of California Local Early Action Planning grant award in the amount of $500,000 for the purpose of funding various housing-related projects; and amending the Fiscal Year 2021-22 Multi-Year Non-Capital Project Funds Budget to establish a new multi-year budget for the State of California Local Early Action Planning grant and to appropriate $500,000 in grant revenue and expense to various projects. (Funding Source: Local Early Action Planning Grant Program)
    - Resolution accepting a State of California Local Early Action Planning grant award in the amount of $500,000 for the purpose of funding various housing-related projects and authorizing the City Manager, or his designee, to execute all Agreements necessary to implement the provisions of this resolution.
    - Resolution amending the Fiscal Year 2021-22 Multi-Year Non-Capital Project Funds Budget to establish a new multi-year budget for the State of California Local Early Action Planning grant and to appropriate $500,000 in grant revenue and expense and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

    CED; Brad Wall, 577-5267, bwall@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 6/0; Ricci absent) Resolution 2021-304 accepting a State of California Local Early Action Planning grant award in the amount of $500,000 for the purpose of funding various housing-related projects and authorizing the City Manager, or his designee, to execute all Agreements necessary to implement the provisions of this resolution.

ACTION: (Kenoyer/Escutia-Braaton; 6/0; Ricci absent) Resolution 2021-305 amending the Fiscal Year 2021-22 Multi-Year Non-Capital Project Funds Budget to establish a new multi-year budget for the State of California Local Early Action Planning grant and to appropriate $500,000 in grant revenue and expense and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

Consent

8. Consider accepting an informational report for the June 2021 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the June 2021 Accounts Payable Payment Register and Void report.

    FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 6/0; Ricci absent) Motion accepting an informational report for the June 2021 Accounts Payable Payment Register and Void report.

Consent

9. Consider accepting the Monthly Investment Report for May 2021. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for May 2021.

    FINANCE DEPARTMENT; Calogero Maniscalco, 577-5219, cmaniscalco@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 6/0; Ricci absent) Motion accepting the Monthly Investment Report for May 2021.

Consent

10. Consider approving an Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for Engineering Services for the Jennings Wastewater Treatment Plant Corrosion Control Measures Project in the amount of $636,712 for the identified scope of services, plus $63,671 in additional services, if needed, for a total not to exceed amount of $700,383. (Funding Source: Wastewater Fund)
    - Resolution approving an Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for Engineering Services for the Jennings Wastewater Treatment Plant Corrosion Control Measures Project in the amount of $636,712 for the identified scope of services, plus $63,671 in additional services, if needed, for a total not to exceed amount of $700,383, and authorizing the City Manager, or his designee, to execute the Agreement.

    UTILITIES; Cristian Ciotau, 577-5260, cciotau@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 6/0; Ricci absent) Resolution 2021-306 approving an Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for Engineering Services for the Jennings Wastewater Treatment Plant Corrosion Control Measures Project in the amount of $636,712 for the identified scope of services, plus $63,671 in additional services, if needed, for a total not to exceed amount of $700,383, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

11. Consider approving an Agreement with CSI Services, Inc., Santa Clarita, CA, for Tank Coating Inspection Services for the Tank 5 & 12 Recoat & Repairs Project in the amount of $62,400 for the identified scope of services, plus $15,600 in additional services, if needed, for a total amount not to exceed $78,000. (Funding Source: Water Fund)
    - Resolution approving an Agreement with CSI Services, Inc., Santa Clarita, CA, for Tank Coating Inspection Services for the Tank 5 & 12 Recoat & Repairs Project in the amount of $62,400 for the identified scope of services, plus $15,600 in additional services, if needed, for a total amount not to exceed $78,000, and authorizing the City Manager, or his designee, to execute the Agreement.

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

ACTION: (Kenoyer/Escutia-Braaton; 6/0; Ricci absent) Resolution 2021-307 approving an Agreement with CSI Services, Inc., Santa Clarita, CA, for Tank Coating Inspection Services for the Tank 5 & 12 Recoat & Repairs Project in the amount of $62,400 for the identified scope of services, plus $15,600 in additional services, if needed, for a total amount not to exceed $78,000, and authorizing the City Manager, or his designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

Councilmember Wright spoke regarding National Night Out events attended last night.

Councilmember Madrigal thanked neighborhood leaders and Sgt. Stanfield for National Night Out in West Modesto, South Modesto, La Loma Neighborhoods and District 2; he also spoke regarding concerns of citizens; he also announced Annual Mexican Independence Day Celebration on Wednesday, September 15, 2021 at the Flea Market on Crows Landing Road.

Councilmember Kenoyer also spoke regarding National Night Out events last night and thanked Officer Martha Delgado for her assistance.

Vice Mayor Escutia-Braaton thanked Lt. Bobby Meredith for his assistance with National Night Out events last night; she also attended a Community Workshop for cultural relations and community engagement last week.

Councilmember Zoslocki also spoke regarding National Night Out events and thanked Lt. Jason Grogan for his assistance.

Mayor Zwahlen also spoke regarding National Night Out events last night and thanked everyone for their efforts.

CITY MANAGER COMMENTS & REPORTS

City Manager Lopez thanked everyone for their participation at last night's National Night Out.

UNFINISHED BUSINESS

HEARINGS

Published in the Modesto Bee on July 14, 2021

12. Hearing to consider a proposed amendment to the land use diagram of the Kiernan Business Park Specific Plan, to change the land use of 3.5 acres from Business Park (BP) to Mixed Uses (MU), property located at the northeast corner of Dale Road and Bangs Avenue. (Funding Source: Developer Funded)
    - Resolution approving Specific Plan Amendment No. 11 to the Kiernan Business Park Specific Plan to change the land use designation of 3.5 acres from Business Park (BP) to Mixed Use (MU), property located at the northeast corner of Dale Road and Bangs Avenue.

    CED; Katharine Martin, 577-5267, kamartin@modestogov.com

ACTION: (Wright/Zoslocki; 6/0; Ricci absent) Resolution 2021-308 approving Specific Plan Amendment No. 11 to the Kiernan Business Park Specific Plan to change the land use designation of 3.5 acres from Business Park (BP) to Mixed Use (MU), property located at the northeast corner of Dale Road and Bangs Avenue.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:12 p.m.

Attest:_____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto

SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP

(Held Via Teleconference)

Monday, August 09, 2021 at 5:00 PM

Roll Call Present: Councilmember Kenoyer, Councilmember Ricci, Mayor Zwahlen
Absent: None

PUBLIC COMMENTS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

1. Consider approving the award of informal bid and Purchasing Agreement for Exterior Car Washes with Mister Car Wash, for a two-year Agreement with three one-year extension options, for an annual estimated cost of $16,500, and a total amount not to exceed $82,500 over five years, and forwarding to Council for approval. (Funding Source: Modesto Police Department & Fire Department General Fund)
FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

   ACTION: Motion (Zwahlen/Ricci; 3/0) approving the award of informal bid and purchasing agreement for exterior car washes with Mister Car Wash, for a two-year agreement with three (3) one-year extension options, for an annual estimated cost of $16,500, and a total amount not to exceed $82,500 over five years, and forwarding to Council for approval.

NEW BUSINESS

2. Consider approving the Purchase Agreements for Cameras, License Plate Readers (LPRs), Accessories and Camera Licensing to Affinitech, Chanhassen, MN by utilizing the competitive bid process with the State of California, General Services Acquisition (GSA); to EyeP Solutions, Cameron Park, CA, by utilizing the competitive bid process with the State of California, California Multiple Award Schedule (CMAS); and to Intellisite, Ceres, CA, by utilizing the competitive bid process with the State of California, CMAS for a one year Agreement with four one-year extension options for an annual estimated cost of $350,000 between three vendors and a total combined cost not to exceed $1,750,000 between three vendors over five years, and forwarding to

Council for approval. (Funding Source: Supplemental Law Enforcement Services Fund, Berne Justice Assistance Grant Grants, Utilities Funds, Traffic Safety Fund and Modesto Police Department General Fund)
FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: Motion (Ricci/Kenoyer; 3/0) approving the purchase agreements for cameras, license plate readers (LPRs), accessories and camera licensing to Affinitech, Chanhassen, MN by utilizing the competitive bid process with the State of California, General Services Acquisition (GSA); to EyeP Solutions, Cameron Park, CA, by utilizing the competitive bid process with the State of California, California Multiple Award schedule (CMAS); and to Intellisite, Ceres, CA, by utilizing the competitive bid process with the State of California, CMAS for a one (1) year agreement with four (4) one-year extension options for an annual estimated cost of $350,000 between three vendors and a total combined cost not to exceed $1,750,000 between three vendors over five (5) years, and forwarding to Council for approval**.**

ADJOURNMENT

This meeting adjourned at 5:15 P.M.

Attest: _____
Joseph Lopez

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, August 10, 2021 at 5:30 PM

Roll Call - Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Edward William Eissabake, St. John's Assyrian Presbyterian Church

City Clerk's Announcements: Item 6 and 14 were removed from Consent; Item 23 – Email received and forwarded to Council.

Declaration of Conflicts of Interest: None

Reports from Closed Session:

Mayor Zwahlen reported on Closed Session matters: Regarding Public Employment - Resignation City Clerk, Council voted to accept the resignation of City Clerk Stephanie Lopez and placed her on Administrative Leave until October 5, 2021 effective immediately, by a vote of 6/1 (Madrigal; No)

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. County/Covid-19 update. (Funding Source: Not Applicable)
   CITY MANAGER; Joseph Lopez, 577-5223, joelopez@modestogov.com

ACTION: County staff gave an update on COVID-19

2. Presentation of Proclamation recognizing August 7, 2021 as Assyrian Genocide Remembrance Day (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Proclamation by Mayor Zwahlen recognizing August 7, 2021 as Assyrian Genocide Remembrance Day.

PUBLIC COMMENT PERIOD

- Stephen Bratset requested to meet with someone from Public Works regarding City of Modesto trucks driving in prohibited zone in Salida. He also spoke regarding signs being posted on telephone and light poles. He also spoke regarding shopping cart issues. He also spoke regarding the need for pylons on Standiford and Dale Road.

- PJ Scruggs spoke regarding need for adequate housing, and representation navigating eviction process.

- Latricia Beasley Day spoke regarding the Right to Council for citizens facing evictions, and the need for a comprehensive housing plan.

- Kimberly Alston spoke regarding evictions and discrimination in obtaining housing. She also spoke about the Right to Council.

- Kevin McClarty spoke regarding striping on Briggsmore overpass. He also spoke regarding the 5% paycut of City Clerk Stephanie Lopez. He also spoke in favor of Trevor Seever day,

- Ramon Rodriguez spoke regarding justice for Alonzo Nunez

- Stephen Allen spoke regarding more community input and accountability for the Forward Together Committee and police issues in the City of Modesto.

- Hunter spoke regarding affordable housing and discrimination in finding housing. He also spoke in favor of a police oversight committee.

- Darlene Ruiz spoke regarding having a day dedicated to Trevor Seever. She also asked for an independent police auditor, and a mental health crisis program like CAHOOTS,

- Joan Stanford spoke regarding affordable housing, and a reverse mortgage

- Kevin Scott spoke regarding City trees and sidewalk issues.

- Priscilla Solorio spoke regarding affordable housing and items being brought to protests.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 3-5, 7-13, 15-20: (Kenoyer/Madrigal; 7/0)
Items 6 & 14 were removed from Consent.

CONSENT ITEMS

Consent

3. Consider approving the minutes from the August 4, 2021 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the August 4, 2021 Council Meeting.

    CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: (Kenoyer/Madrigal; 7/0) Motion approving the minutes from the August 4, 2021 Council Meeting.

Consent

4. Consider final adoption of Ordinance 3733-C.S. adding section 2-8.10 – "Electronic Filing Disclosure" to Chapter 8 – "Campaign Reform" of Title 2 "Administration" to the Modesto Municipal Code relating to electronic filing of Campaign Disclosure Statements and Statements of Economic Interests (Form 700). (Funding Source: Not Applicable)
    - Motion approving final adoption of Ordinance 3733-C.S. adding section 2-8.10 – "Electronic Filing Disclosure" to Chapter 8 – "Campaign Reform" of Title 2 "Administration" to the Modesto Municipal Code relating to electronic filing of Campaign Disclosure Statements and Statements of Economic Interests (Form 700).

    CITY CLERK; Dana Sanchez, 577-5396, dasanchez@modestogov.com

ACTION: (Kenoyer/Madrigal; 7/0) Motion approving final adoption of **Ordinance 3733-C.S.** adding section 2-8.10 – "Electronic Filing Disclosure" to Chapter 8 – "Campaign Reform" of Title 2 "Administration" to the Modesto Municipal Code relating to electronic filing of Campaign Disclosure Statements and Statements of Economic Interests (Form 700).

Consent

5. Consider approving a Cooperative Funding Agreement with the Stanislaus Council of Governments (StanCOG) for the Pavement Management Program to provide Measure L funding in the amount of $179,819. (Funding Source: Local Control Measure L)
    - Resolution approving a Cooperative Funding Agreement between the City of Modesto and Stanislaus Council of Governments (StanCOG) for the Pavement Management Program (PMP) Project and funding in the amount of $179,819 to the project and authorizing the City Manager or his designee to execute the Agreement.

    CED; Phillip Soares, 577-5258, psoares@modestogov.com

ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2021-309 approving a Cooperative Funding Agreement between the City of Modesto and Stanislaus Council of Governments (StanCOG) for the Pavement Management Program (PMP) Project and funding in the amount of $179,819 to the project and authorizing the City Manager or his designee to execute the Agreement.

Removed from Consent

6. Consider approving the plans and specifications for the Crows Landing Road Pavement Rehabilitation, STPLCML-5059(208) project, accepting the bid, and awarding a contract to United Pavement Maintenance, Inc. of Hughson, CA, in the amount of $2,291,624; authorizing the Director of Utilities to approve change orders up to the cumulative amount of $229,162; accepting Federal Regional Surface Transportation Program (RSTP) entitlement funds and Congestion Mitigation and Air Quality Program (CMAQ) funds in the amount of $2,803,708; and amending the fiscal year 2021-2022 Capital Improvement Program (CIP) budget, project 100881 in the amount of $2,833,708. (Funding Source: Federal RSTP, CMAQ, and Streets Capital Facility Fees)
    - Resolution approving the plans and specifications for the Crows Landing Road Pavement Rehabilitation, STPLCML-5059(208) project, accepting the bid, and awarding a contract to United Pavement Maintenance, Inc. of Hughson, CA, in the amount of $2,291,624 and authorizing the City Manager, or his designee to execute the Agreement.
    - Resolution authorizing the Director of Utilities to approve change orders up to the cumulative amount of $229,162 (10% of the original contract price) for the Crows Landing Road Pavement Rehabilitation, STPLCML-5059(208) project.
    - Resolution accepting Federal Regional Surface Transportation Program (RSTP) entitlement funds and Congestion Mitigation and Air Quality Program (CMAQ) funds in the amount of $2,803,708 for the Crows Landing Road Pavement Rehabilitation, STPLCML-5059(208) project, and authorizing the City Manager, or his designee to execute necessary federal funding documents.
    - Resolution amending the fiscal year 2021-2022 Capital Improvement Program (CIP) budget, project #100881 in the amount of $2,833,708 to recognize $2,803,708 in California Department of Transportation revenue and establishing the transfer of $30,000 from the Streets Capital Facility Fee fund to fund the Crows Landing Pavement Rehabilitation project and authorizing the City Manager or his designee to take the necessary steps to implement the provisions of this resolution.

    CED; Phillip Soares, 577-5258, psoares@modestogov.com

ACTION: (Madrigal/Wright; 7/0) Resolution 2021-310 approving the plans and specifications for the Crows Landing Road Pavement Rehabilitation, STPLCML-5059(208) project, accepting the bid, and awarding a contract to United Pavement Maintenance, Inc. of Hughson, CA, in the amount of $2,291,624 and authorizing the City Manager, or his designee to execute the Agreement.

ACTION: (Madrigal/Wright; 7/0) Resolution 2021-311 authorizing the Director of Utilities to approve change orders up to the cumulative amount of $229,162 (10% of the original contract price) for the Crows Landing Road Pavement Rehabilitation, STPLCML-5059(208) project.

ACTION: (Madrigal/Wright; 7/0) Resolution 2021-312 accepting Federal Regional Surface Transportation Program (RSTP) entitlement funds and Congestion Mitigation and Air Quality Program (CMAQ) funds in the amount of $2,803,708 for the Crows Landing Road Pavement

Rehabilitation, STPLCML-5059(208) project, and authorizing the City Manager, or his designee to execute necessary federal funding documents.

ACTION: (Madrigal/Wright; 7/0) Resolution 2021-313 amending the fiscal year 2021-2022 Capital Improvement Program (CIP) budget, project #100881 in the amount of $2,833,708 to recognize $2,803,708 in California Department of Transportation revenue and establishing the transfer of $30,000 from the Streets Capital Facility Fee fund to fund the Crows Landing Pavement Rehabilitation project 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 Will Serve Letter and Outside Service Agreement for water service for the property located at 1616 Kansas Avenue in Modesto (APN: 007-039-008). (Funding Source: Water Fund, General Fund)
    - Resolution approving a Will Serve Letter and an Outside Service Agreement between the City of Modesto and Sandra K Truett., to connect to the City of Modesto's existing water system for the property located at 1616 Kansas Avenue in Modesto (APN: 007-039-008), and authorizing the City Manager, or his designee, to execute the Outside Service Agreement.

    CED; Tamorah Bryant, 577-5328, tbryant@modestogov.com

ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2021-314 approving a Will Serve Letter and an Outside Service Agreement between the City of Modesto and Sandra K Truett., to connect to the City of Modesto's existing water system for the property located at 1616 Kansas Avenue in Modesto (APN: 007-039-008), and authorizing the City Manager, or his designee, to execute the Outside Service Agreement.

Consent

8. Consider approving a Will Serve Letter and Outside Service Agreement for water service for the property located at 305 Banner Court in Modesto (APN: 046-004-074). (Funding Source: Water Fund, General Fund)
    - Resolution approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and BTI investments., a California Limited Liability Company to connect to the City of Modesto's existing water system for the property located at 305 Banner Court in Modesto (APN: 046-004-074), and authorizing the City Manager, or his designee, to execute the Outside Service Agreement.

    CED; Tamorah Bryant, 577-5328, tbryant@modestogov.com

ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2021-315 approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and BTI investments., a California Limited Liability Company to connect to the City of Modesto's existing water system for the property located at 305 Banner Court in Modesto (APN: 046-004-074), and authorizing the City Manager, or his designee, to execute the Outside Service Agreement.

Consent

9. Consider approving the award of an Emergency Solutions Grant CARES Act Round 2 (ESG-CV2) grant in an amount not to exceed $91,838 plus $5,000 activity delivery costs to The Salvation Army, Modesto Citadel for the operation of the Berberian Emergency Shelter located at 320 9th Street, Modesto, CA. (Funding Source: Emergency Solutions Grant CARES Act Round 2 (ESG-CV2))
    - Resolution approving the award of an Emergency Solutions Grant CARES Act Round 2 (ESG-CV2) grant in an amount not to exceed $91,838 plus $5,000 activity delivery costs to The Salvation Army, Modesto Citadel for the operation of the Berberian Emergency Shelter and authorizing the City Manager or his designee to execute the Agreement.

    CED; Jessica Hill, 577-5321, jhill@modestogov.com

ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2021-316 approving the award of an Emergency Solutions Grant CARES Act Round 2 (ESG-CV2) grant in an amount not to exceed $91,838 plus $5,000 activity delivery costs to The Salvation Army, Modesto Citadel for the operation of the Berberian Emergency Shelter and authorizing the City Manager or his designee to execute the Agreement.

Consent

10. Consider approving the Final Map and Subdivision Agreement of the Woodglen Subdivision Village One and Village Three. (Funding Source: Developer Fees)
    - Resolution approving the Final Map of the Woodglen Subdivision Village One, approving the Subdivision Agreement and authorizing the City Manager, or his designee, to execute a Subdivision Agreement with the owner, the Fitzpatrick Company, and authorizing the City Clerk to certify the final map and record it with the Stanislaus County Recorder's Office.
    - Resolution approving the Final Map of the Woodglen Subdivision Village Three, approving the Subdivision Agreement and authorizing the City Manager, or his designee, to execute a Subdivision Agreement with the owner, Modesto Roselle, LLC, and authorizing the City Clerk to certify the final map and record it with the Stanislaus County Recorder's Office.

    CED; Peter Ibrahim, 577-5211, pibrahim@modestogov.com

ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2021-317 approving the Final Map of the Woodglen Subdivision Village One, approving the Subdivision Agreement and authorizing the City Manager, or his designee, to execute a Subdivision Agreement with the owner, the Fitzpatrick Company, and authorizing the City Clerk to certify the final map and record it with the Stanislaus County Recorder's Office.

ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2021-318 approving the Final Map of the Woodglen Subdivision Village Three, approving the Subdivision Agreement and authorizing the City Manager, or his designee, to execute a Subdivision Agreement with the owner, Modesto Roselle, LLC, and authorizing the City Clerk to certify the final map and record it with the Stanislaus County Recorder's Office.

Consent

11. Consider approving Service Agreements with Elevator Industries Inc., Sacramento, CA, and TK Elevator Corporation formally known as ThyssenKrupp Elevator, Sacramento, CA, by utilizing the competitive bid process with the County of Stanislaus for Elevator Maintenance and Repair Services for a two-year Agreement with two one-year extension options, for an annual estimated cost of $113,792 and a total combined cost not to exceed $455,168 over four years; and authorizing the Director of Finance or her designee to adjust Agreement totals between the two vendors based on contractor's availability and department's needs, ensuring the combined total cost does not change. (Funding Source: Various Funds)
    - Resolution approving Service Agreements with Elevator Industries Inc., Sacramento CA, and TK Elevator Corporation formally known as ThyssenKrupp Elevator, Sacramento, CA, by utilizing the competitive bid process with the County of Stanislaus for Elevator Maintenance and Repair Services for a two-year Agreement with two one-year extension options, for an annual estimated cost of $113,792 and a total combined cost not to exceed $455,168 over four years; and authorizing the Director of Finance or her designee to adjust Agreement totals between the two vendors based on contractor's availability and department's needs, ensuring the combined total cost does not change and authorizing the City Manager, or his designee, to execute the Agreements.

    FINANCE DEPARTMENT; Cyndi Kline, 577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2021-319 approving Service Agreements with Elevator Industries Inc., Sacramento CA, and TK Elevator Corporation formally known as ThyssenKrupp Elevator, Sacramento, CA, by utilizing the competitive bid process with the County of Stanislaus for Elevator Maintenance and Repair Services for a two-year Agreement with two one-year extension options, for an annual estimated cost of $113,792 and a total combined cost not to exceed $455,168 over four years; and authorizing the Director of Finance or her designee to adjust Agreement totals between the two vendors based on contractor's availability and department's needs, ensuring the combined total cost does not change and authorizing the City Manager, or his designee, to execute the Agreements.

Consent

12. Consider approving the Purchasing Agreement by utilizing the Cooperative Agreement with the State of California, Department of General Services for Police and Traffic Radar/Lidar Speed Enforcement and Speed Advisory Systems, Parts, and Accessories to Applied Concepts Inc. dba Stalker Radar, Richardson TX, for a one-year Agreement with two one-year extension options, for an annual estimated cost of $177,000 and a total amount not to exceed $531,000 over three years. (Funding Source: General Fund, Traffic Safety Fund, Surface Transportation Fund and Various Police Grants)
    - Resolution approving the Purchasing Agreement by utilizing the Cooperative Agreement with the State of California, Department of General Services for Police and Traffic Radar/Lidar Speed Enforcement and Speed Advisory Systems, Parts, and Accessories to Applied Concepts Inc. dba Stalker Radar, Richardson TX, for a one-year Agreement with two one-year extension options, for an annual estimated cost of $177,000 and a total amount not to exceed

$531,000 over three years; and authorizing the City Manager, or his designee, to execute the Agreement.

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

ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2021-320 approving the Purchasing Agreement by utilizing the Cooperative Agreement with the State of California, Department of General Services for Police and Traffic Radar/Lidar Speed Enforcement and Speed Advisory Systems, Parts, and Accessories to Applied Concepts Inc. dba Stalker Radar, Richardson TX, for a one-year Agreement with two one-year extension options, for an annual estimated cost of $177,000 and a total amount not to exceed $531,000 over three years; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

13. Consider approving the First Amendment increasing the Agreement amount with Innovative Claim Solutions, for the Furnishing of Workers' Compensation Claims Management Services by $499,570 from $2,954,602 to a new total amount of $3,454,172, and extending the term of the Agreement from September 1, 2021 to September 1, 2022. (Funding Source: Workers Compensation Fund)
    - Resolution approving the First Amendment increasing the Agreement amount with Innovative Claim Solutions, Inc., for the Furnishing of Workers' Compensation Claims Management Services by $499,570 from $2,954,602 to a new total amount of $3,454,172, and extending the term of the Agreement from September 1, 2021 to September 1, 2022 and authorizing the City Manager, or his designee, to execute the amendment.

    HUMAN RESOURCES; Jiles Smith, 571-5446, jsmith@modestogov.com

ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2021-321 approving the First Amendment increasing the Agreement amount with Innovative Claim Solutions, Inc., for the Furnishing of Workers' Compensation Claims Management Services by $499,570 from $2,954,602 to a new total amount of $3,454,172, and extending the term of the Agreement from September 1, 2021 to September 1, 2022 and authorizing the City Manager, or his designee, to execute the amendment.

Removed from Consent

14. Consider approving the City's sponsorship of the 22nd Annual 2021 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 $80,202. (Funding Source: Surface Transportation Fund and General Fund)
    - Resolution approving the City of Modesto sponsorship of the 22nd Annual 2021 North Modesto Kiwanis Graffiti Parade and Car show, including a waiver of City permit fees, Police Department overtime and vehicle costs, and Streets Division labor and equipment costs at an estimated total cost of $80,202, and authorizing the City Manager, or his designee, to execute any documents necessary related to the sponsorship.

    PUBLIC WORKS; Steve Fischio, 342-2222, sfischio@modestogov.com

ACTION: (Wright/Madrigal; 7/0) Resolution 2021-322 approving the City of Modesto sponsorship of the 22nd Annual 2021 North Modesto Kiwanis Graffiti Parade and Car show, including a waiver of City permit fees, Police Department overtime and vehicle costs, and Streets Division labor and equipment costs at an estimated total cost of $80,202, and authorizing the City Manager, or his designee, to execute any documents necessary related to the sponsorship.

Consent

15. Consider rejecting all bids for the Upgrade Advanced Traffic Management System 2019 Project and authorizing staff to re-advertise the project for bids at a future date. (Funding Source: Congestion Mitigation and Air Quality)
    - Resolution rejecting all bids for the Upgrade ATMS 2019 Project and authorizing staff to re-advertise the project for bids at a future date.

    PUBLIC WORKS; Scott Collins, 577-5431, scollins@modestogov.com

ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2021-323 rejecting all bids for the Upgrade ATMS 2019 Project and authorizing staff to re-advertise the project for bids at a future date.

Consent

16. Consider approving an Agreement using the competitive bidding process from the City of Fresno, CA, with Calgon Carbon Corporation, Moon Township, PA for the Purchase and Installation of Granular Activated Carbon, for a one-year Agreement with four one-year extension options, for an estimated annual amount of $660,000 and a total amount not to exceed $3,504,683 over five years. (Funding Source: Water Fund)
    - Resolution approving an Agreement using the competitive bidding process from the City of Fresno, CA, with Calgon Carbon Corporation, Moon Township, PA for the Purchase and Installation of Granular Activated Carbon, for a one-year Agreement with four one-year extension options, for an estimated annual amount of $660,000 and a total amount not to exceed $3,504,683 over five years and authorizing the City Manager, or his designee, to execute the Agreement.

    UTILITIES; Jeff Daniels, 342-4585, jdaniels@modestogov.com

ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2021-324 approving an Agreement using the competitive bidding process from the City of Fresno, CA, with Calgon Carbon Corporation, Moon Township, PA for the Purchase and Installation of Granular Activated Carbon, for a one-year Agreement with four one-year extension options, for an estimated annual amount of $660,000 and a total amount not to exceed $3,504,683 over five years and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

17. Consider approving the Sole Source Agreement with HSQ Technology, Hayward, CA, for Maintenance and Support of the Supervisory Control and Data Acquisition (SCADA System), for a two-year Agreement with three one-year extension options, for

an estimated annual cost of $47,520, and a total cost not to exceed $252,348 over five years. (Funding Source: Water and Wastewater Funds)

- Resolution approving the Sole Source Agreement with HSQ Technology, Hayward, CA, for Maintenance and Support of the Supervisory Control and Data Acquisition (SCADA System), for a two-year Agreement with three one-year extension options, for an estimated annual cost of $47,520, and a total cost not to exceed $252,348 over five years and authorizing the City Manager, or his designee, to execute the Agreement.

UTILITIES; Will Wong, 571-5801, wwong@modestogov.com

ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2021-325 approving the Sole Source Agreement with HSQ Technology, Hayward, CA, for Maintenance and Support of the Supervisory Control and Data Acquisition (SCADA System), for a two-year Agreement with three one-year extension options, for an estimated annual cost of $47,520, and a total cost not to exceed $252,348 over five years and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

18. Consider approving the plans and specifications for the Rebid of the Fire Station 5 Kitchen Remodel Project and awarding a construction contract to O.K. Construction, of Antelope, CA, in the amount of $121,750 plus $25,000 in contingency (if needed), for a total amount not to exceed $146,750; and amending the Fiscal Year 2021-22 Multi-Year Budget in the amount of $85,730. (Funding Source: General Fund)

    - Resolution approving plans and specifications for the Rebid Fire Station 5 Kitchen Remodel Project, accepting the bid, and approving a construction contract with O.K. Construction, of Antelope, CA, in the amount of $121,750 plus $25,000 in contingency (if needed) for a total amount not to exceed $146,750 and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution amending the Fiscal Year 2021-22 Multi-Year Budget in the amount of $85,730 to be transferred into the project from the General Fund to fully fund the construction, contingency, construction administration, and engineering support during construction for the Rebid Fire Station 5 Kitchen Remodel Project and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

    UTILITIES; Cristian Ciotau, 577-5260, cciotau@modestogov.com

ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2021- 326 approving plans and specifications for the Rebid Fire Station 5 Kitchen Remodel Project, accepting the bid, and approving a construction contract with O.K. Construction, of Antelope, CA, in the amount of $121,750 plus $25,000 in contingency (if needed) for a total amount not to exceed $146,750 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2021-327 amending the Fiscal Year 2021-22 Multi-Year Budget in the amount of $85,730 to be transferred into the project from the General Fund to fully fund the construction, contingency, construction administration, and

engineering support during construction for the Rebid Fire Station 5 Kitchen Remodel Project and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

Consent

19. Consider accepting the plans and specifications for the Rebid Codoni Lift Station Force Main Replacement Project and awarding a construction contract with Rolfe Construction Company Inc, of Atwater, CA, in the amount of $269,238 plus $26,924 for contingency (if needed), for a total amount not to exceed $296,162; and amending the Fiscal Year 2021-2022 Capital Improvement Program Budget in the amount of $338,887. (Funding Source: Wastewater Fund)
    - Resolution approving plans and specifications for the Rebid Codoni Lift Station Force Main Replacement Project, accepting the bid, and approving a construction contract with Rolfe Construction Company Inc, of Atwater, CA, in the amount of $269,238 plus $26,924 for contingency (if needed) for a total amount not to exceed $296,162 and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution amending the Fiscal Year 2021-22 Capital Improvement Program Budget in the amount of $338,887 to be transferred into the project from Wastewater Fund to fully fund the construction, contingency, construction administration and design support during construction for the Rebid Codoni Lift Station Force Main Replacement Project and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

    UTILITIES; Cristian Ciotau, 577-5260, cciotau@modestogov.com

ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2021-328 approving plans and specifications for the Rebid Codoni Lift Station Force Main Replacement Project, accepting the bid, and approving a construction contract with Rolfe Construction Company Inc, of Atwater, CA, in the amount of $269,238 plus $26,924 for contingency (if needed) for a total amount not to exceed $296,162 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2021-329 amending the Fiscal Year 2021-22 Capital Improvement Program Budget in the amount of $338,887 to be transferred into the project from Wastewater Fund to fully fund the construction, contingency, construction administration and design support during construction for the Rebid Codoni Lift Station Force Main Replacement 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 Wastewater Building Upgrades Project and awarding a construction contract with Azul Works, Inc, of San Francisco, CA, in the amount of $769,000 plus $115,350 for contingency (if needed), for a total amount not to exceed $884,350; and authorizing an increase in the Director's Authority from 10% ($76,900) to 15% ($115,350) of the construction contract price of $769,000 to issue change orders. (Funding Source: Wastewater Fund)

- Resolution approving plans and specifications for the Wastewater Building Upgrades Project, accepting the bid, and approving a construction contract with Azul Works Inc, of San Francisco, CA, in the amount of $769,000 plus $115,350 for contingency (if needed) for a total amount not to exceed $884,350 and authorizing the City Manager, or his designee, to execute the Agreement.
- Resolution authorizing an increase in the Director's authority to issue change orders for the Wastewater Building Upgrades Project from 10% ($76,900) to 15% ($115,350) of the construction contract price of $769,000 with Azul Works Inc, of San Francisco, CA.

UTILITIES; Cristian Ciotau, 577-5260, cciotau@modestogov.com

ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2021-330 approving plans and specifications for the Wastewater Building Upgrades Project, accepting the bid, and approving a construction contract with Azul Works Inc, of San Francisco, CA, in the amount of $769,000 plus $115,350 for contingency (if needed) for a total amount not to exceed $884,350 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2021-331 authorizing an increase in the Director's authority to issue change orders for the Wastewater Building Upgrades Project from 10% ($76,900) to 15% ($115,350) of the construction contract price of $769,000 with Azul Works Inc, of San Francisco, CA.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer spoke regarding Covid testing and vaccinations, and being diligent in protecting yourself and your loved ones.

Councilmember Ricci spoke regarding police graduation ceremony being held at a local church, and support of separation of church and state.

Councilmember Madrigal spoke regarding a letter to Congressman Josh Harder urging support for funding to establish quiet zones near railroad crossings.

CITY MANAGER COMMENTS & REPORTS

City Manager Joe Lopez announced Brandon Gillespie as the new Chief of Police. .

HEARINGS

Published in the Modesto Bee on July 31, 2021

21. Hearing to consider an omnibus amendment to Title 10 of the Modesto Municipal Code to address land uses permitted in the Professional Office zone, residential densities, parking requirements, non-residential fencing, and other minor amendments to update and streamline the City's zoning regulations. (Funding Source: General Fund)

- Motion introducing and waiving the first reading of an Ordinance amending Sections 10-3.101, 10-4.104, 10-4.115, 10-4.406, 10-5.102, 10-5.103, 10-5.104, 10-6.107 and 10-9.108 of Chapters 3, 4, 5, 6 and 9 of the Modesto Municipal Code.

CED; Brad Wall, 577-5273, bwall@modestogov.com

ACTION: (Wright/Zoslocki; 7/0) Motion introducing and waiving the first reading of an Ordinance amending Sections 10-3.101, 10-4.104, 10-4.115, 10-4.406, 10-5.102, 10-5.103, 10-5.104, 10-6.107 and 10-9.108 of Chapters 3, 4, 5, 6 and 9 of the Modesto Municipal Code.

NEW BUSINESS

22. Consider accepting the final report from the Charter Review Committee, and authorizing the City Manager to arrange workshops for the Council to further evaluate potential changes to the Charter and finalize the material for the 2022 election. (Funding Source: General Fund)
    - Resolution accepting the final report from the Charter Review Committee, and authorizing the City Manager to arrange future workshops for the Council to further evaluate potential changes to the Charter and finalize the material for the 2022 election.

    CITY MANAGER; Edgar Garcia, 571-5101, edgarcia@modestogov.com

ACTION: (Zoslocki/Wright; 7/0) Resolution 2021- 332 accepting the final report from the Charter Review Committee, and authorizing the City Manager to arrange future workshops for the Council to further evaluate potential changes to the Charter and finalize the material for the 2022 election.

23. Consider introducing, waiving the reading, and adopting an Urgency Ordinance amending Modesto Municipal Code Section 4-23.02 by adding additional restricted items for Manner Regulations as to Public Assemblies and introducing and waiving the first reading of a Non-Urgency Ordinance amending Modesto Municipal Code Section 4-23.02 by adding additional restricted items for Manner Regulations as to Public Assemblies. (Funding Source: Not Applicable)
    - Motion introducing, waiving the reading, and adopting an Urgency Ordinance amending Modesto Municipal Code Section 4-23.02 by adding additional restricted items for Manner Regulations as to Public Assemblies.
    - Motion introducing and waiving the first reading of a Non-Urgency Ordinance amending Modesto Municipal Code Section 4-23.02 by adding additional restricted items for Manner Regulations as to Public Assemblies.

    POLICE; T.J. Moffett, 572-9606, moffettt@modestopd.com

ACTION: (Wright/Kenoyer; 7/0) Motion introducing, waiving the reading, and adopting an Urgency Ordinance amending Modesto Municipal Code Section 4-23.02 by adding additional restricted items for Manner Regulations as to Public Assemblies.

ACTION: (Ricci/Escutia-Braaton; 7/0) Motion introducing and waiving the first reading of a Non-Urgency Ordinance amending Modesto Municipal Code Section 4-23.02 by adding additional restricted items for Manner Regulations as to Public Assemblies.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 8:52 P.M.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Five Cases (Pursuant to Section 54956.9(d)(1) of the Government Code)

Name of Case: Lamb v. City of Modesto
Superior Court of California, County of Stanislaus
Stanislaus County Case No. CV-18-002019

Dorado v. City of Modesto
Stanislaus County Superior Court
Case No. 2017930

City of Modesto, et al. v. Covanta Stanislaus, Inc.
Stanislaus County Superior Court
Case No. CV-20-004932

Jesse Montelongo, et al., v. City of Modesto, et al.
United States District Court, Eastern District of California
Case No.: 1:15-CV-01605—BAM

Stephanie Lopez v. City of Modesto, et al.
Superior Court of California, County of Stanislaus
Stanislaus County Case No.: CV-21-00925

PUBLIC EMPLOYMENT- RESIGNATION
(Pursuant to Section 54957 of the Government Code)
Title: City Clerk

PUBLIC EMPLOYEE APPOINTMENT
(Pursuant to Section 54957 Government Code)
Title: Interim City Clerk

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 Clerk

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Pursuant to Section 54957 of the Government Code)
Title: City Attorney

Attest:_____
Dana Sanchez, Assistant City Clerk

MINUTES

City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
(Held Via Teleconference)
Modesto, California

Monday, August 23, 2021 at 3:00 PM

Roll Call: Present: Councilmembers Kenoyer, Wright, Escutia-Braaton (alternate)
Absent: Councilmember Zoslocki

PUBLIC COMMENTS

Emerson Drake requested consent items 2,3,8, and 10 be pulled from Consent

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

CONSENT

Consent

1. Consider approving the recommended budget adjustments to both Fiscal Year 2020-21 and Fiscal Year 2021-22 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval. (Funding Source: Various Funds)
BUDGET; Steve Christensen, 577-5390, schristensen@modestogov.com

ACTION: Motion (Wright/Escutia-Braaton; 3/0) approving the recommended budget adjustments to both Fiscal Year 2020-21 and Fiscal Year 2021-22 Annual Operating and Capital Improvement Program Budgets, and forwarding to Council for approval.

Removed from Consent

2. Consider approving a First Amendment to the contracts for Professional Assistance for Plan Review and Inspection Services with Interwest Consulting Group and 4-Leaf Inc. to increase the annual estimated amount of each contract by $347,000 from $53,000 to $400,000 with a total amount not to exceed $1,306,000 per contract over five years and forwarding to Council for approval. (Funding Source: Building Permit Fees/General Fund)
CED; Oscar Diaz, 571-5885, odiaz@modestogov.com

ACTION: Motion (Escutia-Braaton/Wright; 3/0) approving a First Amendment to the contracts for Professional Assistance for Plan Review and Inspection Services with Interwest Consulting Group and 4-Leaf Inc. to increase the annual

estimated amount of each contract by $347,000 from $53,000 to $400,000 with a total amount not to exceed $1,306,000 per contract over five years and forwarding to Council for approval.

Consent

3. Consider accepting a report detailing City personal property sold, donated, or disposed of during Fiscal Year 2020-21 and forwarding to Council for approval. (Funding Source: Airport Operating, Building Services, General Fund, Green Waste, Fleet Management, Parking, Sewer Operations, Surface Transportation, Water)
FINANCE DEPARTMENT; DeAnna Christensen, 577-5387, dachristensen@modestogov.com

ACTION: Motion (Wright/Escutia-Braaton; 3/0) accepting a report detailing City personal property sold, donated, or disposed of during Fiscal Year 2020-21 and forwarding to Council for approval.

Removed from Consent

4. Consider accepting a report on Fiscal Year 2020-2021 unclaimed funds of $10,705 that can be transferred to the General Fund and forwarding to Council for approval. (Funding Source: General Fund)
FINANCE DEPARTMENT; DeAnna Christensen, 577-5387, dachristensen@modestogov.com

ACTION: Motion (Wright/Escutia-Braaton; 3/0) accepting a report on Fiscal Year 2020-2021 unclaimed funds of $10,705 that can be transferred to the General Fund and forwarding to Council for approval.

Consent

5. Consider approving the award of bid for the purchase of Ethernet Switches to NetXperts Inc., Walnut Creek, CA for a total amount not to exceed $400,962 and forwarding to Council for approval. (Funding Source: Measure L, CMAQ Funds)
FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: Motion (Wright/Escutia-Braaton; 3/0) approving the award of bid for the purchase of Ethernet Switches to NetXperts Inc., Walnut Creek, CA for a total amount not to exceed $400,962 and forwarding to Council for approval.

Consent

6. Consider accepting an informational report on the May and June 2021 grant applications and awards and forwarding to Council for approval. (Funding Source: Not Applicable)
FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com

ACTION: Motion (Wright/Escutia-Braaton; 3/0) accepting an informational report on the May and June 2021 grant applications and awards and forwarding to Council for approval.

Consent

7. Consider authorizing an update for the Director of Finance, Accounting Manager, and Senior Analyst, or other City Employee designated in writing by the City Manager to the California Department of Tax and Fee Administration (CDTFA) to examine sales or transaction and use tax records of the Department pertaining to sales and use taxes collected for the City of Modesto and forwarding to Council for approval. (Funding Source: General Fund)
FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com

ACTION: Motion (Wright/Escutia-Braaton; 3/0) authorizing an update for the Director of Finance, Accounting Manager, and Senior Analyst, or other City Employee designated in writing by the City Manager to the California Department of Tax and Fee Administration (CDTFA) to examine sales or transaction and use tax records of the Department pertaining to sales and use taxes collected for the City of Modesto and forwarding to Council for approval.

Removed from Consent

8. Consider approving a First Amendment for the Fleet Services Division for the purchase of tires to the following vendors: McCoy Tire/McCoy Truck Tire and Valley Tire, Modesto, CA for an annual combined estimated cost from $290,000 to $450,000 and a total revised combined amount from $1,450,000 to $1,770,000 over a 5-year period, and forwarding to Council for approval. (Funding Source: Various Funds)
PUBLIC WORKS; Steve Fischio, 342-2222, sfischio@modestogov.com

ACTION: Motion (Escutia-Braaton/Wright; 3/0) approving a First Amendment for the Fleet Services Division for the purchase of tires to the following vendors: McCoy Tire/McCoy Truck Tire and Valley Tire, Modesto, CA for an annual combined estimated cost from $290,000 to $450,000 and a total revised combined amount from $1,450,000 to $1,770,000 over a 5-year period, and forwarding to Council for approval.

Consent

9. Consider approving a First Amendment for the Purchase of Equipment and Vehicle Parts to the following vendors: Motor Parts Distribution, Modesto, CA, Modesto Auto Parts (formerly Napa Auto Parts), Modesto, CA, FleetPride Truck and Trailer, Modesto, CA and Interstate Truck Center, Turlock, CA for an annual combined estimated cost from $335,000 to $575,615 and a total revised combined amount not to exceed from $1,675,000 to $2,396,845 over five years, and forwarding to Council for approval. (Funding Source: Various Funds)
PUBLIC WORKS; Steve Fischio, 342-2222, sfischio@modestogov.com

ACTION: Motion (Wright/Escutia-Braaton; 3/0) approving a First Amendment for the Purchase of Equipment and Vehicle Parts to the following vendors: Motor Parts Distribution, Modesto, CA, Modesto Auto Parts (formerly Napa Auto Parts), Modesto, CA, FleetPride Truck and Trailer, Modesto, CA and Interstate Truck

Center, Turlock, CA for an annual combined estimated cost from $335,000 to $575,615 and a total revised combined amount not to exceed from $1,675,000 to $2,396,845 over five years, and forwarding to Council for approval.

Removed from Consent

10. Consider approving the First Amendment increasing the Agreement amount with Hunt & Sons, for the purpose of replacing a product to better service fleet vehicles and adjusting funds for the increase in vehicle and equipment service and maintenance by $456,599 from $486,602 to a new total amount of $943,201 for a 5-year period, and forwarding to Council for approval. (Funding Source: Fleet Management Fund)
PUBLIC WORKS; David Barr, 342-2214, dbarr@modestogov.com

ACTION: Motion (Wright/Escutia-Braaton; 3/0) approving the First Amendment increasing the Agreement amount with Hunt & Sons, for the purpose of replacing a product to better service fleet vehicles and adjusting funds for the increase in vehicle and equipment service and maintenance by $456,599 from $486,602 to a new total amount of $943,201 for a 5-year period, and forwarding to Council for approval.

NEW BUSINESS

11. Consider approving revised allocations to the associated spending plan for the City's Pandemic Recovery Strategy, Modesto Forward, for the use of American Rescue Plan funds; and authorizing the City Manager to carry out the necessary steps to implement the programs and funding allocations and forwarding to Council for approval. (Funding Source: American Rescue Plan Funding)
CITY MANAGER; Edgar Garcia, 571-5101, edgarcia@modestogov.com

ACTION: Motion (Wright/Escutia-Braaton; 3/0) approving revised allocations to the associated spending plan for the City's Pandemic Recovery Strategy, Modesto Forward, for the use of American Rescue Plan funds; and authorizing the City Manager to carry out the necessary steps to implement the programs and funding allocations and forwarding to Council for approval.

12. Consider accepting the Annual Investment Report for Fiscal Year 2020-2021. (Funding Source: Various Funds)
FINANCE DEPARTMENT; Calogero Maniscalco, 577-5219, cmaniscalco@modestogov.com

ACTION: Motion (Escutia-Braaton/Wright; 3/0) accepting the Annual Investment Report for Fiscal Year 2020-2021.

13. Consider accepting the Fiscal Year (FY) 2020-21 Write-off and Adjustments reports through fiscal year-end June 30, 2021 in the total amount of $553,549 and forwarding to Council for approval. (Funding Source: Abatement and Public Nuisance Fund, Airport Operating Fund Bus Service Fund, Compost Fund, Fleet Management Fund,

General Fund, General Fund Fleet Replacement, Green Waste Fund, Solid Waste Fund, Surface Transportation Fund, Transportation Fund, Water Fund)
FINANCE DEPARTMENT; DeAnna Christensen, 577-5387, dachristensen@modestogov.com

ACTION: Motion (Escutia-Braaton/Kenoyer; 2/0; Councilmember Wright recused himself due to conflict of interest) accepting the Fiscal Year (FY) 2020-21 Write-off and Adjustments reports through fiscal year-end June 30, 2021 in the total amount of $553,549 and forwarding to Council for approval.

14. Consider amending the Position Allocation Plan in three departments: Fire Department - to reallocate and reclassify four Fire Division Chiefs to four Fire Deputy Chiefs; Information Technology Department – to create two Systems Engineers allocations; and in the City Manager's Office - to create one Public Relations and Legislative Affairs Manager and reclassify one Community and Media Relations Officer to one Communication and Media Relations Officer and forwarding to Council for approval. (Funding Source: Various Funds)
HUMAN RESOURCES; Christina Alger, 571-5126, calger@modestogov.com

ACTION: Motion (Wright/Escutia-Braaton; 3/0) amending the Position Allocation Plan in three departments: Fire Department - to reallocate and reclassify four Fire Division Chiefs to four Fire Deputy Chiefs; Information Technology Department – to create two Systems Engineers allocations; and in the City Manager's Office - to create one Public Relations and Legislative Affairs Manager and reclassify one Community and Media Relations Officer to one Communication and Media Relations Officer and forwarding to Council for approval.

15. Consider amending the Unrepresented Benefits Resolution No. 2020-309 to include an Assignment Pay for fulfilling the duties of Fire Assistant Fire Chief at 10% and Fire Division Chief at 5% on an as needed basis and granting authority to the Fire Chief to appoint the duties and Assignment Pay for Fire Assistant Fire Chief to a current Fire Deputy Chief and for Fire Division Chief to a current Fire Battalion Chief and forwarding to Council for approval. (Funding Source: General Fund)
HUMAN RESOURCES; Christina Alger, 571-5126, calger@moddestogov.com

ACTION: Motion (Wright/Escutia-Braaton; 3/0) amending the Unrepresented Benefits Resolution No. 2020-309 to include an Assignment Pay for fulfilling the duties of Fire Assistant Fire Chief at 10% and Fire Division Chief at 5% on an as needed basis and granting authority to the Fire Chief to appoint the duties and Assignment Pay for Fire Assistant Fire Chief to a current Fire Deputy Chief and for Fire Division Chief to a current Fire Battalion Chief and forwarding to Council for approval.

16. Consider approving Professional Services Agreements with Ralph Andersen & Associates, Rocklin, CA; CPS HR Consulting, Inc. Sacramento, CA; Gallagher Benefit Services, Inc., Berkeley, CA; Avery Associates, Los Gatos, CA; and Peckham

and McKenney, Roseville, CA to conduct citywide executive recruitment services on an as needed basis, for a two year contract with three optional years of extension for a potential five-year Agreement for various recruitment services at the sole discretion of the City, in an amount not to exceed $350,000 over five years and forwarding to Council for approval. (Funding Source: Various Funds)
HUMAN RESOURCES; Christina Alger, 571-5126, calger@modestogov.com

ACTION: Motion (Escutia-Braaton/Wright; 3/0) approving Professional Services Agreements with Ralph Andersen & Associates, Rocklin, CA; CPS HR Consulting, Inc. Sacramento, CA; Gallagher Benefit Services, Inc., Berkeley, CA; Avery Associates, Los Gatos, CA; and Peckham and McKenney, Roseville, CA to conduct citywide executive recruitment services on an as needed basis, for a two year contract with three optional years of extension for a potential five-year Agreement for various recruitment services at the sole discretion of the City, in an amount not to exceed $350,000 over five years and forwarding to Council for approval.

17. Consider an informational report on the ongoing Wastewater Rate Update study. (Funding Source: Wastewater Fund)
UTILITIES; William Wong, 571-5801, wwong@modestogov.com

ACTION: No Action

ADJOURNMENT

This meeting adjourned at 5:17 p.m.

Attest: _____
Joseph Lopez

MINUTES

City of Modesto

ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP

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

Wednesday, September 01, 2021 at 5:30 PM

Roll Call: Present: Mayor Zwahlen, Councilmembers Madrigal and Ricci
Absent: None
Also Present: Councilmembers Kenoyer and Wright

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-7

CONSENT

Consent

1. Consider adopting Caltrans Local Assistance Procedures Manual (LAPM) Chapter 10, Consultant Section and forwarding to Council for approval. (Funding Source: Federally Funded Projects)
   CED; Tamorah Bryant, 577-5328, tbryant@modestogov.com

ACTION: (Madrigal/Ricci; 3/0) Motion adopting Caltrans Local Assistance Procedures Manual (LAPM) Chapter 10, Consultant Section and forwarding to Council for approval.

Consent

2. Consider approving the Sole Source Purchase Agreement with Muniquip Inc., Roseville, CA, for Wemco/Hidrostal pump parts and/or electrical components for a two-year Agreement with three one-year extension options, for an estimated annual amount of $16,000, and a total amount not to exceed $80,000 over five-years and forwarding to Council for approval. (Funding Source: Sewer and Stormwater Fund)
   FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: (Madrigal/Ricci; 3/0) Motion approving the Sole Source Purchase Agreement with Muniquip Inc., Roseville, CA, for Wemco/Hidrostal pump parts and/or electrical components for a two-year Agreement with three one-year extension options, for an estimated annual amount of $16,000, and a total amount not to exceed $80,000 over five-years and forwarding to Council for approval.

Consent

3. Consider approving updated pricing for three bid events for Fleet Replacement Vehicles by $10,326 and forwarding to Council for approval. (Funding Source: Fleet Replacement Fund)
   FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: (Madrigal/Ricci; 3/0) Motion approving updated pricing for three bid events for Fleet Replacement Vehicles by $10,326 and forwarding to Council for approval.

Consent

4. Consider approving an Agreement with Arrow Construction, of Manteca, CA, for Subsurface Exploration (Potholing) Services for the La Loma Sewer Project in the amount $143,000 for the identified scope of services, plus $14,300 in additional services, if needed, for a total not to exceed amount of $157,300 and forwarding to Council for approval. (Funding Source: Wastewater Fund)
   UTILITIES; Cristian Ciotau, 577-5260, cciotau@modestogov.com

ACTION: (Madrigal/Ricci; 3/0) Motion approving an Agreement with Arrow Construction, of Manteca, CA, for Subsurface Exploration (Potholing) Services for the La Loma Sewer Project in the amount $143,000 for the identified scope of services, plus $14,300 in additional services, if needed, for a total not to exceed amount of $157,300 and forwarding to Council for approval.

Consent

5. Consider approving an Agreement with Arrow Construction, of Manteca, CA, for Subsurface Exploration (Potholing) Services for the Tivoli Lift Station and Sanitary Sewer Main Extension Project in the amount $156,070 for the identified scope of services, plus $15,607 in additional services, if needed, for a total not to exceed amount of $171,677 and forwarding to Council for approval. (Funding Source: Wastewater Fund)
   UTILITIES; Cristian Ciotau, 577-5260, cciotau@modestogov.com

ACTION: (Madrigal/Ricci; 3/0) Motion approving an Agreement with Arrow Construction, of Manteca, CA, for Subsurface Exploration (Potholing) Services for the Tivoli Lift Station and Sanitary Sewer Main Extension Project in the amount $156,070 for the identified scope of services, plus $15,607 in additional services, if needed, for a total not to exceed amount of $171,677 and forwarding to Council for approval.

Consent

6. Consider approving an Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for On-Call Hydraulic Wastewater Collection System Modeling Support Services for a term of one-year with two one-year extensions options, not to exceed $100,000 per year for a total not to exceed amount of $300,000 over three years and forwarding to Council for approval. (Funding Source: Various Wastewater Fund Capital Improvement Program (CIP) Projects)
   UTILITIES; Jesse Franco, 571-5175, jfranco@modestogov.com

ACTION: (Madrigal/Ricci; 3/0) Motion approving an Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for On-Call Hydraulic Wastewater Collection System Modeling Support Services for a term of one-year with two one-year extensions options, not to exceed $100,000 per year for a total not to exceed amount of $300,000 over three years and forwarding to Council for approval.

Consent

7. Consider approving an Agreement with West Yost Associates, Inc., Pleasanton, CA, for On-Call Hydraulic Water System Modeling Support Services for a term of one year with two one-year extensions options, not to exceed $100,000 per year for a total not to exceed amount of $300,000 over three years and forwarding to Council for approval. (Funding Source: Various Water Fund Capital Improvement Program (CIP) Projects)
   UTILITIES; Robert Davalos, 571-5869, rdavalos@modestogov.com

ACTION: (Madrigal/Ricci; 3/0) Motion approving an Agreement with West Yost Associates, Inc., Pleasanton, CA, for On-Call Hydraulic Water System Modeling Support Services for a term of one year with two one-year extensions options, not to exceed $100,000 per year for a total not to exceed amount of $300,000 over three years and forwarding to Council for approval.

NEW BUSINESS

8. Consider approving the continuation of the program to allow the use of autonomous robots, also known as Personal Delivery Devices "PDD" in the City of Modesto, authorizing the City Manager or designee to issue a PDD Permit to Starship Technologies, Inc. and forwarding to Council for approval. (Funding Source: Not Applicable)
   CED; Marcus Tucker, 577-9473, mtucker@modestogov.com

ACTION: (Ricci/Zwahlen; 3/0) Motion approving the continuation of the program to allow the use of autonomous robots, also known as Personal Delivery Devices "PDD" in the City of Modesto, authorizing the City Manager or designee to issue a PDD Permit to Starship Technologies, Inc. and forwarding to Council for approval.

9. Consider a proposed Agricultural Mitigation/Swainson's Hawks' Habitat Mitigation Agreement between the City of Modesto and the Developers of the Woodglen Specific Plan, which includes the establishment of a permanent agricultural easement of 73.68 acres of land at the City's Jennings Road Treatment Plant, consider directing Planning Division staff to work with the Utilities Department and the City Attorney's Office to establish an Agricultural Mitigation Program, to utilize agricultural land at the City's Jennings Road Water Treatment Plant as agricultural mitigation for future residential development in areas of Prime or otherwise important farmland, and forwarding to Council for approval. (Funding Source: Not Applicable)
   CED; Steve Mitchell, 577-5267, smitchell@modestogov.com

ACTION: (Madrigal/Zwahlen; 3/0) Motion approving a proposed Agricultural Mitigation/Swainson's Hawks' Habitat Mitigation Agreement between the City of Modesto and the Developers of the Woodglen Specific Plan, which includes the establishment of a permanent agricultural easement of 73.68 acres of land at the City's Jennings Road Treatment Plant, consider directing Planning Division staff to work with the Utilities Department and the City Attorney's Office to establish an Agricultural Mitigation Program, to utilize agricultural land at the City's Jennings Road Water Treatment Plant as agricultural mitigation for future residential development in areas of Prime or otherwise important farmland, and forwarding to Council for approval.

10. Consider approving a First Amendment to the Construction Management Services Agreement with WSP USA Inc. for the State Route 132 West Freeway/Expressway - Phase 1 Project, increasing the Agreement amount by $1,721,080 plus $172,108 additional services, if needed, from $9,870,886 for a total not to exceed amount of $11,764,074, and forwarding to Council for approval. (Funding Source: Regional Measure L, Streets Capital Facility Fees)
CED; Toby Wells, 571-5542, twells@modestogov.com

ACTION: (Madrigal/Ricci; 3/0) Motion approving a First Amendment to the Construction Management Services Agreement with WSP USA Inc. for the State Route 132 West Freeway/Expressway - Phase 1 Project, increasing the Agreement amount by $1,721,080 plus $172,108 additional services, if needed, from $9,870,886 for a total not to exceed amount of $11,764,074, and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 6:00 p.m.

Attest: _____
Joseph Lopez

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, September 07, 2021 at 5:30 PM

Roll Call - Present: Councilmembers Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
Absent: Councilmember Escutia-Braaton

Pledge of Allegiance to the Flag

Invocation: Michael Douglass, Advancing Vibrant Communities

City Clerk's Announcements: Item 10 has been pulled from Consent.

Declaration of Conflicts of Interest: None

Reports from Closed Session: No reportable Action

PUBLIC COMMENT PERIOD

- Michael Schiefelbein spoke regarding affordable housing.
- Kevin McClarty spoke regarding road striping on various roads, and possible grant money. He also spoke regarding dangers of parallel parking on city streets.
- Jack Fahy spoke regarding a creating a new 911 department for mental health issues.
- Kyle Seever spoke regarding a mental health line, and a police oversight. He also spoke about dedicating December 29th as Trevor Seever Day, and a requested a mural be dedicated to Trevor.
- Kimberly Alston spoke regarding the eviction process, and discrimination in housing market. She also asked about cannabis revenue and the possibility of using that towards housing.
- Derek King spoke regarding death of Louis Bland and erecting a statue in his honor.
- Latricia Beasley spoke regarding Right to Counsel for persons facing eviction process.

- Anthony Arauza spoke regarding eviction statistics for Stanislaus County, and Right to Counsel.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEMS 1-9, 11-25: (Kenoyer/Wright; 6/0; Escutia-Braaton absent)
ITEM 10 was removed from Consent.

CONSENT ITEMS

Consent
1. Consider approving the minutes from the August 10, 2021 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the August 10, 2021 Council Meeting.

    CITY CLERK; Dana Sanchez, 577-5396, dasanchez@modestogov.com

ACTION: (Kenoyer/Wright; 6/0; Escutia-Braaton absent) Motion approving the minutes from the August 10, 2021 Council Meeting.

Consent
2. Consider final adoption of Ordinance 3734-C.S. an omnibus amendment to Title 10 of the Modesto Municipal Code to address land uses permitted in the Professional Office zone, residential densities, parking requirements, non-residential fencing, and other minor amendments to update and streamline the City's zoning regulations. (Funding Source: Not Applicable)
    - Motion approving final adoption of Ordinance 3734-C.S. amending Sections 10-3.101, 10-4.104, 10-4.115, 10-4.406, 10-5.102, 10-5.103, 10-5.104, 10-6.107 and 10-9.108 of Chapters 3, 4, 5, 6 and 9 of the Modesto Municipal Code.

    CITY CLERK; Dana Sanchez, 577-5396, dasanchez@modestogov.com

ACTION: (Kenoyer/Wright; 6/0; Escutia-Braaton absent) Motion approving final adoption of **Ordinance 3734-C.S.** amending Sections 10-3.101, 10-4.104, 10-4.115, 10-4.406, 10-5.102, 10-5.103, 10-5.104, 10-6.107 and 10-9.108 of Chapters 3, 4, 5, 6 and 9 of the Modesto Municipal Code.

Consent
3. Consider final adoption of **Ordinance 3736-C.S**. amending Modesto Municipal Code Section 4-23.02 by adding additional restricted items for Manner Regulations as to Public Assemblies. (Funding Source: Not Applicable)
    - Motion approving final adoption of Ordinance 3736-C.S. amending Modesto Municipal Code Section 4-23.02 by adding additional restricted items for Manner Regulations as to Public Assemblies.

    CITY CLERK; Dana Sanchez, 577-5396, dasanchez@modestogov.com

ACTION: (Kenoyer/Wright; 6/0; Escutia-Braaton absent) Motion approving final adoption of **Ordinance 3736-C.S.** amending Modesto Municipal Code Section 4-23.02 by adding additional restricted items for Manner Regulations as to Public Assemblies.

Consent

4. Consider approving the recommended budget adjustments to both Fiscal Year 2020-21 and Fiscal Year 2021-22 Annual Operating and Capital Improvement Program Budgets; amending the Position Allocation for Fiscal Year 2021-22; and amending the Classification Plan for the City of Modesto. (Funding Source: Various Funds)
    - Resolution amending Fiscal Year 2020-21 and Fiscal Year 2021-22 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager, to make the necessary steps to implement the provisions of this resolution.
    - Resolution amending the Position Allocation for Fiscal Year 2021-22 as adopted in the Operating Budget.
    - Resolution amending the Classification Plan for the City of Modesto to amend the classification of Employee Benefits Coordinator to Employee Benefits Technician; and to amend the salary range table to place the Employee Benefits Technician at salary range 429.

    BUDGET; Steve Christensen, 577-5390, schristensen@modestgov.com

ACTION: (Kenoyer/Wright; 6/0; Escutia-Braaton absent) Resolution 2021-333 amending Fiscal Year 2020-21 and Fiscal Year 2021-22 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager, to make the necessary steps to implement the provisions of this resolution.

ACTION: (Kenoyer/Wright; 6/0; Escutia-Braaton absent) Resolution 2021-334 amending the Position Allocation for Fiscal Year 2021-22 as adopted in the Operating Budget.

ACTION: (Kenoyer/Wright; 6/0; Escutia-Braaton absent) Resolution 2021-335 amending the Classification Plan for the City of Modesto to amend the classification of Employee Benefits Coordinator to Employee Benefits Technician; and to amend the salary range table to place the Employee Benefits Technician at salary range 429.

Consent

5. Consider approving a Professional Services Agreement with Redistricting Partners for Demographic and Census Mapping Consultant services for the City's Redistricting process, for an Agreement total not to exceed $80,000. (Funding Source: General Fund)
    - Resolution approving a Professional Services Agreement with Redistricting Partners for Demographic and Census Mapping Consultant services for the City's Redistricting process, for an Agreement total not to exceed $80,000 and authorizing the City Manager, or his designee, to execute the Agreement.

    CITY ATTORNEY; Jose Sanchez, 577-5284, jsanchez@modestogov.com

ACTION: (Kenoyer/Wright; 6/0; Escutia-Braaton absent) Resolution 2021-336 approving a Professional Services Agreement with Redistricting Partners for Demographic and Census Mapping Consultant services for the City's Redistricting process, for an Agreement total not to exceed $80,000 and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

6. Consider accepting an informational report for the July 2021 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the July 2021 Accounts Payable Payment Register and Void report.

    FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com

ACTION: (Kenoyer/Wright; 6/0; Escutia-Braaton absent) Motion accepting an informational report for the July 2021 Accounts Payable Payment Register and Void report.

Consent

7. Consider accepting an informational report on the May and June 2021 Grant Applications and Awards. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the May and June 2021 Grant Applications and Awards.

    FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com

ACTION: (Kenoyer/Wright; 6/0; Escutia-Braaton absent) Motion accepting an informational report for the May and June 2021 Grant Applications and Awards.

Consent

8. Consider authorizing an update for the Director of Finance, Accounting Manager and Senior Financial Analyst, or other City employee designated in writing by the City Manager to the California Department of Tax and Fee Administration (CDTFA) to examine sales or transaction and use tax records of the Finance Department pertaining to sales and use taxes collected for the City of Modesto. (Funding Source: General Fund)
    - A Resolution of the City Council of the City of Modesto, California, authorizing the examination of sales and use tax records.

    FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com

ACTION: (Kenoyer/Wright; 6/0; Escutia-Braaton absent) A **Resolution 2021-337** of the City Council of the City of Modesto, California, authorizing the examination of sales and use tax records.

Consent

9. Consider accepting the Annual Investment Report for Fiscal Year 2020-2021. (Funding Source: Various Funds)
    - Motion accepting the Annual Investment Report for Fiscal Year 2020-2021.

    FINANCE DEPARTMENT; Calogero Maniscalco, 577-5219, cmaniscalco@modestogov.com

ACTION: (Kenoyer/Wright; 6/0; Escutia-Braaton absent) Motion accepting the Annual Investment Report for Fiscal Year 2020-2021.

Removed from Consent

10. Consider approving becoming a member of the California Enterprise Development Authority (CEDA), and authorizing CEDA, through Dividend Finance Inc. as Program Administrator, to offer its program and levy assessments within the City of Modesto for Property Assessed Clean Energy (PACE) program for only commercial properties. (Funding Source: Not Applicable)
    - Resolution approving becoming a member of the California Enterprise Development Authority (CEDA), and authorizing CEDA, through Dividend Finance Inc., as Program Administrator, to offer its program and levy assessments within the City of Modesto for Property Assessed Clean Energy (PACE) program for only commercial properties; and authorizing the City Manager or his designee to execute the Agreement.

    FINANCE DEPARTMENT; DeAnna Christensen, 577-5387, dachristensen@modestogov.com

ACTION: (Madrigal/Wright; 5/1; Zoslocki no; Escutia-Braaton absent) Resolution 2021-338 approving becoming a member of the California Enterprise Development Authority (CEDA), and authorizing CEDA, through Dividend Finance Inc., as Program Administrator, to offer its program and levy assessments within the City of Modesto for Property Assessed Clean Energy (PACE) program for only commercial properties; and authorizing the City Manager or his designee to execute the Agreement.

Consent

11. Consider approving the award of bid and Service Agreement for On-Call Mechanical and Refrigeration Services to Champion Industrial Contractors Inc., Modesto, CA for a two year Agreement with three one-year extension options, for an annual estimated cost of $158,101 and a total amount not to exceed $790,505 over five years. (Funding Source: Various Funds))
    - Resolution approving the award of bid and Service Agreement for On-Call Mechanical and Refrigeration Services to Champion Industrial Contractors Inc., Modesto, CA for a two year Agreement with three one-year extension options, for an annual estimated cost of $158,101 and a total amount not to exceed $790,505 over five years; and authorizing the City Manager, or his designee, to execute the Agreement.

    FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Wright; 6/0; Escutia-Braaton absent) Resolution 2021-339 approving the award of bid and Service Agreement for On-Call Mechanical and Refrigeration Services to Champion Industrial Contractors Inc., Modesto, CA for a two year Agreement with three one-year extension options, for an annual estimated cost of $158,101 and a total amount not to exceed $790,505 over five years; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

12. Consider approving the award of bid for the purchase of Solar Advanced School Zone Beacons to JAM Services Inc., Livermore, CA for a total amount not to exceed $76,538. (Funding Source: Local Control Measure L)
    - Resolution approving the award of bid for the purchase of Solar Advanced School Zone Beacons to JAM Services Inc., Livermore, CA for a total amount not to exceed $76,538; and authorizing the Purchasing Manager, or her designee, to issue a Purchase Order.

    FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Wright; 6/0; Escutia-Braaton absent) Resolution 2021-340 approving the award of bid for the purchase of Solar Advanced School Zone Beacons to JAM Services Inc., Livermore, CA for a total amount not to exceed $76,538; 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 a City Fleet Replacement for Parks, Recreation and Neighborhoods (PRN) in the amount of $144,313. (Funding Source: Fleet Replacement Fund)
    - Resolution approving the award of bid to Towne Ford, Redwood City, CA for a City Fleet Replacement for Parks, Recreation and Neighborhoods (PRN) in the amount of $144,313, and authorizing the Purchasing Manager, or her designee, to execute the purchase order.

    FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Wright; 6/0; Escutia-Braaton absent) Resolution 2021-341 approving the award of bid to Towne Ford, Redwood City, CA for a City Fleet Replacement for Parks, Recreation and Neighborhoods (PRN) in the amount of $144,313, and authorizing the Purchasing Manager, or her designee, to execute the purchase order.

Consent

14. Consider approving the award of informal bid and Purchasing Agreement for Exterior Car Washes with Mister Car Wash, for a two-year Agreement with three one-year extension options, for an annual estimated cost of $16,500, and a total amount not to exceed $82,500 over five years. (Funding Source: Modesto Police Department & Fire Department General Fund)
    - Resolution approving the award of informal bid and Purchasing Agreement for Exterior Car Washes with Mister Car Wash, for a two-year Agreement with three one-year extension options, for an annual estimated cost of $16,500, and a total amount not to exceed $82,500 over five years, and authorizing the Purchasing Manager, or her designee, to execute the Agreement.

    FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Wright; 6/0; Escutia-Braaton absent) Resolution 2021-342 approving the award of informal bid and Purchasing Agreement for Exterior Car Washes with Mister Car

Wash, for a two-year Agreement with three one-year extension options, for an annual estimated cost of $16,500, and a total amount not to exceed $82,500 over five years, and authorizing the Purchasing Manager, or her designee, to execute the Agreement.

Consent

15. Consider approving the Purchase Agreements for Cameras, License Plate Readers (LPRs), Accessories and Camera Licensing to Affinitech, Chanhassen, MN by utilizing the competitive bid process with the State of California, General Services Acquisition (GSA); to EyeP Solutions, Cameron Park, CA, by utilizing the competitive bid process with the State of California, California Multiple Award Schedule (CMAS); and to Intellisite, Ceres, CA, by utilizing the competitive bid process with the State of California, CMAS for a one year Agreement with four one-year extension options for an annual estimated cost of $350,000 between three vendors and a total combined cost not to exceed $1,750,000 between three vendors over five years. (Funding Source: Supplemental Law Enforcement Services Fund, Byrne Justice Assistance Grants, Utilities Funds, Traffic Safety Fund and Modesto Police Department General Fund)
    - Resolution approving the Purchase Agreements for Cameras, License Plate Readers (LPRs), Accessories and Camera Licensing to Affinitech, Chanhassen, MN by utilizing the competitive bid process with the State of California, General Services Acquisition (GSA); to EyeP Solutions, Cameron Park, CA, by utilizing the competitive bid process with the State of California, California Multiple Award Schedule (CMAS); and to Intellisite, Ceres, CA, by utilizing the competitive bid process with the State of California, CMAS for a one year Agreement with four one-year extension options for an annual estimated cost of $100,000 for Affinitech, $125,000 to EyeP Solutions and $125,000 to Intellisite, for a total annual estimated cost of $350,000 and a total combined cost not to exceed $1,750,000 over five years, and authorizing the Purchasing Manager, or her designee, to execute the Agreement.

    FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Wright; 6/0; Escutia-Braaton absent) Resolution 2021-343 approving the Purchase Agreements for Cameras, License Plate Readers (LPRs), Accessories and Camera Licensing to Affinitech, Chanhassen, MN by utilizing the competitive bid process with the State of California, General Services Acquisition (GSA); to EyeP Solutions, Cameron Park, CA, by utilizing the competitive bid process with the State of California, California Multiple Award Schedule (CMAS); and to Intellisite, Ceres, CA, by utilizing the competitive bid process with the State of California, CMAS for a one year Agreement with four one-year extension options for an annual estimated cost of $100,000 for Affinitech, $125,000 to EyeP Solutions and $125,000 to Intellisite, for a total annual estimated cost of $350,000 and a total combined cost not to exceed $1,750,000 over five years, and authorizing the Purchasing Manager, or her designee, to execute the Agreement.

Consent

16. Consider amending the Position Allocation Plan in three departments: Fire Department - to reallocate and reclassify four Fire Division Chiefs to four Fire Deputy Chiefs; Information Technology Department – to create two Systems Engineers allocations;

and in the City Manager's Office - to create one Public Relations and Legislative Affairs Manager and reclassify one Community and Media Relations Officer to one Communications and Media Relations Officer. (Funding Source: Various Funds)

- Resolution amending the Position Allocation to reallocate and reclassify four Fire Division Chiefs to four Fire Deputy Chiefs; to add two Systems Engineer II; to add one Public Relations and Legislative Affairs Manager; and to reallocate one Community and Media Relations Officer to one Communications and Media Relations Officer.
- Resolution amending the Classification Plan for the City of Modesto to amend the Fire Division Chief classification to Fire Deputy Chief; to amend the Community and Media Relations Officer classification to Communications and Media Relations Officer; and to create a classification of Public Relations and Legislative Affairs Manager

HUMAN RESOURCES; Christina Alger, 571-5126, calger@modestogov.com

ACTION: (Kenoyer/Wright; 6/0; Escutia-Braaton absent) Resolution 2021-344 amending the Position Allocation to reallocate and reclassify four Fire Division Chiefs to four Fire Deputy Chiefs; to add two Systems Engineer II; to add one Public Relations and Legislative Affairs Manager; and to reallocate one Community and Media Relations Officer to one Communications and Media Relations Officer.

ACTION: (Kenoyer/Wright; 6/0; Escutia-Braaton absent) Resolution 2021-345 amending the Classification Plan for the City of Modesto to amend the Fire Division Chief classification to Fire Deputy Chief; to amend the Community and Media Relations Officer classification to Communications and Media Relations Officer; and to create a classification of Public Relations and Legislative Affairs Manager

Consent

17. Consider adding terms to the Unrepresented Benefits Resolution to include an Assignment Pay for fulfilling the duties of Fire Assistant Chief at 10% and Fire Division Chief at 5% on an as needed basis and granting authority to the Fire Chief to appoint the duties and Assignment Pay for Fire Assistant Chief to a current Fire Deputy Chief and for Fire Division Chief to a current Fire Battalion Chief, and rescinding Resolution 2020-309. (Funding Source: General Fund)

    - Resolution adding terms to the Unrepresented Benefits Resolution to include an Assignment Pay for fulfilling the duties of Fire Assistant Chief at 10% and Fire Division Chief at 5% on an as needed basis and granting authority to the Fire Chief to appoint the duties and Assignment Pay for Fire Assistant Chief to a current Fire Deputy Chief and for Fire Division Chief to a current Fire Battalion Chief, rescinding Resolution 2020-309, and authorizing the City Manager or designee to take the necessary administrative action to implement the changes.

    HUMAN RESOURCES; Christina Alger, 571-5126, calger@modestogov.com

ACTION: (Kenoyer/Wright; 6/0; Escutia-Braaton absent) Resolution 2021-346 adding terms to the Unrepresented Benefits Resolution to include an Assignment Pay for fulfilling the duties of Fire Assistant Chief at 10% and Fire Division Chief at 5% on an as needed basis and

granting authority to the Fire Chief to appoint the duties and Assignment Pay for Fire Assistant Chief to a current Fire Deputy Chief and for Fire Division Chief to a current Fire Battalion Chief, rescinding Resolution 2020-309, and authorizing the City Manager or designee to take the necessary administrative action to implement the changes.

Consent

18. Consider approving Professional Services Agreements with Ralph Andersen & Associates, Rocklin, CA; CPS HR Consulting, Inc. Sacramento, CA; Gallagher Benefit Services, Inc., Berkeley, CA; Avery Associates, Los Gatos, CA; and Peckham and McKenney, Roseville, CA to conduct citywide executive recruitment services on an as needed basis, for a two year contract with three optional years of extension for a potential five-year Agreement for various recruitment services at the sole discretion of the City, in an amount not to exceed $350,000 over five years. (Funding Source: Various Funds)
    - Resolution approving Professional Services Agreements with Ralph Andersen & Associates, Rocklin, CA; CPS HR Consulting, Inc., Sacramento, CA; Gallagher Benefit Services, Inc., Berkeley, CA; Avery Associates, Los Gatos, CA; and Peckham and McKenney, Roseville, CA to conduct citywide executive recruitment services on an as needed basis, for a two-year contract with three optional years of extension for a potential five-year Agreement for various recruitment services at the sole discretion of the City, in an amount not to exceed $350,000 over five years, and authorizing the City Manager, or his designee, to execute the Agreements.

    HUMAN RESOURCES; Christina Alger, 571-5126, calger@modestogov.com

ACTION: (Kenoyer/Wright; 6/0; Escutia-Braaton absent) Resolution 2021-347 approving Professional Services Agreements with Ralph Andersen & Associates, Rocklin, CA; CPS HR Consulting, Inc., Sacramento, CA; Gallagher Benefit Services, Inc., Berkeley, CA; Avery Associates, Los Gatos, CA; and Peckham and McKenney, Roseville, CA to conduct citywide executive recruitment services on an as needed basis, for a two-year contract with three optional years of extension for a potential five-year Agreement for various recruitment services at the sole discretion of the City, in an amount not to exceed $350,000 over five years, and authorizing the City Manager, or his designee, to execute the Agreements.

Consent

19. Consider approving submittal of grant applications for the installation of Electric Vehicle Charging Stations for Parking Services from multiple agencies to include but not limited to: The San Joaquin Valley Air Pollution Control District, Inland Counties Incentive Project, State of California and the Federal Government. (Funding Source: Parking Services)
    - Resolution approving submittal of grant applications for the installation of Electric Vehicle Charging Stations for Parking Services from multiple agencies to include but not limited to: The San Joaquin Valley Air Pollution Control District, Inland Counties Incentive Project, State of California and the Federal Government, and authorizing the City Manager, or his designee, to execute the Grant Application.

PUBLIC WORKS; Patrick Crowley, 402-6812, pcrowley@modestogov.com

ACTION: (Kenoyer/Wright; 6/0; Escutia-Braaton absent) Resolution 2021-348 approving submittal of grant applications for the installation of Electric Vehicle Charging Stations for Parking Services from multiple agencies to include but not limited to: The San Joaquin Valley Air Pollution Control District, Inland Counties Incentive Project, State of California and the Federal Government, and authorizing the City Manager, or his designee, to execute the Grant Application.

Consent

20. Consider approving a First Amendment for the Fleet Services Division for the purchase of tires from the following vendors: McCoy Tire/McCoy Truck Tire and Valley Tire, Modesto, CA for an annual combined estimated cost increase of $160,000 from $290,000 to $450,000 and a total revised combined amount increasing by $320,000 from $1,450,000 to $1,770,000 over a 5-year period. (Funding Source: Various Funds)
    - Resolution approving a First Amendment for the Fleet Services Division for the purchase of tires to the following vendors: McCoy Tire/McCoy Truck Tire and Valley Tire, Modesto, CA for an annual combined estimated cost increase by $160,000 from $290,000 to $450,000 and a total revised combined amount increase by $320,000 from $1,450,000 to $1,770,000 over a 5-year period, and authorizing the Purchasing Manager, or her designee, to execute the Amendment.

    PUBLIC WORKS; Steve Fischio, 342-2222, sfischio@modestogov.com

ACTION: (Kenoyer/Wright; 6/0; Escutia-Braaton absent) Resolution 2021-349 approving a First Amendment for the Fleet Services Division for the purchase of tires to the following vendors: McCoy Tire/McCoy Truck Tire and Valley Tire, Modesto, CA for an annual combined estimated cost increase by $160,000 from $290,000 to $450,000 and a total revised combined amount increase by $320,000 from $1,450,000 to $1,770,000 over a 5-year period, and authorizing the Purchasing Manager, or her designee, to execute the Amendment.

Consent

21. Consider approving a First Amendment for the purchase of equipment and vehicle parts to the following vendors: Motor Parts Distribution, Modesto, CA, Modesto Auto Parts (formerly Napa Auto Parts), Modesto, CA, FleetPride Truck and Trailer, Modesto, CA and Interstate Truck Center, Turlock, CA for an annual combined estimated cost increased by $240,615 from $335,000 to $575,615 and a total revised combined not to exceed amount increased by $721,845 from $1,675,000 to $2,396,845 over five years. (Funding Source: Various Funds)
    - Resolution approving a First Amendment for the purchase of equipment and vehicle parts to the following vendors: Motor Parts Distribution, Modesto, CA, Modesto Auto Parts (formerly Napa Auto Parts), Modesto, CA, FleetPride Truck and Trailer, Modesto, CA and Interstate Truck Center, Turlock, CA for an annual combined estimated cost increased from $335,000 to $575,615 and a total revised combined not to exceed amount increased by $721,845 from

$1,675,000 to $2,396,845 over five years, and authorizing the Purchasing Manager, or her designee, to execute the amendment.

PUBLIC WORKS; Steve Fischio, 342-2222, sfischio@modestogov.com

ACTION: (Kenoyer/Wright; 6/0; Escutia-Braaton absent) Resolution 2021-350 approving a First Amendment for the purchase of equipment and vehicle parts to the following vendors: Motor Parts Distribution, Modesto, CA, Modesto Auto Parts (formerly Napa Auto Parts), Modesto, CA, FleetPride Truck and Trailer, Modesto, CA and Interstate Truck Center, Turlock, CA for an annual combined estimated cost increased from $335,000 to $575,615 and a total revised combined not to exceed amount increased by $721,845 from $1,675,000 to $2,396,845 over five years, and authorizing the Purchasing Manager, or her designee, to execute the amendment.

Consent

22. Consider accepting the North Trunk Sewer Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $1,815,693 to Rolfe Construction, Inc., of Atwater, CA. (Funding Source: Wastewater Fund)
    - Resolution accepting the North Trunk Sewer Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $1,815,693 to Rolfe Construction, Inc., of Atwater, CA.

    UTILITIES; Greg Showerman, 571-5860, gshowerman@modestogov.com

ACTION: (Kenoyer/Wright; 6/0; Escutia-Braaton absent) Resolution 2021-351 accepting the North Trunk Sewer Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $1,815,693 to Rolfe Construction, Inc., of Atwater, CA.

Consent

23. Consider approving the award of bid for the Furnishing of Water Storage Tank Inspection, Cleaning and Repair Services for the Utilities Department, Water Division, to Rubicon Applied Divers, Conroe, TX, as the primary contractor and DRS Marine, Vallejo, CA, as the secondary contractor for an estimated combined annual amount of $75,000 and a total combined amount not to exceed $388,780 over five years, and authorizing the City Manager, or his designee to change the allocation of funds between the primary and secondary contractor, subject to the total combined not to exceed amount of $388,780 over five years. (Funding Source: Water Fund)
    - Resolution approving the award of bid for the Furnishing of Water Storage Tank Inspection, Cleaning and Repair Services for the Utilities Department, Water Division, to Rubicon Applied Divers, Conroe, TX, as the primary contractor and DRS Marine, Vallejo, CA, as the secondary contractor for an estimated combined annual amount of $75,000 and a total combined amount not to exceed $388,780 over five years, and authorizing the City Manager, or his designee to change the allocation of funds between the primary and secondary contractor, subject to the total combined not to exceed amount of

$388,780 over five years and authorizing the City Manager, or his designee, to execute the Agreement.

UTILITIES; Jeff Daniels, 342-4585, jdaniels@modestogov.com

ACTION: (Kenoyer/Wright; 6/0; Escutia-Braaton absent) Resolution 2021-352 approving the award of bid for the Furnishing of Water Storage Tank Inspection, Cleaning and Repair Services for the Utilities Department, Water Division, to Rubicon Applied Divers, Conroe, TX, as the primary contractor and DRS Marine, Vallejo, CA, as the secondary contractor for an estimated combined annual amount of $75,000 and a total combined amount not to exceed $388,780 over five years, and authorizing the City Manager, or his designee to change the allocation of funds between the primary and secondary contractor, subject to the total combined not to exceed amount of $388,780 over five years and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

24. Consider approving a First Amendment to the Citywide Purchase Agreement with W. W. Grainger, Inc., Lake Forest, IL, for maintenance, repair and operation supplies, and increasing the annual amount by $100,400 from $113,500, to a new estimated annual amount of $213,900 and a new total amount not to exceed $1,121,879 over six-years. (Funding Source: Various Funds)
    - Resolution approving a First Amendment to the Citywide Purchase Agreement with W. W. Grainger, Inc., Lake Forest, IL, for maintenance, repair and operation supplies, and increasing the annual amount by $100,400 from $113,500, to a new estimated annual amount of $213,900 and a new total amount not to exceed $1,121,879 over six-years, and authorizing the Purchasing Manager, or her designee, to execute the Amendment.

    UTILITIES; Jeff Daniels, 342-4585, jdaniels@modestogov.com

ACTION: (Kenoyer/Wright; 6/0; Escutia-Braaton absent) Resolution 2021-353 approving a First Amendment to the Citywide Purchase Agreement with W. W. Grainger, Inc., Lake Forest, IL, for maintenance, repair and operation supplies, and increasing the annual amount by $100,400 from $113,500, to a new estimated annual amount of $213,900 and a new total amount not to exceed $1,121,879 over six-years, and authorizing the Purchasing Manager, or her designee, to execute the Amendment.

Consent

25. Consider approving a First Amendment to the Citywide Purchase Agreement with MSC Industrial Supply Co. Inc., W. Sacramento, CA, for the purchase and maintenance of bin stock items and increasing the annual amount by $50,000 from $110,000, to a new estimated annual amount of $160,000 and a new total amount not to exceed $700,000 over five years. (Funding Source: Various Funds)
    - Resolution approving a First Amendment to the Citywide Purchase Agreement with MSC Industrial Supply Co. Inc., W. Sacramento, CA, for the purchase and maintenance of bin stock items and increasing the annual amount by $50,000 from $110,000, to a new estimated annual amount of $160,000 and a new total

amount not to exceed $700,000 over five years, and authorizing the Purchasing Manager, or her designee, to execute the Amendment.

UTILITIES; Monte Hamilton, 342-4505, mhamilton@modestogov.com

ACTION: (Kenoyer/Wright; 6/0; Escutia-Braaton absent) Resolution 2021-354 approving a First Amendment to the Citywide Purchase Agreement with MSC Industrial Supply Co. Inc., W. Sacramento, CA, for the purchase and maintenance of bin stock items and increasing the annual amount by $50,000 from $110,000, to a new estimated annual amount of $160,000 and a new total amount not to exceed $700,000 over five years, and authorizing the Purchasing Manager, or her designee, to execute the Amendment.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer spoke regarding her health status and asked for prayers.

Councilmember Madrigal offered thoughts and prayers to Councilmember Kenoyer. He also spoke regarding free haircuts and backpacks from local businesses. He also spoke regarding Mexican Independence Day event on September 15, 2021.

Mayor Zwahlen wished Officer Rokaitis a speedy recovery, and thanked him and the Modesto Police Department for their service.

Councilmember Ricci spoke regarding Officer Rokaitis. He also spoke regarding Councilmember Kenoyer's health, and wished her well. He also spoke regarding Louis Bland. He also spoke regarding new programs with Modesto Police Department regarding mental health issues and response to community. He also spoke regarding housing supply, quality of life, and tiny houses. He also spoke regarding homelessness, safe parks, and safe parking and camping areas.

Councilmember Wright spoke regarding the support of Officer Rokaitis and his continued improvement.

CITY MANAGER COMMENTS & REPORTS

None

Recessed at 6:53 P.M.

HEARINGS

Published in the Modesto Bee on August 27, 2021

26. Hearing to consider an Amendment to Section 27-3-9 of the Zoning Map to rezone 0.80 acres from Medium Density Residential (R-2) Zone to Planned Development Zone, P-D(612) to allow for the development of 16 dwelling units at property located

on the south side of Miller Avenue between Rosina Avenue and N. Conejo Avenue. (Funding Source: Developer Funded)

- Motion introducing and waiving the first reading of an Ordinance amending Section 27-3-9 of the Zoning Map to rezone 0.80 acres from Medium-Density Residential (R-2) Zone to Planned Development Zone, P-D(612), property located along the south side of Miller Avenue between Rosina Avenue and N. Conejo Avenue.
- Resolution approving a Development Plan for Planned Development Zone P-D(612).

CED; Cindy van Empel, 577-5267, cvanempel@modestogov.com

ACTION: (Wright/Ricci; 6/0; Escutia-Braaton absent) Motion introducing and waiving the first reading of an Ordinance amending Section 27-3-9 of the Zoning Map to rezone 0.80 acres from Medium-Density Residential (R-2) Zone to Planned Development Zone, P-D(612), property located along the south side of Miller Avenue between Rosina Avenue and N. Conejo Avenue.

ACTION: (Ricci/Wright; 6/0; Escutia-Braaton absent) Resolution 2021-355 approving a Development Plan for Planned Development Zone P-D(612).

Published in the Modesto Bee on August 27, 2021

27. Hearing to consider an Amendment to Section 22-3-9 of the Zoning Map to rezone 0.825 acres from Neighborhood Commercial (C-1) Zone to Planned Development Zone, P-D(613), to allow for a car wash at an existing gas station, property located at 1400 Coffee Road. (Funding Source: Developer Funded)

    - Motion introducing and waiving the first reading of an Ordinance amending Section 22-3-9 of the Zoning Map to rezone 0.825 acres from Neighborhood Commercial (C-1) Zone to Planned Development Zone, P-D(613), property located at 1400 Coffee Road.
    - Resolution approving a Development Plan for Planned Development Zone P-D(613).
    - 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. 2014042081): rezone of 1400 Coffee Road from Neighborhood Commercial (C-1) Zone to Planned Development Zone P-D(613)

    CED; Cindy van Empel, 577-5267, cvanempel@modestogov.com

ACTION: (Wright/Zoslocki; 6/0; Escutia-Braaton absent) Motion introducing and waiving the first reading of an Ordinance amending Section 22-3-9 of the Zoning Map to rezone 0.825 acres from Neighborhood Commercial (C-1) Zone to Planned Development Zone, P-D(613), property located at 1400 Coffee Road.

ACTION: (Kenoyer/Wright; 6/0; Escutia-Braaton absent) Resolution 2021-356 approving a Development Plan for Planned Development Zone P-D(613).

ACTION: (Wright/Zwahlen; 6/0; Escutia-Braaton absent) Resolution 2021-357 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. 2014042081): rezone of 1400 Coffee Road from Neighborhood Commercial (C-1) Zone to Planned Development Zone P-D(613)

ADJOURNMENT

This meeting adjourned at 7:16 P.M.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Two Cases (Pursuant to Section 54956.9(d)(1) of the Government Code)

Name of Case: Jesse Montelongo, et al., v. City of Modesto, et al.
United States District Court, Eastern District of California
Case No.: 1:15-CV-01605—BAM

WLMBS, Inc. dba Burnside Body Shop v. City of Modesto, et al.
Superior Court of California, County of Stanislaus
Stanislaus County Case No.: CV 20-003270

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

Attest: _____
Dana Sanchez, Assistant City Clerk

MINUTES

City of Modesto
Cannabis Permit Review Committee
(Held Via Teleconference)
Modesto, California

Thursday, September 09, 2021 at 4:00 PM

Roll Call: Present: Mayor Zwahlen, Councilmember Kenoyer
Absent: Councilmember Madrigal
Alternate: Councilmember Wright

PUBLIC COMMENTS

None

CONSENT ITEMS - ROLL CALL VOTE REQUIRED

No Consent Items

NEW BUSINESS

1. Consider approving the renewal of up to five Commercial Cannabis Non-Dispensary Permits for Non-Retail Businesses at various locations in the City with appropriate conditions. (Funding Source: Cannabis Permit Fees)
    - Consider approving the renewal of up to five Commercial Cannabis Non-Dispensary Permits for Non-Retail Businesses.
    - Motion approving the Commercial Cannabis Non-Dispensary Permit renewal of Big Dipper Brands, LLC. (Located at 901 E. Whitmore Ave.)
    - Motion approving the Commercial Cannabis Non-Dispensary Permit renewal of Farm 209 Manufacturing, LLC. (Located at 901 E. Whitmore Ave.)
    - Motion approving the Commercial Cannabis Non-Dispensary Permit renewal of Farm 209, LLC. (Located at 901 E. Whitmore Ave.)
    - Motion approving the Commercial Cannabis Non-Dispensary Permit renewal of Exclusive VIP, LLC. (Located at 1401 N. Carpenter Road.)
    - Motion approving the Commercial Cannabis Non-Dispensary Permit renewal of Legacy Nursery, LLC. (Located at 901 E. Whitmore Ave.)

    CED; Marcus Tucker, 577-5473, mtucker@modestogov.com

    ACTION: (Kenoyer/Zwahlen; 3/0) Motion approving the Commercial Cannabis Non-Dispensary Permit renewal of Big Dipper Brands, LLC. (Located at 901 E. Whitmore Ave.)

ACTION: (Kenoyer/Zwahlen; 3/0) Motion approving the Commercial Cannabis Non-Dispensary Permit renewal of Farm 209 Manufacturing, LLC. (Located at 901 E. Whitmore Ave.)

ACTION: (Kenoyer/Zwahlen; 3/0) Motion approving the Commercial Cannabis Non-Dispensary Permit renewal of Farm 209, LLC. (Located at 901 E. Whitmore Ave.)

ACTION: (Kenoyer/Zwahlen; 3/0) Motion approving the Commercial Cannabis Non-Dispensary Permit renewal of Exclusive VIP, LLC. (Located at 1401 N. Carpenter Road.)

ACTION: (Kenoyer/Zwahlen; 3/0) Motion approving the Commercial Cannabis Non-Dispensary Permit renewal of Legacy Nursery, LLC. (Located at 901 E. Whitmore Ave.)

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 4:15 P.M.

Attest: _____
Joseph Lopez, City Manager

MINUTES

City of Modesto

SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP

(Held Via Teleconference)

Monday, September 13, 2021 at 5:00 PM

Roll Call Present: Councilmember Kenoyer, Councilmember Ricci, Mayor Zwahlen
Absent: None

PUBLIC COMMENTS

None.

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

CONSENT

1. Consider approving a Purchase Agreement for an updated Security Access System Migration and three years of preventative maintenance and service with Johnson Controls, San Leandro CA, by utilizing the competitive bidding process with Sourcewell previously known as National Joint Powers Alliance (NJPA), for facility security equipment, systems, and services with related equipment and supplies for a total amount not to exceed $215,884 and forwarding to Council for approval. (Funding Source: Supplemental Law Enforcement Services Fund)
FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

   ACTION: (Ricci/Zwahlen; 3/0) Motion to approve a purchase agreement for an updated security access system migration and three (3) years of preventative maintenance and service with Johnson Controls, San Leandro CA, by utilizing the competitive bidding process with Sourcewell previously known as National Joint Powers Alliance (NJPA), for facility security equipment, systems, and services with related equipment and supplies for a total amount not to exceed $215,884 and forwarding to Council for approval.

2. Consider approving the award of bid and agreement with West Coast Arborist, Inc., of Anaheim, CA as the primary contractor for the furnishing of On-Call Vegetation Management Services for the Parks, Recreation and Neighborhoods Department for an estimated annual amount of $250,000 and an Agreement with Grover Landscape Services, Inc., of Modesto, CA as the secondary contractor for an estimated annual amount of $25,000, for an estimated combined annual amount of $275,000 and a total combined amount not to exceed $1,375,000 over five-years and forwarding to Council

for approval. (Funding Source: General Fund, Tuolumne River Regional Park Fund, Golf Fund)
PRN; Nathan Houx, 571-5526, nhoux@modestogov.com

ACTION: (Ricci/Zwahlen; 3/0) Motion to approve the award of bid and agreement with West Coast Arborist, Inc., of Anaheim, CA as the primary contractor for the furnishing of On-Call Vegetation Management Services for the Parks, Recreation and Neighborhoods Department for an estimated annual amount of $250,000 and an agreement with Grover Landscape Services, Inc., of Modesto, CA as the secondary contractor for an estimated annual amount of $25,000, for an estimated combined annual amount of $275,000 and a total combined amount not to exceed $1,375,000 over five-years and forwarding to Council for approval.

UNFINISHED BUSINESS

3. Consider accepting an update to the informational report on Muni Golf Course, approving a Memorandum of Understanding between the City of Modesto and Del Rio CC Foundation to administer the First Tee Program, and forwarding to City Council for approval. (Funding Source: Golf Fund)
PRN; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: No reportable action.

NEW BUSINESS

4. Consider adoption of a Fleet Replacement Program for the Modesto Fire Department that addresses the aging fleet issues utilizing existing funds and forwarding to Council for approval. (Funding Source: General Fund)
FIRE DEPARTMENT; Alan Ernst, 572-9590, aernst@modestofire.com

ACTION: (Ricci/Zwahlen; 3/0) Motion to adopt a fleet replacement program for the Modesto Fire Department that addresses the aging fleet issues utilizing existing funds and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:25 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 14, 2021 at 5:30 PM

Roll Call – Present: Councilmembers Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
Absent: Councilmember Escutia-Braaton

Pledge of Allegiance to the Flag

Invocation: Mayor Zwahlen gave the invocation.

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: No reportable action

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of community-wide initiatives to support economic development and housing strategies in Stanislaus County. (Funding Source: Not Applicable)
   CITY MANAGER; Joseph Lopez, 577-5223, joelopez@modestogov.com

ACTION: Supervisor Grewal and County Chief Executive Officer Jody Hayes presented two new initiatives: **Housing Stanislaus** regarding housing; and **Stanislaus 2030** regarding economic development and job creation.

2. County/Covid-19 update. (Funding Source: Not Applicable)
   CITY MANAGER; Joseph Lopez, 577-5223, joelopez@modestogov.com

ACTION: Doctor Chelsey Donohoo, Epidemiologist from the County Health Services Agency gave an update on COVID-19.

PUBLIC COMMENT PERIOD

- Ramon Rodriguez spoke regarding accident involving an 8-year-old girl on W. Orangeburg and making pedestrian crossing safer. He also praised Councilmember Ricci for supporting camping areas for homeless, and the need for affordable housing.

He also spoke in support of a CAHOOTS style program, and Forward Together, and wished Officer Rokaitis well.

- Matt spoke in support of a mental health crisis program, and a civilian police review board. He also spoke about concerns of additional camera and license plate readers.

- Kyle Seever spoke regarding December 29th as Trevor Seever Day, and asked for a mural for Trevor. He also spoke in support of a civilian police review board.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEMS 3-12: (Wright/Zoslocki; 6/0; Escutia-Braaton absent)

CONSENT ITEMS

Consent
3. Consider approving the minutes from the September 7, 2021 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the September 7, 2021 Council Meeting.

    CITY CLERK; Dana Sanchez, 577-5396, dasanchez@modestogov.com

ACTION: (Wright/Zoslocki; 6/0; Escutia-Braaton absent) Motion approving the minutes from September 7, 2021 Council Meeting.

Consent
4. Consider final adoption for Ordinance 3737-C.S. amending Section 27-3-9 of the Zoning Map to rezone 0.80 acres from Medium Density Residential (R-2) zone to Planned Development Zone, P-D(612) to allow for the development of 16 dwelling units at property located on the south side of Miller Avenue between Rosina Avenue and N. Conejo Avenue (Funding Source: Not Applicable)
    - Motion approving final adoption of Ordinance 3737-C.S. Ordinance amending Section 27-3-9 of the Zoning Map to rezone 0.80 acres from Medium-Density Residential (R-2) Zone to Planned Development Zone, P-D(612), property located along the south side of Miller Avenue between Rosina Avenue and N. Conejo Avenue.

    CITY CLERK; Dana Sanchez, 577-5396, dasanchez@modestogov.com

ACTION: (Wright/Zoslocki; 6/0; Escutia-Braaton absent) Motion approving final adoption of **Ordinance 3737-C.S.** Ordinance amending Section 27-3-9 of the Zoning Map to rezone 0.80 acres from Medium-Density Residential (R-2) Zone to Planned Development Zone, P-D(612), property located along the south side of Miller Avenue between Rosina Avenue and N. Conejo Avenue.

Consent
5. Consider final adoption for Ordinance 3738-C.S. amending Section 22-3-9 of the Zoning Map to rezone 0.825 acres from Neighborhood Commercial (C-1) zone to

Planned Development Zone, P-D(613), to allow for a car wash at an existing gas station, property located at 1400 Coffee Road. (Funding Source: Not Applicable)

- Motion approving final adoption of Ordinance 3738-C.S. amending Section 22-3-9 of the Zoning Map to rezone 0.825 acres from Neighborhood Commercial (C-1) zone to Planned Development Zone, P-D(613), property located at 1400 Coffee Road.

CITY CLERK; Dana Sanchez, 577-5396, dasanchez@modestogov.com

ACTION: (Wright/Zoslocki; 6/0; Escutia-Braaton absent) Motion approving final adoption of **Ordinance 3738-C.S**. amending Section 22-3-9 of the Zoning Map to rezone 0.825 acres from Neighborhood Commercial (C-1) zone to Planned Development Zone, P-D(613), property located at 1400 Coffee Road.

Consent

6. Consider approving a Second Amendment to the Software as a Service (SaaS) Agreement for the City of Modesto's current CGI Advantage Budget Software solution to upgrade to Advantage 4 under the mutually agreed upon Statement of Work under the Agreement entered into with CGI Technology and Solutions Inc., for an estimated total cost of $78,700 plus $7,870 in contingency (if needed) for a total amount not to exceed $86,570 and amending the Fiscal Year 2021-22 Annual Operating Budget to increase the expenditure budget in the Information Technology Fund in the amount of $86,570 to fund the software upgrade. (Funding Source: Information Technology Fund)

    - Resolution approving a Second Amendment to the Software as a Service (SaaS) Agreement with CGI Technology and Solutions Inc. to upgrade the City of Modesto's current CGI Advantage Budget Software solution to Advantage 4 under the mutually agreed upon Statement of Work (SOW) for an estimated total cost of $78,700 plus $7,870 in contingency (if needed), for a total amount not to exceed $86,570 and authorizing the City Manager, or his designee, to execute the Amendment and Statement of Work.
    - Resolution amending the Fiscal Year 2021-22 Annual Operating Budget to increase the Information Technology Fund (5230) expenditure budget by $86,570 in the Professional Services account in the Business Applications/Development Services Cost Center (17510) to fully fund the upgrade of the budget software from CGI Advantage to Advantage 4.

BUDGET; Steve Christensen, 577-5390, schristensen@modestgov.com

ACTION: (Wright/Zoslocki; 6/0; Escutia-Braaton absent) Resolution 2021-358 approving a Second Amendment to the Software as a Service (SaaS) Agreement with CGI Technology and Solutions Inc. to upgrade the City of Modesto's current CGI Advantage Budget Software solution to Advantage 4 under the mutually agreed upon Statement of Work (SOW) for an estimated total cost of $78,700 plus $7,870 in contingency (if needed), for a total amount not to exceed $86,570 and authorizing the City Manager, or his designee, to execute the Amendment and Statement of Work.

ACTION: (Wright/Zoslocki; 6/0; Escutia-Braaton absent) Resolution 2021-359 amending the Fiscal Year 2021-22 Annual Operating Budget to increase the Information Technology Fund (5230) expenditure budget by $86,570 in the Professional Services account in the Business Applications/Development Services Cost Center (17510) to fully fund the upgrade of the budget software from CGI Advantage to Advantage 4.

Consent

7. Consider approving the Amendment #1 to the Memorandum of Understanding (MOU) between the City of Modesto and the Stanislaus Regional Transit Authority for Grant Management Services and Transfer of Specified Assets. (Funding Source: Local Transportation Funds, California Office of Emergency Services, California Department of Transportation, & Federal Transit Administration (FTA))
    - Resolution approving Amendment #1 to the Memorandum of Understanding between the City of Modesto and the Stanislaus Regional Transit Authority for Grant Management Services and Transfer of Specified Assets, and authorizing the City Manager, or his designee, to execute the amendment.

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

ACTION: (Wright/Zoslocki; 6/0; Escutia-Braaton absent) Resolution 2021-360 approving Amendment #1 to the Memorandum of Understanding between the City of Modesto and the Stanislaus Regional Transit Authority for Grant Management Services and Transfer of Specified Assets, and authorizing the City Manager, or his designee, to execute the amendment.

Consent

8. Consider approving the award of bid for the purchase of Ethernet Switches to NetXperts Inc., Walnut Creek, CA for a total amount not to exceed $400,962. (Funding Source: Local Control Measure L, CMAQ Funds)
    - Resolution approving the award of bid for the purchase of Ethernet Switches to NetXperts Inc., Walnut Creek, CA for a total amount not to exceed $400,962; and authorizing the Purchasing Manager, or her designee, to issue a Purchase Order.

    FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: (Wright/Zoslocki; 6/0; Escutia-Braaton absent) Resolution 2021-361 approving the award of bid for the purchase of Ethernet Switches to NetXperts Inc., Walnut Creek, CA for a total amount not to exceed $400,962; and authorizing the Purchasing Manager, or her designee, to issue a Purchase Order.

Consent

9. Consider approving updated pricing for three bid events for fleet replacement vehicles by $10,326. (Funding Source: Fleet Replacement Fund)
    - Resolution approving an increase to the amount for the purchase of a One-Ton Truck with Stake Side Dumping Body to Cobalt Truck Equipment, Las Vegas, NV by $3,485, increasing the purchase order from $63,246 to a new total

amount not to exceed $66,731, and authorizing the Purchasing Manager, or her designee, to update the purchase order.

- Resolution approving an increase to the amount for the purchase of a Low-Profile Dump Truck to Cobalt Truck, Las Vegas, NV by $5,351, increasing the purchase order from $110,581 to a new total amount not to exceed $115,932, and authorizing the Purchasing Manager, or her designee, to update the purchase order.
- Resolution approving an increase to the amount for the purchase of two One-Ton Trucks to Penske Chevrolet, Cerritos, CA by $1,490, increasing the purchase order from $100,068 to a new total amount not to exceed $101,558, and authorizing the Purchasing Manager, or her designee, to update the Purchase Order.

FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: (Wright/Zoslocki; 6/0; Escutia-Braaton absent) Resolution 2021-362 approving an increase to the amount for the purchase of a One-Ton Truck with Stake Side Dumping Body to Cobalt Truck Equipment, Las Vegas, NV by $3,485, increasing the purchase order from $63,246 to a new total amount not to exceed $66,731, and authorizing the Purchasing Manager, or her designee, to update the purchase order.

ACTION: (Wright/Zoslocki; 6/0; Escutia-Braaton absent) Resolution 2021-363 approving an increase to the amount for the purchase of a Low-Profile Dump Truck to Cobalt Truck, Las Vegas, NV by $5,351, increasing the purchase order from $110,581 to a new total amount not to exceed $115,932, and authorizing the Purchasing Manager, or her designee, to update the purchase order.

ACTION: (Wright/Zoslocki; 6/0; Escutia-Braaton absent) Resolution 2021-364 approving an increase to the amount for the purchase of two One-Ton Trucks to Penske Chevrolet, Cerritos, CA by $1,490, increasing the purchase order from $100,068 to a new total amount not to exceed $101,558, and authorizing the Purchasing Manager, or her designee, to update the Purchase Order.

Consent

10. Consider approving the First Amendment for the purchase of Bulk Oils and Lubricants with Hunt & Sons, Ceres, CA, for an annual estimated cost increase of $91,320 from $97,320 to $188,640 and a total revised not to exceed amount increased by $456,599 from $486,602 to a new total amount of $943,201 over five years as well as changing an engine coolant in the list of approved products. (Funding Source: Fleet Management Fund)
    - Resolution approving the First Amendment for the purchase of Bulk Oils and Lubricants with Hunt & Sons Inc., Ceres, CA, for and annual estimated cost increased by $91,320 from $97,320 to $188,640 and a total revised not to exceed amount increased by $456,599 from $486,602 to a new total amount of $943,201 over five years as well as changing an engine coolant in the list of approved products; and authorizing the City Manager, or his designee, to execute the Amendment.

PUBLIC WORKS; Steve Fischio, 342-2222, sfischio@modestogov.com

ACTION: (Wright/Zoslocki; 6/0; Escutia-Braaton absent) Resolution 2021-365 approving the First Amendment for the purchase of Bulk Oils and Lubricants with Hunt & Sons Inc., Ceres, CA, for and annual estimated cost increased by $91,320 from $97,320 to $188,640 and a total revised not to exceed amount increased by $456,599 from $486,602 to a new total amount of $943,201 over five years as well as changing an engine coolant in the list of approved products; and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

11. Consider approving the submission of the Transportation Development Act Claim for Fiscal Year 2021-22 to the Stanislaus Council of Governments in the amount of $500,366 for improvements to the Transportation Center for Transit Customers and the future operation of the Altamont Corridor Express to Modesto, and amending the Fiscal Year 2021-22 budget in the amount of $500,366. (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 2021-22 to the Stanislaus Council of Governments (StanCOG) in the amount of $500,366.
    - Resolution authorizing a budget adjustment amending Fiscal Year 2021-22 Capital Improvement Project Budget to Project 101339 – Transit Center Improvements in the amount of $500,366 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; Bill Sandhu, 341-2906, bsandhu@modestogov.com

ACTION: (Wright/Zoslocki; 6/0; Escutia-Braaton absent) Resolution 2021-366 approving the submission of the City's Transportation Development Act (TDA) Transit Claim for Transportation Center improvements for Fiscal Year 2021-22 to the Stanislaus Council of Governments (StanCOG) in the amount of $500,366.

ACTION: (Wright/Zoslocki; 6/0; Escutia-Braaton absent) Resolution 2021-367 authorizing a budget adjustment amending Fiscal Year 2021-22 Capital Improvement Project Budget to Project 101339 – Transit Center Improvements in the amount of $500,366 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.

Consent

12. Consider approving the sole source purchase for the Replacement of Two Internalift Screw Pumps at the Sutter Wastewater Treatment Plant from Evoqua Water Technologies, of Thomasville, GA, for an estimated total cost of $1,787,560 plus $168,670 in contingency (if needed), for a total amount not to exceed $1,956,230 and

amending the Fiscal Year 2021-22 Multi-Year Project budget in the amount of $946,355. (Funding Source: Wastewater Fund)

- Resolution approving the sole source purchase for the Replacement of Two Internalift Screw Pumps at the Sutter Wastewater Treatment Plant from Evoqua Water Technologies, of Thomasville, GA, for an estimated cost of $1,787,560 plus $168,670 in contingency (if needed), for a total amount not to exceed $1,956,230 and authorizing the Purchasing Manager or her designee to issue a Purchase Order.
- Resolution amending the Fiscal Year 2021-22 Multi-Year Project Budget in the amount of $946,355 to be transferred into the project from Wastewater Reserves to fully fund the purchase and installation of Two Internalift Screw Pumps at the Sutter Wastewater Treatment Plant.

UTILITIES; Cristian Ciotau, 577-5260, cciotau@modestogov.com

ACTION: (Wright/Zoslocki; 6/0; Escutia-Braaton absent) Resolution 2021-368 approving the sole source purchase for the Replacement of Two Internalift Screw Pumps at the Sutter Wastewater Treatment Plant from Evoqua Water Technologies, of Thomasville, GA, for an estimated cost of $1,787,560 plus $168,670 in contingency (if needed), for a total amount not to exceed $1,956,230 and authorizing the Purchasing Manager or her designee to issue a Purchase Order.

ACTION: (Wright/Zoslocki; 6/0; Escutia-Braaton absent) Resolution 2021-369 amending the Fiscal Year 2021-22 Multi-Year Project Budget in the amount of $946,355 to be transferred into the project from Wastewater Reserves to fully fund the purchase and installation of Two Internalift Screw Pumps at the Sutter Wastewater Treatment Plant.

COUNCIL COMMENTS & REPORTS

Councilmember Madrigal invited the community and Council to the annual Mexican Independence Day Celebration held on September 15, 2021 from 5 p.m. onward at the Crows Landing Flea Market.

Councilmember Ricci thanked everyone that reached out regarding possible solutions to help improve safety issues and problems related to homeless issues in our parks, and is hopeful that a program will be implemented soon. He also reiterated the need for affordable housing.

Mayor Zwahlen thanked Officer Rokaitis for his resilience and inspiration to community.

CITY MANAGER COMMENTS & REPORTS

None

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 7:03 P.M.

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 Attorney

PUBLIC EMPLOYEE APPOINTMENT
(Pursuant to Section 54957 Government Code)
Title: Interim City Clerk

PUBLIC EMPLOYEE APPOINTMENT
(Pursuant to Section 54957 Government Code)
Title: Interim City Auditor

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – MCEA
Negotiator: Christina Alger
Employee Organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – MCMA
Negotiator: Christina Alger
Employee Organization: Modesto Confidential & Management Association

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – MPOA
Negotiator: Christina Alger
Employee Organization: Modesto Police Officers' Association

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – MPNSA
Negotiator: Christina Alger
Employee Organization: Modesto Police Non-Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) –MPMA
Negotiator: Christina Alger
Employee Organization: Modesto Police Management Association

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

Employee Organization: Modesto City Firefighters Association

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – Unrepresented
Negotiator: Christina Alger
Employee Organization: Unrepresented Management and Confidential Employees

Attest: _____
Dana Sanchez, Assistant City Clerk

MINUTES

City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
(Held Via Teleconference)

Monday, September 27, 2021 at 3:00 PM

Roll Call: Present: Councilmembers Zoslocki, Wright, Ricci (alternate)
Absent: Councilmember Kenoyer

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-5 (Wright/Ricci;3/0)

CONSENT

1. Consider approving the recommended budget adjustments to Fiscal Year 2021-22 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval (Funding Source: Various Funds)
BUDGET; Steve Christensen, 577-5390, schristensen@modestogov.com

   ACTION: Motion (Wright/Ricci; 3/0) approving the recommended budget adjustments to Fiscal Year 2021-22 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval.

2. Consider approving the Second Amendment to the Master Agreement increasing the Agreement amount with E-Z-GO Division of Textron Inc, by $79,224 from $298,399 to a new total amount of $377,623 to extend the Dryden Golf Cart lease an additional two years from September 1, 2021 through August 31, 2023, and forwarding to Council for approval. (Funding Source: Golf Enterprise Fund)
PRN; Laurie Smith, 577-5347, lsmith@modestogov.com

   ACTION: Motion (Wright/Ricci; 3/0) approving the Second Amendment to the Master Agreement increasing the Agreement amount with E-Z-GO Division of Textron Inc, by $79,224 from $298,399 to a new total amount of $377,623 to extend the Dryden Golf Cart lease an additional two years from September 1, 2021 through August 31, 2023, and forwarding to Council for approval.

3. Consider approving the Second Amendment increasing the Agreement amount with Dan Ely Backflow Services, Turlock, CA for Backflow Prevention Testing Services by $3,600 from $62,000 to a new total amount of $65,600, and extending the term of the

Agreement from November 13, 2021 to April 30, 2022, and forwarding to Council for approval. (Funding Source: General Fund, Airport and Centre Plaza Funds)
PRN; Kelly Gallagher, 342-2270, kgallagher@modestogov.com

ACTION: Motion (Wright/Ricci; 3/0) approving the Second Amendment increasing the Agreement amount with Dan Ely Backflow Services, Turlock, CA for Backflow Prevention Testing Services by $3,600 from $62,000 to a new total amount of $65,600, and extending the term of the Agreement from November 13, 2021 to April 30, 2022, and forwarding to Council for approval.

4. 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 vehicle acquisition cost not to exceed $400,000 with a total cost not to exceed $800,000 split equally between the two vendors over a two-year contract; and forwarding to Council for approval. (Funding Source: Various Funds)
PUBLIC WORKS; Steve Fischio, 342-2222, sfischio@modestogov.com

ACTION: Motion (Wright/Ricci; 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 vehicle acquisition cost not to exceed $400,000 with a total cost not to exceed $800,000 split equally between the two vendors over a two-year contract; and forwarding to Council for approval.

5. Consider approving the Award of Proposal and Agreement for Hot Pour Crack Sealant Products to Maxwell Products, Inc., Salt Lake City, UT, for a two-year Agreement with three one-year extension options, for an estimated annual cost of $61,349 and a total amount not to exceed $306,745 over five years, and forwarding to Council for approval. (Funding Source: Surface Transportation Fund)
PUBLIC WORKS; Steve Fischio, 342-2222, sfischio@modestogov.com

ACTION: Motion (Wright/Ricci; 3/0) approving the Award of Proposal and Agreement for Hot Pour Crack Sealant Products to Maxwell Products, Inc., Salt Lake City, UT, for a two-year Agreement with three one-year extension options, for an estimated annual cost of $61,349 and a total amount not to exceed $306,745 over five years, and forwarding to Council for approval.

NEW BUSINESS

6. Consider approving a First Amendment to an Agreement with Moss Adams to evaluate the organization and fiscal efficiency of the city's engineering services, increasing the Agreement amount by $40,000 from $45,000 to a total of $85,000, and forwarding to Council for approval. (Funding Source: Various Funds)
CITY MANAGER; Edgar Garcia, 571-5101, edgarcia@modestogov.com

ACTION: Motion (Wright/Ricci; 3/0) approving a First Amendment to an Agreement with Moss Adams to evaluate the organization and fiscal efficiency of the city's engineering services, increasing the Agreement amount by $40,000 from $45,000 to a total of $85,000, 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

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, September 28, 2021 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen

Pledge of Allegiance to the Flag

Invocation: Dallas Jackson, Renew Church

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: No reportable action.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. County/Covid-19 update. (Funding Source: Not Applicable)
   CITY MANAGER; Joseph Lopez, 577-5223, joelopez@modestogov.com

   ACTION: Supervisor Grewal presented COVID-19 update.

2. Recognition of service to Charter Review Committee members (Funding Source: Not Applicable)
   CITY MANAGER; Edgar Garcia, 571-5101, edgarcia@modestogov.com

   ACTION: Mayor Zwahlen presented Recognition of Service certificates to Charter Review Committee members.

3. Presentation of Certificate of Achievement for Excellence in Financial Reporting by Government Finance Officers Association of the United States and Canada for the Comprehensive Annual Financial Report for Fiscal Year ending June 30, 2020. (Funding Source: Not Applicable)
   FINANCE; DeAnna Christensen, 577-5387, dachristensen@modestogov.com

   ACTION: City Manager Joe Lopez presented a Certificate of Achievement for Excellence in Financial Reporting by Government Finance Officers Association of the

United States and Canada for the Comprehensive Annual Financial Report for Fiscal Year ending June 30, 2020.

4. Presentation of the Popular Annual Financial Reporting Award received by Government Finance Officers Association of the United States and Canada for the Fiscal Year ending June 30, 2020. (Funding Source: Not Applicable)
FINANCE; DeAnna Christensen, 577-5387, dachristensen@modestogov.com

ACTION: City Manager Joe Lopez presented the Popular Annual Financial Reporting Award received by Government Finance Officers Association of the United States and Canada for the Fiscal Year ending June 30, 2020.

PUBLIC COMMENT PERIOD

- Ron Dafford spoke regarding broken sidewalks and claims process,
- Jack Fahy spoke against police brutality, and asked for appropriate training for officers, including resources regarding dealing with mental health issues.
- Kenneth Campbell spoke regarding MyTV26 and funding for local public television.
- Darlene Ruiz spoke regarding having Trevor Seever honored by Modesto City Schools.
- Ramon Rodriguez spoke regarding justice for Alonzo Nunes. Also spoke in favor of Civilian review board

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 5-20: (Kenoyer/Escutia-Braaton;7/0)

CONSENT ITEMS

Consent
5. Consider approving the minutes from the September 14, 2021 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the September 14, 2021 Council Meeting.

CITY CLERK; Dana Sanchez, 577-5396, dasanchez@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Motion approving the minutes from the September 14, 2021 Council Meeting.

Consent
6. Consider approving a resolution authorizing remote teleconference meetings pursuant to Assembly Bill 361. (Funding Source: Not Applicable)
    - Resolution approving authorizing remote teleconference meetings pursuant to Assembly Bill 361.

CITY ATTORNEY; Jose Sanchez, 577-5284, jsanchez@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-370 approving authorizing remote teleconference meetings pursuant to Assembly Bill 361.

Consent

7. Consider approving the renewal of a Friendship and Exchange Agreement between the City of Modesto and Laval, France. (Funding Source: Not Applicable)
    - Resolution authorizing the Mayor of the City Of Modesto or her designee to sign an Agreement to renew the Friendship And Exchange Agreement with the City Of Laval, France.

    CITY COUNCIL; Kathy Espinoza, 577-5597, kespinoza1@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-371 authorizing the Mayor of the City of Modesto or her designee to sign an Agreement to renew the Friendship And Exchange Agreement with the City of Laval, France.

Consent

8. Consider approving a First Amendment to the Construction Management Services Agreement with WSP USA Inc. for the State Route 132 West Freeway/Expressway - Phase 1 Project, increasing the Agreement amount by $1,721,080 plus $172,108 additional services, if needed, from $9,870,886 for a total not to exceed amount of $11,764,074. (Funding Source: Regional Measure L, Streets Capital Facility Fees)
    - Resolution approving a First Amendment to the Construction Management Services Agreement with WSP USA Inc. for the State Route 132 West Freeway/Expressway - Phase 1 Project, increasing the Agreement amount by $1,721,080 plus $172,108 additional services, if needed, from $9,870,886 for a total not to exceed amount of $11,764,074, and authorizing the City Manager, or his designee to execute the First Amendment to Agreement.

    CED; Tamorah Bryant, 577-5328, tbryant@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-372 approving a First Amendment to the Construction Management Services Agreement with WSP USA Inc. for the State Route 132 West Freeway/Expressway - Phase 1 Project, increasing the Agreement amount by $1,721,080 plus $172,108 additional services, if needed, from $9,870,886 for a total not to exceed amount of $11,764,074, and authorizing the City Manager, or his designee to execute the First Amendment to Agreement.

Consent

9. Consider approving and adopting Caltrans LAPM Chapter 10: Consultant Selection, and approving and adopting Administrative Directive 3.1, Selection Procedures for Professional Consultants who provide Architectural and Engineering Services for Capital Projects; and authorizing the City Manager, or his designee, to approve amendments to the City's adopted Architectural and Engineering Services Administration and Procurement Policies in consultation with the Federal Highways Administration for future federally funded transportation projects. (Funding Source: Federal and State Funds)

- Resolution approving and adopting Caltrans Local Assistance Procedures Manual Chapter 10: Consultant Selection, and Administrative Directive 3.1, Selection Procedures for Professional Consultants who provide Architectural & Engineering Services for Capital Projects, dated February 10, 2011; and authorizing the City Manager, or his designee, to approve amendments to the City's adopted Architectural & Engineering Services Administration and Procurement Policies in consultation with the Federal Highways Administration for future federally funded transportation projects.

CED; Phillip Soares, 577-5258, psoares@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-373 approving and adopting Caltrans Local Assistance Procedures Manual Chapter 10: Consultant Selection, and Administrative Directive 3.1, Selection Procedures for Professional Consultants who provide Architectural & Engineering Services for Capital Projects, dated February 10, 2011; and authorizing the City Manager, or his designee, to approve amendments to the City's adopted Architectural & Engineering Services Administration and Procurement Policies in consultation with the Federal Highways Administration for future federally funded transportation projects.

Consent

10. Consider approving the plans and specifications for the Paradise Road Pavement Rehabilitation, STPL-5059(219) project, accepting the bid, and awarding a contract to Dirt Dynasty, Inc. of Valley Springs, CA, in the amount of $1,850,337; and authorizing the Director of Utilities to approve change orders up to the cumulative amount of $190,000. (Funding Source: Federal RSTP, Local Measure L Funds)
    - Resolution approving the plans and specifications for the Paradise Road Pavement Rehabilitation, STPL-5059(219) project, accepting the bid, and awarding a contract to Dirt Dynasty, Inc. of Valley Springs, CA, in the amount of $1,850,337 and authorizing the City Manager, or his designee to execute the Agreement.
    - Resolution authorizing the Director of Utilities to approve change orders up to the cumulative amount of $190,000 (10.2% of the original contract price) for the Paradise Road Pavement Rehabilitation, STPL-5059(219) project.

    CED; Phillip Soares, 577-5258, psoares@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-374 approving the plans and specifications for the Paradise Road Pavement Rehabilitation, STPL-5059(219) project, accepting the bid, and awarding a contract to Dirt Dynasty, Inc. of Valley Springs, CA, in the amount of $1,850,337 and authorizing the City Manager, or his designee to execute the Agreement.

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-375 authorizing the Director of Utilities to approve change orders up to the cumulative amount of $190,000 (10.2% of the original contract price) for the Paradise Road Pavement Rehabilitation, STPL-5059(219) project.

Consent

11. Consider accepting an informational report for the August 2021 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the August 2021 Accounts Payable Payment Register and Void report.

    FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Motion accepting an informational report for the August 2021 Accounts Payable Payment Register and Void report.

Consent

12. Consider approving a report detailing City personal property sold, donated, or disposed of during Fiscal Year 2020-21. (Funding Source: Airport Operating, Building Services, General, Green Waste, Fleet Management, Parking, Sewer Operations, Surface Transportation, Water)
    - Motion approving a report detailing all personal property sold, donated, or disposed of during FY 2020-21.

    FINANCE DEPARTMENT; DeAnna Christensen, 577-5387, dachristensen@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Motion approving a report detailing all personal property sold, donated, or disposed of during FY 2020-21.

Consent

13. Consider accepting a report on Fiscal Year 2020-2021 unclaimed funds of $10,526 held in the City's trust for more than three years and authorizing the transfer to the General Fund. (Funding Source: General Fund)
    - Resolution claiming Fiscal Year 2020-2021 unclaimed funds of $10,526 held in the City's Trust Fund for more than three years and authorizing the transfer to the General Fund.

    FINANCE DEPARTMENT; DeAnna Christensen, 577-5387, dachristensen@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-376 claiming Fiscal Year 2020-2021 unclaimed funds of $10,526 held in the City's Trust Fund for more than three years and authorizing the transfer to the General Fund.

Consent

14. Consider accepting the Fiscal Year 2020-21 Write-Off and Adjustments reports through fiscal year-end June 30, 2021 in the total amount of $553,039. (Funding Source: Abatement and Public Nuisance Fund, Airport Operating Fund, Bus Service Fund, Compost Fund, Fleet Management Fund, General Fund, General Fund Fleet Replacement, Green Waste Fund, Solid Waste Fund, Surface Transportation Fund, Water Fund)
    - Resolution approving the 2020-2021 Write-Off and Adjustments reports through fiscal year end June 30, 2021 in the total amount of $553,039 and directing a report of disposition to be filed with the City Clerk.

FINANCE DEPARTMENT; DeAnna Christensen, 577-5387, dachristensen@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-377 approving the 2020-2021 Write-Off and Adjustments reports through fiscal year end June 30, 2021 in the total amount of $553,039 and directing a report of disposition to be filed with the City Clerk.

Consent

15. Consider approving the Sole Source Purchase Agreement with Muniquip Inc., Roseville, CA, for Wemco/Hidrostal pump parts and/or electrical components for a two-year Agreement with three one-year extension options, for an estimated annual amount of $16,000, and a total amount not to exceed $80,000 over five-years, and authorizing the Purchasing Manager, or her designee, the ability to add parts based on the Department's needs, ensuring the total amount does not exceed the authorized total. (Funding Source: Sewer and Stormwater Fund)
    - Resolution approving the Sole Source Purchase Agreement with Muniquip Inc., Roseville, CA, for Wemco/Hidrostal pump parts and/or electrical components for a two-year Agreement with three one-year extension options, for an estimated annual amount of $16,000, and a total amount not to exceed $80,000 over five-years and authorizing the Purchasing Manager, or her designee, the ability to add parts based on the Department's needs, ensuring the total amount does not exceed the authorized total, and authorizing the Purchasing Manager or her designee to execute the Agreement.

    FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-378 approving the Sole Source Purchase Agreement with Muniquip Inc., Roseville, CA, for Wemco/Hidrostal pump parts and/or electrical components for a two-year Agreement with three one-year extension options, for an estimated annual amount of $16,000, and a total amount not to exceed $80,000 over five-years and authorizing the Purchasing Manager, or her designee, the ability to add parts based on the Department's needs, ensuring the total amount does not exceed the authorized total, and authorizing the Purchasing Manager or her designee to execute the Agreement.

Consent

16. Consider approving the award of bid and Agreement with West Coast Arborists, Inc., of Anaheim, CA as the primary contractor for the furnishing of On-Call Vegetation Management Services for the Parks, Recreation and Neighborhoods Department for an estimated annual amount of $250,000 and an Agreement with Grover Landscape Services, Inc., of Modesto, CA as the secondary contractor for an estimated annual amount of $25,000, for an estimated combined annual amount of $275,000 and authorizing the Director of Finance, or designee, to adjust the financial amounts between both providers with a total combined amount not to exceed $1,375,000 over five-years. (Funding Source: General Fund, Tuolumne River Regional Park Operations Fund, Golf Fund)
    - Resolution approving the award of bid and Agreement with West Coast Arborists, Inc., of Anaheim, CA as the primary contractor for the furnishing of

On-Call Vegetation Management Services for the Parks, Recreation and Neighborhoods Department for an estimated annual amount of $250,000 and an Agreement with Grover Landscape Services, Inc., of Modesto, CA as the secondary contractor for an estimated annual amount of $25,000, for an estimated combined annual amount of $275,000 and authorizing the Director of Finance, or designee, to adjust the financial amounts between both providers with a total combined amount not to exceed $1,375,000 over five-years and authorizing the City Manager, or his designee, to execute the Agreements.

PRN; Nathan Houx, 571-5526, nhoux@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-379 approving the award of bid and Agreement with West Coast Arborists, Inc., of Anaheim, CA as the primary contractor for the furnishing of On-Call Vegetation Management Services for the Parks, Recreation and Neighborhoods Department for an estimated annual amount of $250,000 and an Agreement with Grover Landscape Services, Inc., of Modesto, CA as the secondary contractor for an estimated annual amount of $25,000, for an estimated combined annual amount of $275,000 and authorizing the Director of Finance, or designee, to adjust the financial amounts between both providers with a total combined amount not to exceed $1,375,000 over five-years and authorizing the City Manager, or his designee, to execute the Agreements.

Consent

17. Consider approving an Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for On-Call Hydraulic Wastewater Collection System Modeling Support Services for a term of one-year with two one-year extensions options, not to exceed $100,000 per year for a total not to exceed amount of $300,000 over three years. (Funding Source: Various Wastewater Fund Capital Improvement Program Projects)
    - Resolution approving an On-Call Agreement for Hydraulic Wastewater Collection System Modeling Support Services with Carollo Engineers, Inc., Walnut Creek, CA, for one year with two one-year extension options, for an annual cost not to exceed $100,000, and a total cost not to exceed $300,000 over three years, and authorizing the City Manager, or his designee, to execute the Agreement.

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

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-380 approving an On-Call Agreement for Hydraulic Wastewater Collection System Modeling Support Services with Carollo Engineers, Inc., Walnut Creek, CA, for one year with two one-year extension options, for an annual cost not to exceed $100,000, and a total cost not to exceed $300,000 over three years, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

18. Consider approving an Agreement with West Yost Associates, Inc., Pleasanton, CA, for On-Call Hydraulic Water System Modeling Support Services for a term of one year with two one-year extensions options, not to exceed $100,000 per year for a total not to exceed amount of $300,000 over three years. (Funding Source: Various Water Fund Capital Improvement Program Projects)

- Resolution approving an On-Call Agreement for Hydraulic Water System Modeling Support Services with West Yost Associates, Inc., Pleasanton, CA, for one year with two one-year extension options, for an annual cost not to exceed $100,000, and a total cost not to exceed $300,000 over three years, and authorizing the City Manager, or his designee, to execute the Agreement.

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

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-381 approving an On-Call Agreement for Hydraulic Water System Modeling Support Services with West Yost Associates, Inc., Pleasanton, CA, for one year with two one-year extension options, for an annual cost not to exceed $100,000, and a total cost not to exceed $300,000 over three years, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

19. Consider rejecting the bid for the Plant Structural Improvements Project and authorizing staff to re-advertise the project for bids at a future date. (Funding Source: Wastewater)
    - Resolution rejecting the bid for the Plant Structural Improvements Project and authorizing staff to re-advertise the project for bids at a future date.

    UTILITIES; Cristian Ciotau, 577-5260, cciotau@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) **Resolution 2021-382** rejecting the bid for the Plant Structural Improvements Project and authorizing staff to re-advertise the project for bids at a future date.

Consent

20. Consider accepting the Primary Outfall Sewer Trunk Emergency Repair project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities and releasing payments totaling $12,890 to Rolfe Construction, Inc., Atwater, CA. (Funding Source: Wastewater Fund)
    - Resolution accepting the Primary Outfall Sewer Trunk Emergency Repair as complete, authorizing all necessary steps to file with the County Recorder, releasing securities and authorize payments totaling $12,890 to Rolfe Construction, of Atwater, California.

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

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-383 accepting the Primary Outfall Sewer Trunk Emergency Repair as complete, authorizing all necessary steps to file with the County Recorder, releasing securities and authorize payments totaling $12,890 to Rolfe Construction, of Atwater, California.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer complimented the streets crews regarding their action to keep the streets and sidewalks safe.

Councilmember Escutia-Braaton spoke regarding economic vitality of Vintage Faire Mall, and expressed her support for continued success of the mall. Also expressed thanks to the mall for their community services outreach.

Councilmember Ricci spoke regarding City parks and the continued need to find solutions to problems, and the need for safe parking and safe camping.

Councilmember Wright spoke regarding the Graffiti Museum open house this weekend.

Mayor Zwahlen spoke regarding the Cal Cities Conference she attended in Sacramento, and recognized two Putnam Award winners at the State convention.

Councilmember Madrigal spoke regarding his advocacy for funding for railroad crossing quiet zones. He also shared that the Mexican Independence Day celebration was a huge success.

CITY MANAGER COMMENTS & REPORTS

None

UNFINISHED BUSINESS

21. Consider approving the continuation of the program to allow the use of autonomous robots, also known as Personal Delivery Devices ("PDD") in the City of Modesto, authorizing the City Manager or designee to issue a PDD Permit to Starship Technologies, Inc. (Funding Source: Not Applicable)
    - Resolution approving the continuation of the program to allow the use of autonomous robots, also known as Personal Delivery Devices "PDD" for delivery devices for delivery of goods from City of Modesto businesses to customers, and issuing a PDD permit to Starship Technologies, Inc. with such terms and conditions as determined necessary by the City Manager.

    CED; Marcus Tucker, 577-5473, mtucker@modestogov.com

ACTION: (Madrigal/Ricci; 7/0) Resolution 2021-384 approving the continuation of the program to allow the use of autonomous robots, also known as Personal Delivery Devices "PDD" for delivery devices for delivery of goods from City of Modesto businesses to customers, and issuing a PDD permit to Starship Technologies, Inc. with such terms and conditions as determined necessary by the City Manager.

22. Consider accepting the 2020 Staffing for Adequate Fire and Emergency Response (SAFER) Grant award in the amount of $4,244,402.16 to fund nine firefighter positions and amending the budget for Fiscal Year 21/22. (Funding Source: Grant and General Fund)
    - Resolution approving the acceptance of the 2020 Staffing for Adequate Fire and Emergency Response (SAFER) Grant, to fund nine firefighter positions, and

authorizing the City Manager, or his designee, to execute all grant related documents.

- Resolution amending the Fiscal Year 2021-22 Operating Budget to increase the 2020 FEMA SAFER grant in the Fire Department in the amount of $767,864 for grant revenue and salaries and benefits; and establishing a transfer from the General Fund to the 2020 FEMA SAFER grant in the amount of $117,927 for hiring costs, personal protective equipment costs, contractual cash outs that are not covered by the grant for a total of $885,791 for year one of the grant.
- Resolution amending the position allocation for FY 21-22 as adopted in the Operating budget.

FIRE DEPARTMENT; Alan Ernst, 572-9590, aernst@modestofire.com

ACTION: (Wright/Madrigal; 7/0) Resolution 2021-385 approving the acceptance of the 2020 Staffing for Adequate Fire and Emergency Response (SAFER) Grant, to fund nine firefighter positions, and authorizing the City Manager, or his designee, to execute all grant related documents.

ACTION: (Wright/Madrigal; 7/0) Resolution 2021-386 amending the Fiscal Year 2021-22 Operating Budget to increase the 2020 FEMA SAFER grant in the Fire Department in the amount of $767,864 for grant revenue and salaries and benefits; and establishing a transfer from the General Fund to the 2020 FEMA SAFER grant in the amount of $117,927 for hiring costs, personal protective equipment costs, contractual cash outs that are not covered by the grant for a total of $885,791 for year one of the grant.

ACTION: (Wright/Madrigal; 7/0) Resolution 2021-387 amending the position allocation for FY 21-22 as adopted in the Operating budget.

HEARINGS

Published in the Modesto Bee on September 8, 2021

23. Hearing to consider approving the Program Year 2020-2021 Consolidated Annual Performance Evaluation Report (CAPER). (Funding Source: Community Development Block Grant, Emergency Solutions Grant Community Development Block Grant - CV, Emergency Solutions Grant - CV and HOME Investment Partnerships funds)
    - Resolution approving the City of Modesto's Consolidated Annual Performance Evaluation Report for Program Year 2020-2021 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.

    CED; Jessica Hill, 577-5321, jhill@modestogov.com

ACTION: (Wright/Ricci; 7/0) Resolution 2021-388 approving the City of Modesto's Consolidated Annual Performance Evaluation Report for Program Year 2020-2021 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.

NEW BUSINESS

24. Consider appointing members to the Citizens' Districting Commission. (Funding Source: Not Applicable)
    - Resolution appointing members to the Citizens' Districting Commission.

    CITY ATTORNEY; Jose Sanchez, 577-5284, jsanchez@modestogov.com

ACTION: (Wright/Madrigal; 7/0) Resolution 2021-389 appointing members to the Citizens' Districting Commission **as amended.**

25. Consider authorizing the City to have the State administer the State of California's Rental Assistance Program- 1 Reservation for the City of Modesto in the approximate amount of $7.6M, the City to have the State administer the direct Federal Allocation-2 to the City of Modesto in approximate amount of $5.0M, authorizing the City to have the State administer the State of California's Rental Assistance Program- 2 Reservation of approximately $6.1M and amend the Fiscal Year 2021-2022 multi-year budget. (Funding Source: Emergency Rental Assistance Program)
    - Resolution authorizing the City to have the State the administer the State of California's Rental Assistance Program- 1 Reservation for the City of Modesto in the approximate amount of $7.6M, the City to have the State administer the direct Federal Allocation-2 to the City of Modesto in approximate amount of $5.0M, authorizing the City to have the State the administer the State of California's Rental Assistance Program- 2 Reservation of approximately $6.1M and authorizing the City Manager or his designee to execute the Agreements.
    - Resolution authorizing the City to have the State administer the Emergency Rental Assistance Program (ERAP-1) Block Grant award for the City of Modesto in the amount of $7.6M and rescind Resolution 2021-072.
    - Resolution of the City Council of City of Modesto authorizing participation in the State Rental Assistance Program- Round 2
    - Resolution amending the Fiscal Year 2021-2022 Multi-Year fund budget, reducing the allocation of Consolidated Appropriations Act of 2021 funds from the US Department of Treasury and reducing the allocation of COVID-19 Tenant Relief Act -SB91 funds from the State of California, approving the reduction of these funds into multi-year operating projects with appropriate revenue and expenditure allocations, authorizing the City Manager, or his designee, is authorized to return the Federal ERA #2 funding received on May 24, 2021, in an amount of $2,025,022, to the U.S. Treasury and authorizing the City Manager or his designee, to take the necessary steps to implement the provisions of this resolution.

    CITY CLERK; Jessica Hill, 577-5321, jhill@modestogov.com

ACTION: (Wright/Zwahlen; 7/0) Resolution 2021-390 authorizing the City to have the State the administer the State of California's Rental Assistance Program- 1 Reservation for the City of Modesto in the approximate amount of $7.6M, the City to have the State administer the direct Federal Allocation-2 to the City of Modesto in approximate amount of $5.0M, authorizing the City to have the State the administer the State of California's Rental Assistance

Program- 2 Reservation of approximately $6.1M and authorizing the City Manager or his designee to execute the Agreements.

ACTION: (Wright/Ricci; 7/0) Resolution 2021-391 authorizing the City to have the State administer the Emergency Rental Assistance Program (ERAP-1) Block Grant award for the City of Modesto in the amount of $7.6M and rescind Resolution 2021-072.

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2021-392 of the City Council of City of Modesto authorizing participation in the State Rental Assistance Program- Round 2

ACTION: (Escutia-Braaton/Kenoyer; 7/0) Resolution 2021-393 amending the Fiscal Year 2021-2022 Multi-Year fund budget, reducing the allocation of Consolidated Appropriations Act of 2021 funds from the US Department of Treasury and reducing the allocation of COVID-19 Tenant Relief Act -SB91 funds from the State of California, approving the reduction of these funds into multi-year operating projects with appropriate revenue and expenditure allocations, authorizing the City Manager, or his designee, is authorized to return the Federal ERA #2 funding received on May 24, 2021, in an amount of $2,025,022, to the U.S. Treasury and authorizing the City Manager or his designee, to take the necessary steps to implement the provisions of this resolution.

26. Consider approving a proposal from Pierce Manufacturing Inc. to lease with the option to purchase five Velocity Pumpers for a total cost of $3,741,927, approving the lease terms set forth by PNC Equipment Finance, and authorizing the City Manager to negotiate and execute final Agreements with Pierce Manufacturing Inc. and PNC Equipment Finance. (Funding Source: General Fund)
    - Resolution approving a proposal from Pierce Manufacturing Inc. to lease with the option to purchase five Velocity Pumpers for a total cost of $3,741,927 and authorizing the City Manager, or his designee to negotiate and execute final Agreements with Pierce Manufacturing Inc.
    - Resolution approving the lease terms set forth by PNC Equipment Finance and authorizing the City Manager, or his designee to negotiate and execute final Agreements.

    FIRE DEPARTMENT; Alan Ernst, 572-9590, aernst@modestofire.com

ACTION: (Madrigal/Zoslocki; 7/0) Resolution 2021-394 approving a proposal from Pierce Manufacturing Inc. to lease with the option to purchase five Velocity Pumpers for a total cost of $3,741,927 and authorizing the City Manager, or his designee to negotiate and execute final Agreements with Pierce Manufacturing Inc.

ACTION: (Madrigal/Zoslocki; 7/0) Resolution 2021-395 approving the lease terms set forth by PNC Equipment Finance and authorizing the City Manager, or his designee to negotiate and execute final Agreements.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:36 P.M.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Two Cases (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) California Superior Court
Case No: CGC-98-999345 and CGC-98-999643, consolidated

Dorado v. City of Modesto
Stanislaus County Superior Court
Case No. 2017930

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

Name of case(s): Brian Root v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ13528336

PUBLIC EMPLOYEE APPOINTMENT
(Pursuant to Section 54957 Government Code)
Title: Interim City Clerk

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – MCEA
Negotiator: Christina Alger
Employee Organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – MCMA
Negotiator: Christina Alger
Employee Organization: Modesto Confidential & Management Association

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – MPOA
Negotiator: Christina Alger
Employee Organization: Modesto Police Officers' Association

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – MPNSA
Negotiator: Christina Alger
Employee Organization: Modesto Police Non-Sworn Association

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

Employee Organization: Modesto Police Management Association

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – MCFFA
Negotiator: Christina Alger
Employee Organization: Modesto City Firefighters Association

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – Unrepresented
Negotiator: Christina Alger
Employee Organization: Unrepresented Management and Confidential Employees

Attest: _____
Dana Sanchez, Assistant City Clerk

*Council Comments amended to include other attendee's Mayor Zwahlen mentioned during her comment.

AMENDED MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, September 28, 2021 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen

Pledge of Allegiance to the Flag

Invocation: Dallas Jackson, Renew Church

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: No reportable action.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. County/Covid-19 update. (Funding Source: Not Applicable)
   CITY MANAGER; Joseph Lopez, 577-5223, joelopez@modestogov.com

   ACTION: Supervisor Grewal presented COVID-19 update.

2. Recognition of service to Charter Review Committee members (Funding Source: Not Applicable)
   CITY MANAGER; Edgar Garcia, 571-5101, edgarcia@modestogov.com

   ACTION: Mayor Zwahlen presented Recognition of Service certificates to Charter Review Committee members.

3. Presentation of Certificate of Achievement for Excellence in Financial Reporting by Government Finance Officers Association of the United States and Canada for the Comprehensive Annual Financial Report for Fiscal Year ending June 30, 2020. (Funding Source: Not Applicable)
   FINANCE; DeAnna Christensen, 577-5387, dachristensen@modestogov.com

   ACTION: City Manager Joe Lopez presented a Certificate of Achievement for Excellence in Financial Reporting by Government Finance Officers Association of the

*Council Comments amended to include other attendee's Mayor Zwahlen mentioned during her comment.

United States and Canada for the Comprehensive Annual Financial Report for Fiscal Year ending June 30, 2020.

4. Presentation of the Popular Annual Financial Reporting Award received by Government Finance Officers Association of the United States and Canada for the Fiscal Year ending June 30, 2020. (Funding Source: Not Applicable)
FINANCE; DeAnna Christensen, 577-5387, dachristensen@modestogov.com

ACTION: City Manager Joe Lopez presented the Popular Annual Financial Reporting Award received by Government Finance Officers Association of the United States and Canada for the Fiscal Year ending June 30, 2020.

PUBLIC COMMENT PERIOD

- Ron Dafford spoke regarding broken sidewalks and claims process,
- Jack Fahy spoke against police brutality, and asked for appropriate training for officers, including resources regarding dealing with mental health issues.
- Kenneth Campbell spoke regarding MyTV26 and funding for local public television.
- Darlene Ruiz spoke regarding having Trevor Seever honored by Modesto City Schools.
- Ramon Rodriguez spoke regarding justice for Alonzo Nunes. Also spoke in favor of Civilian review board

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 5-20: (Kenoyer/Escutia-Braaton;7/0)

CONSENT ITEMS

Consent

5. Consider approving the minutes from the September 14, 2021 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the September 14, 2021 Council Meeting.

CITY CLERK; Dana Sanchez, 577-5396, dasanchez@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Motion approving the minutes from the September 14, 2021 Council Meeting.

Consent

6. Consider approving a resolution authorizing remote teleconference meetings pursuant to Assembly Bill 361. (Funding Source: Not Applicable)
    - Resolution approving authorizing remote teleconference meetings pursuant to Assembly Bill 361.

*Council Comments amended to include other attendee's Mayor Zwahlen mentioned during her comment.

CITY ATTORNEY; Jose Sanchez, 577-5284, jsanchez@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-370 approving authorizing remote teleconference meetings pursuant to Assembly Bill 361.

Consent

7. Consider approving the renewal of a Friendship and Exchange Agreement between the City of Modesto and Laval, France. (Funding Source: Not Applicable)
    - Resolution authorizing the Mayor of the City Of Modesto or her designee to sign an Agreement to renew the Friendship And Exchange Agreement with the City Of Laval, France.

    CITY COUNCIL; Kathy Espinoza, 577-5597, kespinoza1@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-371 authorizing the Mayor of the City of Modesto or her designee to sign an Agreement to renew the Friendship And Exchange Agreement with the City of Laval, France.

Consent

8. Consider approving a First Amendment to the Construction Management Services Agreement with WSP USA Inc. for the State Route 132 West Freeway/Expressway - Phase 1 Project, increasing the Agreement amount by $1,721,080 plus $172,108 additional services, if needed, from $9,870,886 for a total not to exceed amount of $11,764,074. (Funding Source: Regional Measure L, Streets Capital Facility Fees)
    - Resolution approving a First Amendment to the Construction Management Services Agreement with WSP USA Inc. for the State Route 132 West Freeway/Expressway - Phase 1 Project, increasing the Agreement amount by $1,721,080 plus $172,108 additional services, if needed, from $9,870,886 for a total not to exceed amount of $11,764,074, and authorizing the City Manager, or his designee to execute the First Amendment to Agreement.

    CED; Tamorah Bryant, 577-5328, tbryant@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-372 approving a First Amendment to the Construction Management Services Agreement with WSP USA Inc. for the State Route 132 West Freeway/Expressway - Phase 1 Project, increasing the Agreement amount by $1,721,080 plus $172,108 additional services, if needed, from $9,870,886 for a total not to exceed amount of $11,764,074, and authorizing the City Manager, or his designee to execute the First Amendment to Agreement.

Consent

9. Consider approving and adopting Caltrans LAPM Chapter 10: Consultant Selection, and approving and adopting Administrative Directive 3.1, Selection Procedures for Professional Consultants who provide Architectural and Engineering Services for Capital Projects; and authorizing the City Manager, or his designee, to approve amendments to the City's adopted Architectural and Engineering Services Administration and Procurement Policies in consultation with the Federal Highways

*Council Comments amended to include other attendee's Mayor Zwahlen mentioned during her comment.

Administration for future federally funded transportation projects. (Funding Source: Federal and State Funds)

- Resolution approving and adopting Caltrans Local Assistance Procedures Manual Chapter 10: Consultant Selection, and Administrative Directive 3.1, Selection Procedures for Professional Consultants who provide Architectural & Engineering Services for Capital Projects, dated February 10, 2011; and authorizing the City Manager, or his designee, to approve amendments to the City's adopted Architectural & Engineering Services Administration and Procurement Policies in consultation with the Federal Highways Administration for future federally funded transportation projects.

CED; Phillip Soares, 577-5258, psoares@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-373 approving and adopting Caltrans Local Assistance Procedures Manual Chapter 10: Consultant Selection, and Administrative Directive 3.1, Selection Procedures for Professional Consultants who provide Architectural & Engineering Services for Capital Projects, dated February 10, 2011; and authorizing the City Manager, or his designee, to approve amendments to the City's adopted Architectural & Engineering Services Administration and Procurement Policies in consultation with the Federal Highways Administration for future federally funded transportation projects.

Consent

10. Consider approving the plans and specifications for the Paradise Road Pavement Rehabilitation, STPL-5059(219) project, accepting the bid, and awarding a contract to Dirt Dynasty, Inc. of Valley Springs, CA, in the amount of $1,850,337; and authorizing the Director of Utilities to approve change orders up to the cumulative amount of $190,000. (Funding Source: Federal RSTP, Local Measure L Funds)

    - Resolution approving the plans and specifications for the Paradise Road Pavement Rehabilitation, STPL-5059(219) project, accepting the bid, and awarding a contract to Dirt Dynasty, Inc. of Valley Springs, CA, in the amount of $1,850,337 and authorizing the City Manager, or his designee to execute the Agreement.
    - Resolution authorizing the Director of Utilities to approve change orders up to the cumulative amount of $190,000 (10.2% of the original contract price) for the Paradise Road Pavement Rehabilitation, STPL-5059(219) project.

    CED; Phillip Soares, 577-5258, psoares@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-374 approving the plans and specifications for the Paradise Road Pavement Rehabilitation, STPL-5059(219) project, accepting the bid, and awarding a contract to Dirt Dynasty, Inc. of Valley Springs, CA, in the amount of $1,850,337 and authorizing the City Manager, or his designee to execute the Agreement.

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-375 authorizing the Director of Utilities to approve change orders up to the cumulative amount of $190,000 (10.2% of the

*Council Comments amended to include other attendee's Mayor Zwahlen mentioned during her comment.

original contract price) for the Paradise Road Pavement Rehabilitation, STPL-5059(219) project.

Consent

11. Consider accepting an informational report for the August 2021 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the August 2021 Accounts Payable Payment Register and Void report.

    FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Motion accepting an informational report for the August 2021 Accounts Payable Payment Register and Void report.

Consent

12. Consider approving a report detailing City personal property sold, donated, or disposed of during Fiscal Year 2020-21. (Funding Source: Airport Operating, Building Services, General, Green Waste, Fleet Management, Parking, Sewer Operations, Surface Transportation, Water)
    - Motion approving a report detailing all personal property sold, donated, or disposed of during FY 2020-21.

    FINANCE DEPARTMENT; DeAnna Christensen, 577-5387, dachristensen@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Motion approving a report detailing all personal property sold, donated, or disposed of during FY 2020-21.

Consent

13. Consider accepting a report on Fiscal Year 2020-2021 unclaimed funds of $10,526 held in the City's trust for more than three years and authorizing the transfer to the General Fund. (Funding Source: General Fund)
    - Resolution claiming Fiscal Year 2020-2021 unclaimed funds of $10,526 held in the City's Trust Fund for more than three years and authorizing the transfer to the General Fund.

    FINANCE DEPARTMENT; DeAnna Christensen, 577-5387, dachristensen@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-376 claiming Fiscal Year 2020-2021 unclaimed funds of $10,526 held in the City's Trust Fund for more than three years and authorizing the transfer to the General Fund.

Consent

14. Consider accepting the Fiscal Year 2020-21 Write-Off and Adjustments reports through fiscal year-end June 30, 2021 in the total amount of $553,039. (Funding Source: Abatement and Public Nuisance Fund, Airport Operating Fund, Bus Service Fund, Compost Fund, Fleet Management Fund, General Fund, General Fund Fleet

*Council Comments amended to include other attendee's Mayor Zwahlen mentioned during her comment.

Replacement, Green Waste Fund, Solid Waste Fund, Surface Transportation Fund, Water Fund)

- Resolution approving the 2020-2021 Write-Off and Adjustments reports through fiscal year end June 30, 2021 in the total amount of $553,039 and directing a report of disposition to be filed with the City Clerk.

FINANCE DEPARTMENT; DeAnna Christensen, 577-5387, dachristensen@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-377 approving the 2020-2021 Write-Off and Adjustments reports through fiscal year end June 30, 2021 in the total amount of $553,039 and directing a report of disposition to be filed with the City Clerk.

Consent

15. Consider approving the Sole Source Purchase Agreement with Muniquip Inc., Roseville, CA, for Wemco/Hidrostal pump parts and/or electrical components for a two-year Agreement with three one-year extension options, for an estimated annual amount of $16,000, and a total amount not to exceed $80,000 over five-years, and authorizing the Purchasing Manager, or her designee, the ability to add parts based on the Department's needs, ensuring the total amount does not exceed the authorized total. (Funding Source: Sewer and Stormwater Fund)

    - Resolution approving the Sole Source Purchase Agreement with Muniquip Inc., Roseville, CA, for Wemco/Hidrostal pump parts and/or electrical components for a two-year Agreement with three one-year extension options, for an estimated annual amount of $16,000, and a total amount not to exceed $80,000 over five-years and authorizing the Purchasing Manager, or her designee, the ability to add parts based on the Department's needs, ensuring the total amount does not exceed the authorized total, and authorizing the Purchasing Manager or her designee to execute the Agreement.

    FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-378 approving the Sole Source Purchase Agreement with Muniquip Inc., Roseville, CA, for Wemco/Hidrostal pump parts and/or electrical components for a two-year Agreement with three one-year extension options, for an estimated annual amount of $16,000, and a total amount not to exceed $80,000 over five-years and authorizing the Purchasing Manager, or her designee, the ability to add parts based on the Department's needs, ensuring the total amount does not exceed the authorized total, and authorizing the Purchasing Manager or her designee to execute the Agreement.

Consent

16. Consider approving the award of bid and Agreement with West Coast Arborists, Inc., of Anaheim, CA as the primary contractor for the furnishing of On-Call Vegetation Management Services for the Parks, Recreation and Neighborhoods Department for an estimated annual amount of $250,000 and an Agreement with Grover Landscape Services, Inc., of Modesto, CA as the secondary contractor for an estimated annual amount of $25,000, for an estimated combined annual amount of $275,000 and

*Council Comments amended to include other attendee's Mayor Zwahlen mentioned during her comment.

authorizing the Director of Finance, or designee, to adjust the financial amounts between both providers with a total combined amount not to exceed $1,375,000 over five-years. (Funding Source: General Fund, Tuolumne River Regional Park Operations Fund, Golf Fund)

- Resolution approving the award of bid and Agreement with West Coast Arborists, Inc., of Anaheim, CA as the primary contractor for the furnishing of On-Call Vegetation Management Services for the Parks, Recreation and Neighborhoods Department for an estimated annual amount of $250,000 and an Agreement with Grover Landscape Services, Inc., of Modesto, CA as the secondary contractor for an estimated annual amount of $25,000, for an estimated combined annual amount of $275,000 and authorizing the Director of Finance, or designee, to adjust the financial amounts between both providers with a total combined amount not to exceed $1,375,000 over five-years and authorizing the City Manager, or his designee, to execute the Agreements.

PRN; Nathan Houx, 571-5526, nhoux@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-379 approving the award of bid and Agreement with West Coast Arborists, Inc., of Anaheim, CA as the primary contractor for the furnishing of On-Call Vegetation Management Services for the Parks, Recreation and Neighborhoods Department for an estimated annual amount of $250,000 and an Agreement with Grover Landscape Services, Inc., of Modesto, CA as the secondary contractor for an estimated annual amount of $25,000, for an estimated combined annual amount of $275,000 and authorizing the Director of Finance, or designee, to adjust the financial amounts between both providers with a total combined amount not to exceed $1,375,000 over five-years and authorizing the City Manager, or his designee, to execute the Agreements.

Consent

17. Consider approving an Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for On-Call Hydraulic Wastewater Collection System Modeling Support Services for a term of one-year with two one-year extensions options, not to exceed $100,000 per year for a total not to exceed amount of $300,000 over three years. (Funding Source: Various Wastewater Fund Capital Improvement Program Projects)

    - Resolution approving an On-Call Agreement for Hydraulic Wastewater Collection System Modeling Support Services with Carollo Engineers, Inc., Walnut Creek, CA, for one year with two one-year extension options, for an annual cost not to exceed $100,000, and a total cost not to exceed $300,000 over three years, and authorizing the City Manager, or his designee, to execute the Agreement.

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

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-380 approving an On-Call Agreement for Hydraulic Wastewater Collection System Modeling Support Services with Carollo Engineers, Inc., Walnut Creek, CA, for one year with two one-year extension options, for an annual cost not to exceed $100,000, and a total cost not to exceed $300,000 over three years, and authorizing the City Manager, or his designee, to execute the Agreement.

*Council Comments amended to include other attendee's Mayor Zwahlen mentioned during her comment.

Consent

18. Consider approving an Agreement with West Yost Associates, Inc., Pleasanton, CA, for On-Call Hydraulic Water System Modeling Support Services for a term of one year with two one-year extensions options, not to exceed $100,000 per year for a total not to exceed amount of $300,000 over three years. (Funding Source: Various Water Fund Capital Improvement Program Projects)
    - Resolution approving an On-Call Agreement for Hydraulic Water System Modeling Support Services with West Yost Associates, Inc., Pleasanton, CA, for one year with two one-year extension options, for an annual cost not to exceed $100,000, and a total cost not to exceed $300,000 over three years, and authorizing the City Manager, or his designee, to execute the Agreement.

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

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-381 approving an On-Call Agreement for Hydraulic Water System Modeling Support Services with West Yost Associates, Inc., Pleasanton, CA, for one year with two one-year extension options, for an annual cost not to exceed $100,000, and a total cost not to exceed $300,000 over three years, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

19. Consider rejecting the bid for the Plant Structural Improvements Project and authorizing staff to re-advertise the project for bids at a future date. (Funding Source: Wastewater)
    - Resolution rejecting the bid for the Plant Structural Improvements Project and authorizing staff to re-advertise the project for bids at a future date.

    UTILITIES; Cristian Ciotau, 577-5260, cciotau@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) **Resolution 2021-382** rejecting the bid for the Plant Structural Improvements Project and authorizing staff to re-advertise the project for bids at a future date.

Consent

20. Consider accepting the Primary Outfall Sewer Trunk Emergency Repair project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities and releasing payments totaling $12,890 to Rolfe Construction, Inc., Atwater, CA. (Funding Source: Wastewater Fund)
    - Resolution accepting the Primary Outfall Sewer Trunk Emergency Repair as complete, authorizing all necessary steps to file with the County Recorder, releasing securities and authorize payments totaling $12,890 to Rolfe Construction, of Atwater, California.

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

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2021-383 accepting the Primary Outfall Sewer Trunk Emergency Repair as complete, authorizing all necessary steps to file

*Council Comments amended to include other attendee's Mayor Zwahlen mentioned during her comment.

with the County Recorder, releasing securities and authorize payments totaling $12,890 to Rolfe Construction, of Atwater, California.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer complimented the streets crews regarding their action to keep the streets and sidewalks safe.

Councilmember Escutia-Braaton spoke regarding economic vitality of Vintage Faire Mall, and expressed her support for continued success of the mall. Also expressed thanks to the mall for their community services outreach.

Councilmember Ricci spoke regarding City parks and the continued need to find solutions to problems, and the need for safe parking and safe camping.

Councilmember Wright spoke regarding the Graffiti Museum open house this weekend.

*Mayor Zwahlen spoke regarding the Cal Cities Conference she and Councilmembers Escutia-Braaton, Madrigal, and Ricci, as well as City Manager Joe Lopez, and City Attorney Jose Sanchez attended in Sacramento, and recognized two Putnam Award winners at the State convention.

Councilmember Madrigal spoke regarding his advocacy for funding for railroad crossing quiet zones. He also shared that the Mexican Independence Day celebration was a huge success.

CITY MANAGER COMMENTS & REPORTS

None

UNFINISHED BUSINESS

21. Consider approving the continuation of the program to allow the use of autonomous robots, also known as Personal Delivery Devices ("PDD") in the City of Modesto, authorizing the City Manager or designee to issue a PDD Permit to Starship Technologies, Inc. (Funding Source: Not Applicable)
    - Resolution approving the continuation of the program to allow the use of autonomous robots, also known as Personal Delivery Devices "PDD" for delivery devices for delivery of goods from City of Modesto businesses to customers, and issuing a PDD permit to Starship Technologies, Inc. with such terms and conditions as determined necessary by the City Manager.

    CED; Marcus Tucker, 577-5473, mtucker@modestogov.com

ACTION: (Madrigal/Ricci; 7/0) Resolution 2021-384 approving the continuation of the program to allow the use of autonomous robots, also known as Personal Delivery Devices

*Council Comments amended to include other attendee's Mayor Zwahlen mentioned during her comment.

"PDD" for delivery devices for delivery of goods from City of Modesto businesses to customers, and issuing a PDD permit to Starship Technologies, Inc. with such terms and conditions as determined necessary by the City Manager.

22. Consider accepting the 2020 Staffing for Adequate Fire and Emergency Response (SAFER) Grant award in the amount of $4,244,402.16 to fund nine firefighter positions and amending the budget for Fiscal Year 21/22. (Funding Source: Grant and General Fund)
    - Resolution approving the acceptance of the 2020 Staffing for Adequate Fire and Emergency Response (SAFER) Grant, to fund nine firefighter positions, and authorizing the City Manager, or his designee, to execute all grant related documents.
    - Resolution amending the Fiscal Year 2021-22 Operating Budget to increase the 2020 FEMA SAFER grant in the Fire Department in the amount of $767,864 for grant revenue and salaries and benefits; and establishing a transfer from the General Fund to the 2020 FEMA SAFER grant in the amount of $117,927 for hiring costs, personal protective equipment costs, contractual cash outs that are not covered by the grant for a total of $885,791 for year one of the grant.
    - Resolution amending the position allocation for FY 21-22 as adopted in the Operating budget.

    FIRE DEPARTMENT; Alan Ernst, 572-9590, aernst@modestofire.com

ACTION: (Wright/Madrigal; 7/0) Resolution 2021-385 approving the acceptance of the 2020 Staffing for Adequate Fire and Emergency Response (SAFER) Grant, to fund nine firefighter positions, and authorizing the City Manager, or his designee, to execute all grant related documents.

ACTION: (Wright/Madrigal; 7/0) Resolution 2021-386 amending the Fiscal Year 2021-22 Operating Budget to increase the 2020 FEMA SAFER grant in the Fire Department in the amount of $767,864 for grant revenue and salaries and benefits; and establishing a transfer from the General Fund to the 2020 FEMA SAFER grant in the amount of $117,927 for hiring costs, personal protective equipment costs, contractual cash outs that are not covered by the grant for a total of $885,791 for year one of the grant.

ACTION: (Wright/Madrigal; 7/0) Resolution 2021-387 amending the position allocation for FY 21-22 as adopted in the Operating budget.

HEARINGS

Published in the Modesto Bee on September 8, 2021

23. Hearing to consider approving the Program Year 2020-2021 Consolidated Annual Performance Evaluation Report (CAPER). (Funding Source: Community Development Block Grant, Emergency Solutions Grant Community Development Block Grant - CV, Emergency Solutions Grant - CV and HOME Investment Partnerships funds)

*Council Comments amended to include other attendee's Mayor Zwahlen mentioned during her comment.

- Resolution approving the City of Modesto's Consolidated Annual Performance Evaluation Report for Program Year 2020-2021 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.

CED; Jessica Hill, 577-5321, jhill@modestogov.com

ACTION: (Wright/Ricci; 7/0) Resolution 2021-388 approving the City of Modesto's Consolidated Annual Performance Evaluation Report for Program Year 2020-2021 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.

NEW BUSINESS

24. Consider appointing members to the Citizens' Districting Commission. (Funding Source: Not Applicable)
    - Resolution appointing members to the Citizens' Districting Commission.

    CITY ATTORNEY; Jose Sanchez, 577-5284, jsanchez@modestogov.com

ACTION: (Wright/Madrigal; 7/0) Resolution 2021-389 appointing members to the Citizens' Districting Commission **as amended.**

25. Consider authorizing the City to have the State administer the State of California's Rental Assistance Program- 1 Reservation for the City of Modesto in the approximate amount of $7.6M, the City to have the State administer the direct Federal Allocation-2 to the City of Modesto in approximate amount of $5.0M, authorizing the City to have the State administer the State of California's Rental Assistance Program- 2 Reservation of approximately $6.1M and amend the Fiscal Year 2021-2022 multi-year budget. (Funding Source: Emergency Rental Assistance Program)
    - Resolution authorizing the City to have the State the administer the State of California's Rental Assistance Program- 1 Reservation for the City of Modesto in the approximate amount of $7.6M, the City to have the State administer the direct Federal Allocation-2 to the City of Modesto in approximate amount of $5.0M, authorizing the City to have the State the administer the State of California's Rental Assistance Program- 2 Reservation of approximately $6.1M and authorizing the City Manager or his designee to execute the Agreements.
    - Resolution authorizing the City to have the State administer the Emergency Rental Assistance Program (ERAP-1) Block Grant award for the City of Modesto in the amount of $7.6M and rescind Resolution 2021-072.
    - Resolution of the City Council of City of Modesto authorizing participation in the State Rental Assistance Program- Round 2
    - Resolution amending the Fiscal Year 2021-2022 Multi-Year fund budget, reducing the allocation of Consolidated Appropriations Act of 2021 funds from the US Department of Treasury and reducing the allocation of COVID-19 Tenant Relief Act -SB91 funds from the State of California, approving the reduction of these funds into multi-year operating projects with appropriate

*Council Comments amended to include other attendee's Mayor Zwahlen mentioned during her comment.

revenue and expenditure allocations, authorizing the City Manager, or his designee, is authorized to return the Federal ERA #2 funding received on May 24, 2021, in an amount of $2,025,022, to the U.S. Treasury and authorizing the City Manager or his designee, to take the necessary steps to implement the provisions of this resolution.

CITY CLERK; Jessica Hill, 577-5321, jhill@modestogov.com

ACTION: (Wright/Zwahlen; 7/0) Resolution 2021-390 authorizing the City to have the State the administer the State of California's Rental Assistance Program- 1 Reservation for the City of Modesto in the approximate amount of $7.6M, the City to have the State administer the direct Federal Allocation-2 to the City of Modesto in approximate amount of $5.0M, authorizing the City to have the State the administer the State of California's Rental Assistance Program- 2 Reservation of approximately $6.1M and authorizing the City Manager or his designee to execute the Agreements.

ACTION: (Wright/Ricci; 7/0) Resolution 2021-391 authorizing the City to have the State administer the Emergency Rental Assistance Program (ERAP-1) Block Grant award for the City of Modesto in the amount of $7.6M and rescind Resolution 2021-072.

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2021-392 of the City Council of City of Modesto authorizing participation in the State Rental Assistance Program- Round 2

ACTION: (Escutia-Braaton/Kenoyer; 7/0) Resolution 2021-393 amending the Fiscal Year 2021-2022 Multi-Year fund budget, reducing the allocation of Consolidated Appropriations Act of 2021 funds from the US Department of Treasury and reducing the allocation of COVID-19 Tenant Relief Act -SB91 funds from the State of California, approving the reduction of these funds into multi-year operating projects with appropriate revenue and expenditure allocations, authorizing the City Manager, or his designee, is authorized to return the Federal ERA #2 funding received on May 24, 2021, in an amount of $2,025,022, to the U.S. Treasury and authorizing the City Manager or his designee, to take the necessary steps to implement the provisions of this resolution.

26. Consider approving a proposal from Pierce Manufacturing Inc. to lease with the option to purchase five Velocity Pumpers for a total cost of $3,741,927, approving the lease terms set forth by PNC Equipment Finance, and authorizing the City Manager to negotiate and execute final Agreements with Pierce Manufacturing Inc. and PNC Equipment Finance. (Funding Source: General Fund)
    - Resolution approving a proposal from Pierce Manufacturing Inc. to lease with the option to purchase five Velocity Pumpers for a total cost of $3,741,927 and authorizing the City Manager, or his designee to negotiate and execute final Agreements with Pierce Manufacturing Inc.
    - Resolution approving the lease terms set forth by PNC Equipment Finance and authorizing the City Manager, or his designee to negotiate and execute final Agreements.

    FIRE DEPARTMENT; Alan Ernst, 572-9590, aernst@modestofire.com

*Council Comments amended to include other attendee's Mayor Zwahlen mentioned during her comment.

ACTION: (Madrigal/Zoslocki; 7/0) Resolution 2021-394 approving a proposal from Pierce Manufacturing Inc. to lease with the option to purchase five Velocity Pumpers for a total cost of $3,741,927 and authorizing the City Manager, or his designee to negotiate and execute final Agreements with Pierce Manufacturing Inc.

ACTION: (Madrigal/Zoslocki; 7/0) Resolution 2021-395 approving the lease terms set forth by PNC Equipment Finance and authorizing the City Manager, or his designee to negotiate and execute final Agreements.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:36 P.M.

CLOSED SESSION

*Council Comments amended to include other attendee's Mayor Zwahlen mentioned during her comment.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Two Cases (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) California Superior Court
Case No: CGC-98-999345 and CGC-98-999643, consolidated

Dorado v. City of Modesto
Stanislaus County Superior Court
Case No. 2017930

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

Name of case(s): Brian Root v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ13528336

PUBLIC EMPLOYEE APPOINTMENT
(Pursuant to Section 54957 Government Code)
Title: Interim City Clerk

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – MCEA
Negotiator: Christina Alger
Employee Organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – MCMA
Negotiator: Christina Alger
Employee Organization: Modesto Confidential & Management Association

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – MPOA
Negotiator: Christina Alger
Employee Organization: Modesto Police Officers' Association

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – MPNSA
Negotiator: Christina Alger
Employee Organization: Modesto Police Non-Sworn Association

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

*Council Comments amended to include other attendee's Mayor Zwahlen mentioned during her comment.

Negotiator: Christina Alger
Employee Organization: Modesto Police Management Association

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – MCFFA
Negotiator: Christina Alger
Employee Organization: Modesto City Firefighters Association

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – Unrepresented
Negotiator: Christina Alger
Employee Organization: Unrepresented Management and Confidential Employees

Attest: _____
Dana Sanchez, Interim City Clerk

MINUTES

City of Modesto

ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP

(Held Via Teleconference)

Monday, October 04, 2021 at 5:30 PM

Roll Call: Present: Mayor Zwahlen, Councilmembers Madrigal and Ricci
Absent: None
Also Present: Councilmember Escutia-Braaton

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: 1-3

CONSENT

Consent

1. Consider approving an Amendment to the Construction Zone Enhanced Enforcement Program (COZEEP) Agreement No. 19R465000 with the State of California, Department of Highway Patrol for the State Route 132 West Freeway/Expressway Phase 1 Project, increasing the Agreement amount by $110,848, from $331,486 for a total not to exceed amount of $442,334, and forwarding to Council for approval. (Funding Source: Regional Measure L)
   CED; Tamorah Bryant, 577-5328, tbryant@modestogov.com

ACTION: (Madrigal/Zwahlen; 3/0) Motion to approve an Amendment to the Construction Zone Enhanced Enforcement Program (COZEEP) Agreement No. 19R465000 with the State of California, Department of Highway Patrol for the State Route 132 West Freeway/Expressway Phase 1 Project, increasing the Agreement amount by $110,848, from $331,486 for a total not to exceed amount of $442,334, and forwarding to Council for approval.

Consent

2. Consider approving a Purchase Order for a John Deere Tractor with Deere & Company, Cary, NC, by utilizing the competitive bidding process from Sourcewell (formerly National Joint Powers Alliance) and a Sole Source Purchase with Evergreen Irrigation Inc., Stayton, OR, for a Windrow Turner for Public Works Department for a total amount not to exceed $646,076 and forwarding to Council for approval. (Funding Source: Fleet Replacement Fund)
   FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com

ACTION: (Madrigal/Zwahlen; 3/0) Motion to approve a Purchase Order for a John Deere Tractor with Deere & Company, Cary, NC, by utilizing the competitive bidding process from Sourcewell (formerly National Joint Powers Alliance) and a Sole Source Purchase with Evergreen Irrigation Inc., Stayton, OR, for a Windrow Turner for Public Works Department for a total amount not to exceed $646,076 and forwarding to Council for approval.

Consent

3. Consider approving the award of bid for the Purchase and Delivery of Chemicals for Wastewater Treatment to NorthStar Chemical, Modesto, CA and Univar Solutions, Kent, WA for an estimated annual amount of $275,054, and authorizing the Director of Finance, or designee, to adjust the financial amounts between both providers for a total amount not to exceed $ 1,778,003 over five years, and amending the Fiscal Year 2021-22 Wastewater operating budget in the amount of $118,054 and forwarding to Council for approval. (Funding Source: Wastewater Fund and Reserves)
   UTILITIES; Ben Koehler, 342-4502, bkoehler@modestogov.com

ACTION: (Madrigal/Zwahlen; 3/0) Motion to approve the award of bid for the Purchase and Delivery of Chemicals for Wastewater Treatment to NorthStar Chemical, Modesto, CA and Univar Solutions, Kent, WA for an estimated annual amount of $275,054, and authorizing the Director of Finance, or designee, to adjust the financial amounts between both providers for a total amount not to exceed $ 1,778,003 over five years, and amending the Fiscal Year 2021-22 Wastewater operating budget in the amount of $118,054 and forwarding to Council for approval.

UNFINISHED BUSINESS

4. Consider revising the Downtown Parklet Program and forwarding to Council for approval. (Funding Source: Not Applicable)
   CED; Marcus Tucker, 577-5473, mtucker@modestogov.com

ACTION: (Ricci/Zwahlen; 3/0) Motion to approve to revise the Downtown Parklet Program and forwarding to Council for approval.

NEW BUSINESS

5. Consider accepting a report on upcoming Capital Improvement Program Projects planned for bidding and construction and forwarding to Council for approval. (Funding Source: Various CIPs)
   UTILITIES; Jesse Franco, 571-5175, jfranco@modestogov.com

ACTION: (Ricci/Madrigal; 3/0) Motion to approve a report on upcoming Capital Improvement Program Projects planned for bidding and construction and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:57 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, October 05, 2021 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer (arrived at 5:40 p.m.), Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen

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

Mayor Zwahlen reported on Closed Session matters: Regarding the appointment for Interim City Clerk, the Council voted unanimously to appoint Assistant City Clerk, Dana Sanchez to serve as Interim City Clerk, effective October 6, 2021, while the City conducts a recruitment for the City Clerk position.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation proclaiming October 2021 Children's Environmental Health Month in the City of Modesto (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

   ACTION: Mayor Zwahlen presented Proclamation to Mechelle Perea-Ryan from California Alliance of Nurses for Healthy Environments, proclaiming October 2021 as Children's Environmental Health Month in the City of Modesto

2. Proclamation recognizing Hispanic Heritage Month September 15-October 15, 2021 (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

   ACTION: Mayor Zwahlen presented Proclamation to Aaron Anguiano proclaiming September 15, 2021 - October 15, 2021 as Hispanic Heritage Month.

3. 2021 Helen Putnam Award for Excellence for Community Services and Economic Development presented by Stephen R. Qualls, Regional Public Affairs Manager,

Central Valley Division of the League of California Cities to the City of Modesto (Funding Source: Not Applicable)
PRN; Diane Sheatsley, 577-5418, dsheatsley@modestogov.com

ACTION: Mayor Zwahlen and Laurie Smith acknowledged Chris Guptill and Darin Jesberg, and all the park volunteers for their contributions and community service to the City, and a formal presentation of the 2021 Helen Putnam Award for Excellence for Community Services and Economic Development presented by Stephen R. Qualls, Regional Public Affairs Manager, Central Valley Division of the League of California Cities to the City of Modesto.

PUBLIC COMMENT PERIOD

- Kimberly Alston spoke regarding racism and difficulties she has faced, and not being able to find safe affordable housing.

- Tim Robertson spoke regarding commuting, quality of life, and the cost of living in Modesto. He also spoke in support of a local hire policy.

- Dean Fadeff spoke regarding the necessity for commuting, and asked for a local hire Ordinance.

- Johnathan Jones spoke in support of the need for a local hire policy.

- Kevin McClarty spoke regarding jay walking problems and asked the City to apply for grants to focus on the issue.

- Corey Van Rys spoke in support of the need for local hire policy.

- Luis Montalbo spoke in support of the need for local hire policy.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 4-10: (Zoslocki/Madrigal; 7/0)
Item 4 – *Minutes as amended under Council Comments.

CONSENT ITEMS

Consent

4. Consider approving the minutes from the September 28, 2021 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the September 28, 2021 Council Meeting, (as amended).

CITY CLERK; Dana Sanchez, 577-5396, dasanchez@modestogov.com

ACTION: (Zoslocki/Madrigal; 7/0) Motion approving the minutes from the September 28, 2021 Council Meeting **(as amended).**

Consent

5. Consider approving an Agricultural Mitigation/Swainson's Hawks' Habitat Mitigation Agreement between the City of Modesto and the Developers of the Woodglen Specific Plan, which includes the establishment of a permanent agricultural easement of 73.68 acres of land at the City's Jennings Road Treatment Plant. (Funding Source: Not Applicable)
    - Resolution approving an Agricultural Mitigation/Swainson's Hawks' Habitat Mitigation Agreement between the City of Modesto, and Fitzpatrick Land Development LLC and Modesto Roselle LLC, pertaining to the Woodglen Development, and authorizing the City Manager, or his designee, to execute the Agreement.

    CED; Steve Mitchell, 577-5267, smitchell@modestogov.com

ACTION: (Zoslocki/Madrigal; 7/0) Resolution 2021-396 approving an Agricultural Mitigation/Swainson's Hawks' Habitat Mitigation Agreement between the City of Modesto, and Fitzpatrick Land Development LLC and Modesto Roselle LLC, pertaining to the Woodglen Development, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

6. Consider approving a First Amendment to the contracts for Professional Assistance for Plan Review and Inspection Services with Interwest Consulting Group and 4-Leaf Inc. to increase the annual estimated amount of each contract by $347,000 from $53,000 to $400,000 for the third year with a total amount not to exceed $612,000 per contract over five years. (Funding Source: Building Permit Fees/General Fund)
    - Resolution approving a First Amendment to the contracts for Professional Assistance for Plan Review and Inspection Services with Interwest Consulting Group and 4-Leaf Inc. to increase the annual estimated amount of each contract by $347,000 from $53,000 to $400,000 for the third year with a total amount not to exceed $612,000 per contract over five years; and authorizing the City Manager or his designee to execute the amendments.

    CED; Oscar Diaz, 571-5885, odiaz@modestogov.com

ACTION: (Zoslocki/Madrigal; 7/0) Resolution 2021-397 approving a First Amendment to the contracts for Professional Assistance for Plan Review and Inspection Services with Interwest Consulting Group and 4-Leaf Inc. to increase the annual estimated amount of each contract by $347,000 from $53,000 to $400,000 for the third year with a total amount not to exceed $612,000 per contract over five years; and authorizing the City Manager or his designee to execute the amendments.

Consent

7. Consider accepting the Monthly Investment Report for July 2021. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for July 2021.

    FINANCE DEPARTMENT; Calogero Maniscalco, 577-5219, cmaniscalco@modestogov.com

ACTION: (Zoslocki/Madrigal; 7/0) Motion accepting the Monthly Investment Report for July 2021.

Consent

8. Consider approving a Memorandum of Understanding between the City of Modesto and Del Rio CC Foundation to administer the First Tee Program. (Funding Source: Golf Fund)
    - Resolution approving a Memorandum of Understanding between the City of Modesto and Del Rio CC Foundation to administer the First Tee Program and authorizing the City Manager, or his designee, to execute the Memorandum of Understanding.

    PRN; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: (Zoslocki/Madrigal; 7/0) Resolution 2021-398 approving a Memorandum of Understanding between the City of Modesto and Del Rio CC Foundation to administer the First Tee Program and authorizing the City Manager, or his designee, to execute the Memorandum of Understanding.

Consent

9. Consider approving a Third Amendment to the Agreement with Brown and Caldwell, Inc., Rancho Cordova, CA, for Design and Construction Services for Replacement Well 226 (71) in the amount of $147,429 for the identified scope of services for an amended total cost not to exceed $499,361 and amending the Fiscal Year 2021-22 Capital Improvement Project Program Budget in the amount of $499,361. (Funding Source: Water Fund)
    - Resolution approving a Third Amendment to the Agreement with Brown and Caldwell, Inc., Rancho Cordova, CA, for Design and Construction Services for Replacement Well 226 (71) in the amount of $147,429 for the identified scope of services, for a total cost not to exceed $499,361 and authorizing the City Manager, or his designee, to execute the Third Amendment to the Agreement.
    - Resolution amending the Fiscal Year 2021-22 Capital Improvement Program Budget in the amount of $499,361 in order to fund the Well 71 Surface Improvement 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: (Zoslocki/Madrigal; 7/0) Resolution 2021-399 approving a Third Amendment to the Agreement with Brown and Caldwell, Inc., Rancho Cordova, CA, for Design and Construction Services for Replacement Well 226 (71) in the amount of $147,429 for the

identified scope of services, for a total cost not to exceed $499,361 and authorizing the City Manager, or his designee, to execute the Third Amendment to the Agreement.

ACTION: (Zoslocki/Madrigal; 7/0) Resolution 2021-400 amending the Fiscal Year 2021-22 Capital Improvement Program Budget in the amount of $499,361 in order to fund the Well 71 Surface Improvement Project, and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

Consent

10. Consider approving an Agreement with Arrow Construction, of Manteca, CA, for Subsurface Exploration (Potholing) Services for the Tivoli Lift Station and Sanitary Sewer Main Extension Project in the amount of $156,070 for the identified scope of services, plus $15,607 in additional services, if needed, for a total not to exceed amount of $171,677. (Funding Source: Wastewater Fund)
    - Resolution approving an Agreement with Arrow Construction, of Manteca, CA, for Subsurface Exploration (Potholing) Services for the Tivoli Lift Station and Sanitary Sewer Main Extension Project in the amount of $156,070 for the identified scope of services, plus $15,607 in additional services, if needed, for a total amount not to exceed $171,677 and authorizing the City Manager, or his designee, to execute the Agreement.

    UTILITIES; Cristian Ciotau, 577-5260, cciotau@modestogov.com

ACTION: (Zoslocki/Madrigal; 7/0) Resolution 2021-401 approving an Agreement with Arrow Construction, of Manteca, CA, for Subsurface Exploration (Potholing) Services for the Tivoli Lift Station and Sanitary Sewer Main Extension Project in the amount of $156,070 for the identified scope of services, plus $15,607 in additional services, if needed, for a total amount not to exceed $171,677 and authorizing the City Manager, or his designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

Councilmember Wright spoke regarding the great turnout for the Graffiti Museum Open House. He also spoke regarding The Awesome Spot project and future groundbreaking ceremony in Spring of next year.

Councilmember Zoslocki spoke in support of a Local Hire Ordinance for the City. He also spoke regarding the need for a commuter train for those that do need to commute.

Councilmember Kenoyer spoke regarding her and Councilmember Madrigal's upcoming trip to Laval, France to participate in the signing of the Friendship Agreement.

Councilmember Madrigal thanked the public speakers that spoke in favor of a affordable housing and local hire ordinance, and echoed the need as well. He wants the City to send a message that we are committed to creating jobs for people that live here. He also invited the Council and public to an outdoor community mixer at the flea market on Crowslanding Road.

Councilmember Ricci spoke regarding planning opportunities for investing in the future of Modesto with Federal Funds. His hope is for the City to create infrastructure and ideas to set the City up for a successful future. He expressed his desire to create plans for jobs for the future, to create new opportunities for housing, to make investments in our homeless infrastructure, to protect our environment for future generations, and to increase tourism economy with destination creations. He also expressed continued concerns for urban forestry, emergency homeless sights, and the need to innovate and act to help the community. He also spoke in support of Modesto Neighborhoods, Inc.

CITY MANAGER COMMENTS & REPORTS

None

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 6:35 P.M.

CLOSED SESSION

PUBLIC EMPLOYEE APPOINTMENT
(Pursuant to Section 54957 Government Code)
Title: Interim City Clerk

Attest:_____
Dana Sanchez, Interim City Clerk

MINUTES

City of Modesto
SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP
(Held Via Teleconference)

Monday, October 11, 2021 at 5:00 PM

Roll Call - Present: Councilmembers Ricci, Mayor Zwahlen, Escutia-Braaton (Alternate)
Absent: Councilmember Kenoyer

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

1. Consider approving the Sole Source Purchase of LifePak 15 Monitors from Stryker Medical, Chicago, IL for a total cost not to exceed $212,210, and forwarding to Council for approval. (Funding Source: American Rescue Plan Act - Emergency Medical Service Equipment Program- Project 101345)
FIRE DEPARTMENT; Tim Tietjen, 209-572-9590, ttietjen@modestofire.com

   ACTION: (Zwahlen/Escutia-Braaton; 3/0) Motion to approve the Sole Source Purchase of LifePak 15 Monitors from Stryker Medical, Chicago, IL for a total cost not to exceed $212,210, and forwarding to Council for approval.

NEW BUSINESS

2. Consider approving a Service Agreement with Fire Recovery USA to recover insurance mitigation rates from Emergency Services for a one-year term, with a one-year extension option rendered by the Modesto Fire Department and forwarding to Council for approval. (Funding Source: General Fund)
FIRE DEPARTMENT; Tim Tietjen, 209-572-9590, ttietjen@modestofire.com

   ACTION: (Zwahlen/Escutia-Braaton; 3/0) Motion to approve a Service Agreement with Fire Recovery USA to recover insurance mitigation rates from Emergency Services for a one-year term, with a one-year extension option rendered by the Modesto Fire Department and forwarding to Council for approval.

3. Consider approving a Service Agreement with Wittman Enterprises, LLC for a one-year term, with a one-year extension option for the implementation of a First

Responder Fee for Pre-Hospital Emergency Medical Services rendered by the Modesto Fire Department and forward to Council for approval. (Funding Source: Not Applicable)
FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

ACTION: (Escutia-Braaton/Zwahlen; 3/0) Motion to approve a Service Agreement with Wittman Enterprises, LLC for a one-year term, with a one-year extension option for the implementation of a First Responder Fee for Pre-Hospital Emergency Medical Services rendered by the Modesto Fire Department and forward to Council for approval.

4. Consider approving the purchase of an ambulance for the Modesto Fire Department utilizing the competitive bidding process from Houston-Galveston Area Council (HGAC) with Frazer, Ltd, Houston, TX, for a cost not to exceed $313,281 and forwarding to Council for approval. (Funding Source: ARPA Spending Plan-Emergency Medical Service Equipment Program- Project 101345)
FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

ACTION: (Zwahlen/Escutia-Braaton; 3/0) Motion to approve the purchase of an ambulance for the Modesto Fire Department utilizing the competitive bidding process from Houston-Galveston Area Council (HGAC) with Frazer, Ltd, Houston, TX, for a cost not to exceed $313,281 and forwarding to Council for approval.

5. Cadet/Park Ranger Pilot Program (Funding Source: Not Applicable)
MPD; Brandon Gillespie, 209-572-9501, GillespieB@Modestopd.com

ACTION: (Zwahlen/Escutia-Braaton; 3/0) Motion made to support and approve staff bringing an item to Council with a Pilot Program to provide Park Rangers in City Parks.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:44 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 12, 2021 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal (arrived at 5:32 p.m.), Ricci, Wright, Zoslocki, Mayor Zwahlen

Pledge of Allegiance to the Flag

Invocation: Mark Krieger, Modesto Covenant Church

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: No reportable action

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. County/Covid-19 update. (Funding Source: Not Applicable)
   CITY MANAGER; Joseph Lopez, 209-577-5223, joelopez@modestogov.com

   ACTION: Supervisor Grewal presented COVID-19 update.

2. Presentation and Proclamation for National Friends of Libraries Week by Friends of the Modesto Library (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

   ACTION: Mayor Zwahlen presented proclamation declaring October 17th - 23rd, 2021 as Friends of Libraries Week in Modesto, CA.

PUBLIC COMMENT PERIOD

- Ron DeLoach spoke regarding delays of several West Modesto projects. He also requested getting the sign changed from Mellis Park to Martin Luther King Park. He also spoke regarding getting a financial institution in West Modesto. He also spoke regarding the Municipal Golf Course, and the Tuolumne River Trust Program delays.

- Kenneth Campbell spoke regarding funding for MyTV26. He also inquired as to City involvement with the television station.

- Kevin McClarty spoke regarding jay walking issues, and striping on the roads. He also spoke regarding homeless encampments along the side of roads.

- Ramon Rodriguez spoke regarding turning the Municipal Golf Course into a public park for West Modesto.

- Darlene Ruiz spoke regarding the death of Trevor Seever, and asked for an independent police auditor. She also requested December 29th be dedicated as Trevor Seever day.

- Ray Ruiz spoke regarding the importance of having an independent police auditor.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 3-12: (Wright/Escutia-Braaton; 7/0)

CONSENT ITEMS

Consent

3. Consider approving the minutes from the October 5, 2021 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the October 5, 2021 Council Meeting.

    CITY CLERK; Dana Sanchez, 209-577-5396, dasanchez@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Motion approving the minutes from the October 5, 2021 Council Meeting.

Consent

4. Consider approving the recommended budget adjustments to Fiscal Year 2021-22 Annual Operating and Capital Improvement Program Budgets. (Funding Source: Various Funds)
    - Resolution amending the Fiscal Year 2021-22 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager, to take the necessary steps to implement the provisions of this resolution.

    BUDGET; Steve Christensen, 209-577-5390, schristensen@modestgov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2021-402 amending the Fiscal Year 2021-22 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager, to take the necessary steps to implement the provisions of this resolution.

Consent

5. Consider approving an Amendment to the Construction Zone Enhanced Enforcement Program (COZEEP) Agreement No. 19R465000 with the State of California, Department of Highway Patrol for the State Route 132 West Freeway/Expressway Phase 1 Project, increasing the Agreement amount by $110,848, from $331,486 for a total not to exceed amount of $442,334. (Funding Source: Regional Measure L)

- Resolution approving an Amendment to the Construction Zone Enhanced Enforcement Program (COZEEP) Agreement No. 19R465000 with the State of California, Department of Highway Patrol for the State Route 132 West Freeway/Expressway Phase 1 Project, increasing the Agreement amount by $110,848, from $331,486 for a total not to exceed amount of $442,334, and authorizing the City Manager, or his designee to execute the first Amendment.

CED; Tamorah Bryant, 209-577-5328, tbryant@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2021-403 approving an Amendment to the Construction Zone Enhanced Enforcement Program (COZEEP) Agreement No. 19R465000 with the State of California, Department of Highway Patrol for the State Route 132 West Freeway/Expressway Phase 1 Project, increasing the Agreement amount by $110,848, from $331,486 for a total not to exceed amount of $442,334, and authorizing the City Manager, or his designee to execute the first Amendment.

Consent

6. Consider approving a First Amendment to an Agreement with Moss Adams to evaluate the organizational and fiscal efficiency of the City's Engineering Services, increasing the Agreement amount by $40,000 from $45,000 to a total of $85,000. (Funding Source: Various Funds)

    - Resolution approving a First Amendment to an Agreement with Moss Adams to evaluate the organization and fiscal efficiency of the City's Engineering Services, increasing the Agreement amount by $40,000 from $45,000 to a total of $85,000, and authorizing the City Manager to negotiate and enter into the Amendment.

    CITY MANAGER; Edgar Garcia, 209-571-5101, edgarcia@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2021-404 approving a First Amendment to an Agreement with Moss Adams to evaluate the organization and fiscal efficiency of the City's Engineering Services, increasing the Agreement amount by $40,000 from $45,000 to a total of $85,000, and authorizing the City Manager to negotiate and enter into the Amendment.

Consent

7. Consider approving a Purchase Agreement for an Updated Security Access System Migration and three year Agreement for Preventative Maintenance and Service with Johnson Controls, San Leandro CA, by utilizing the competitive bidding process with Sourcewell previously known as National Joint Powers Alliance (NJPA), for Facility Security Equipment, Systems, and Services with related equipment and supplies for a total amount not to exceed $215,884. (Funding Source: Supplemental Law Enforcement Services Fund)

    - Resolution approving a Purchase Agreement for an Updated Security Access System Migration and Agreement for three years of Preventative Maintenance and Service with Johnson Controls, San Leandro CA, by utilizing the competitive bidding process with Sourcewell previously known as National Joint Powers Alliance (NJPA), for Facility Security Equipment, Systems, and

Services with related equipment and supplies for a total amount not to exceed $215,884, and authorizing the Purchasing Manager, or her designee, to execute the Agreement.

FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2021-405 approving a Purchase Agreement for an Updated Security Access System Migration and Agreement for three years of Preventative Maintenance and Service with Johnson Controls, San Leandro CA, by utilizing the competitive bidding process with Sourcewell previously known as National Joint Powers Alliance (NJPA), for Facility Security Equipment, Systems, and Services with related equipment and supplies for a total amount not to exceed $215,884, and authorizing the Purchasing Manager, or her designee, to execute the Agreement.

Consent

8. Consider approving compensation to employees for contributions paid through furloughs and payroll deductions for the Fiscal Year 2020-21 to assist in balancing the budget due to the pandemic in the amount equal to twelve pay periods of reductions and amending the Fiscal Year 2021-22 operating budget to increase various expenditure budgets across multiple funds in the total amount of $1,293,218 to account for the compensation due to furloughs and the Modesto City Fire Fighters Association (MCFFA) concessions that were enacted as part of the Fiscal Year 2020-21 budget adoption. (Funding Source: Various Sources)
    - Resolution approving compensation to employees for furlough and payroll deductions related to concession bargaining during Fiscal Year 2020-21 in the amount equal to twelve pay periods and authorizing the City Manager or his designee to take the necessary administrative action to implement the transactions.
    - Resolution amending the Fiscal Year 2021-22 operating budget to increase various expenditure budgets across multiple funds in the total amount of $1,293,218 to account for the compensation due to furloughs and the Modesto City Fire Fighters Association (MCFFA) concessions that were enacted as part of the Fiscal Year 2020-21 budget adoption.

HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2021-406 approving compensation to employees for furlough and payroll deductions related to concession bargaining during Fiscal Year 2020-21 in the amount equal to twelve pay periods and authorizing the City Manager or his designee to take the necessary administrative action to implement the transactions.

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2021-407 amending the Fiscal Year 2021-22 operating budget to increase various expenditure budgets across multiple funds in the total amount of $1,293,218 to account for the compensation due to furloughs and the Modesto City Fire Fighters Association (MCFFA) concessions that were enacted as part of the Fiscal Year 2020-21 budget adoption.

Consent

9. Consider approving the Second Amendment to the Master Agreement, increasing the Agreement amount with E-Z-GO Division of Textron Inc, by $79,224 from $298,399 to a new total not to exceed amount of $377,623, to extend the Dryden Golf Cart lease for two more years from September 1, 2021 to August 31, 2023. (Funding Source: Golf Enterprise Fund)
    - Resolution approving the Second Amendment to the Master Agreement, increasing the Agreement amount with E-Z-GO Division of Textron Inc, by $79,224 from $298,399 to a new total not to exceed amount of $377,623, to extend the Dryden Golf Cart lease for two more years from September 1, 2021 to August 31, 2023, and authorizing the City Manager, or his designee, to execute the Second Amendment to the Master Agreement.

    PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2021-408 approving the Second Amendment to the Master Agreement, increasing the Agreement amount with E-Z-GO Division of Textron Inc, by $79,224 from $298,399 to a new total not to exceed amount of $377,623, to extend the Dryden Golf Cart lease for two more years from September 1, 2021 to August 31, 2023, and authorizing the City Manager, or his designee, to execute the Second Amendment to the Master Agreement.

Consent

10. Consider approving the Second Amendment increasing the Agreement amount with Dan Ely Backflow Services, Turlock, CA for Backflow Prevention Testing Services by $3,600 from $62,000 to a new total amount of $65,600, and extending the term of the Agreement from November 13, 2021 to April 30, 2022. (Funding Source: General Fund, Airport and Centre Plaza Funds)
    - Resolution approving the Second Amendment increasing the Agreement amount with Dan Ely Backflow Services, Turlock, CA for Backflow Prevention Testing Services by $3,600 from $62,000 to a new total amount of $65,600, and extending the term of the Agreement from November 13, 2021 to April 30, 2022, and authorizing the Purchasing Manager, or her designee, to execute the Second Amendment to this Agreement.

    PRN; Kelly Gallagher, 209-342-2270, kgallagher@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2021-409 approving the Second Amendment increasing the Agreement amount with Dan Ely Backflow Services, Turlock, CA for Backflow Prevention Testing Services by $3,600 from $62,000 to a new total amount of $65,600, and extending the term of the Agreement from November 13, 2021 to April 30, 2022, and authorizing the Purchasing Manager, or her designee, to execute the Second Amendment to this Agreement.

Consent

11. Consider accepting the plans and specifications for the 2018-2019 Sewer Replacement Project and awarding a Construction Contract with Rolfe Construction Company Inc, of Atwater, CA, in the amount of $383,116 plus $57,468 for contingency, for a total amount not to exceed $440,584; and authorizing an increase in the Director's Authority

from 10% ($38,312) to 15% ($57,468) of the construction contract price of $383,116 to issue change orders. (Funding Source: Wastewater Fund)

- Resolution approving plans and specifications for the 2018-2019 Sewer Replacement Project, accepting the bid, and approving a Construction Contract with Rolfe Construction Company Inc, of Atwater, CA, in the amount of $383,116 plus $57,468 for contingency for a total amount not to exceed $440,584 and authorizing the City Manager, or his designee, to execute the Agreement.
- Resolution authorizing an increase in the Director's authority to issue change orders for the 2018-2019 Sewer Replacement Project from 10% ($38,312) to 15% ($57,468) of the Construction Contract price of $383,116 with Rolfe Construction Company Inc, of Atwater, CA.

UTILITIES; Cristian Ciotau, 209-577-5260, cciotau@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2021-410 approving plans and specifications for the 2018-2019 Sewer Replacement Project, accepting the bid, and approving a Construction Contract with Rolfe Construction Company Inc, of Atwater, CA, in the amount of $383,116 plus $57,468 for contingency for a total amount not to exceed $440,584 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2021-411 authorizing an increase in the Director's authority to issue change orders for the 2018-2019 Sewer Replacement Project from 10% ($38,312) to 15% ($57,468) of the Construction Contract price of $383,116 with Rolfe Construction Company Inc, of Atwater, CA.

Consent

12. Consider accepting the Yosemite Boulevard Valve Box Replacement Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $213,365 to Marshall Brothers Enterprises, Inc., of Livermore, CA. (Funding Source: Water Fund)
    - Resolution accepting the Yosemite Boulevard Valve Box Replacement Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $213,365 to Marshall Brothers Enterprises, Inc., of Livermore, CA.

    UTILITIES; Greg Showerman, 209-571-5860, gshowerman@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2021-412 accepting the Yosemite Boulevard Valve Box Replacement Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $213,365 to Marshall Brothers Enterprises, Inc., of Livermore, CA.

COUNCIL COMMENTS & REPORTS

Councilmember Wright spoke regarding Love Modesto on October 9th, and was surprised that there was not a lot of trash.

Councilmember Kenoyer spoke regarding her trip with Councilmember Madrigal to Laval France to sign another ten year Sister City Agreement.

Councilmember Escutia-Braaton spoke regarding the recent heavy winds, and thanked staff for their diligence in dealing with those issues and making it safe for the community. She also gave the number to the Forestry Department for the public to call if they have tree issues. The number for Forestry is 209-342-2253.

Councilmember Ricci spoke regarding the Relay for Life event for the fight against cancer at John Thurman Field this past weekend, and thanked everyone involved in that event.

CITY MANAGER COMMENTS & REPORTS

None

NEW BUSINESS

13. Consider authorizing the City Manager to provide the Consolidated Emergency Dispatch Agency Commission with a written notice of an intent to terminate the Joint Exercise of Powers Agreement between the City of Modesto and the County of Stanislaus for Emergency Dispatch Services. (Funding Source: Not applicable)
    - Resolution authorizing the City Manager to provide the Consolidated Emergency Dispatch Agency Commission with a written notice of an intent to terminate the Joint Exercise of Powers Agreement between the City of Modesto and the County of Stanislaus for Emergency Dispatch Services Effective January 1, 2024.

    CITY MANAGER; Edgar Garcia, 209-571-5101, edgarcia@modestogov.com

ACTION: (Wright/Ricci; 6/1; Madrigal no) Resolution 2021-413 authorizing the City Manager to provide the Consolidated Emergency Dispatch Agency Commission with a written notice of an intent to terminate the Joint Exercise of Powers Agreement between the City of Modesto and the County of Stanislaus for Emergency Dispatch Services Effective January 1, 2024.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 6:35 p.m.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
One Case (Pursuant to Section 54956.9(d)(1) of the Government Code)

Name of Case:

Derrick Tyler v. City of Modesto
Stanislaus County Superior Court
Case No.: CV-19-006446

CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION
One Case (Pursuant to Section 54956.9(d)(4) of the Government Code)

Attest:_____
Dana Sanchez, Interim City Clerk

MINUTES

City of Modesto

SPECIAL CITY COUNCIL WORKSHOP

DoubleTree by Hilton Hotel Modesto
1150 9th Street
Modesto, California
Friday, October 15, 2021 at 9:00 AM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal (arrived 11:10 AM), Ricci, Wright, Zoslocki, Mayor Zwahlen
Absent: None

PUBLIC COMMENT PERIOD

None

UNFINISHED BUSINESS

1. City Council Workshop Regarding Best Practices for Local Governance, Team Building and Communication (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 209-3571-5597, kespinoza1@modestogov.com

ACTION: No reportable action.

ADJOURNMENT

This meeting adjourned at 3:06 p.m.

Attest:_____
Dana Sanchez, Interim City Clerk

MINUTES

City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference

Monday, October 25, 2021 at 3:00 PM

Roll Call: Present: Kenoyer (arrived at 3:23 p.m.), Wright, Zoslocki
Alternate: Ricci (arrived at 3:10 p.m.)

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
Items 1-4: (Wright/Zoslocki; 2/0; Kenoyer Absent)
Item 5 pulled from Consent

CONSENT

1. Consider approving the recommended budget adjustments to Fiscal Year 2021-22 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval. (Funding Source: Various Funds)
BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com

ACTION: Motion (Wright/Zoslocki; 2/0; Kenoyer Absent) approving the recommended budget adjustments to Fiscal Year 2021-22 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval.

2. Consider accepting an informational report on the July and August 2021 Grant applications and awards and forwarding to Council for approval. (Funding Source: Not Applicable)
FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

ACTION: Motion (Wright/Zoslocki; 2/0; Kenoyer Absent) accepting an informational report on the July and August 2021 Grant applications and awards and forwarding to Council for approval.

3. Consider accepting a report on upcoming vehicle replacements and new additions planned for bidding and forwarding to Council for approval. (Funding Source: Various Funds)
FINANCE DEPARTMENT; Cynthia Kline, 209-571-5175, ckline@modestogov.com

ACTION: Motion (Wright/Zoslocki; 2/0; Kenoyer Absent) accepting a report on upcoming vehicle replacements and new additions planned for bidding and forwarding to Council for approval.

4. Consider rejecting all bids received for Request for Bid (RFB) No. 2021-46 for Discing and Flail Mowing Services, and authorizing staff to reissue the RFB at a future date; approving the Third Amendment increasing the Agreement amount with Scoto Farming, Modesto, CA for Discing and Flail Mowing services by $5,390 from $210,000 to a new total amount of $215,390, and extending the term of the Agreement from October 31, 2021 to April 30, 2022; and forwarding to Council for approval. (Funding Source: Various Funds)
   PRN; Kelly Gallagher, 209-342-2270, kgallagher@modestogov.com

ACTION: Motion (Wright/Zoslocki; 2/0; Kenoyer Absent) rejecting all bids received for Request for Bid (RFB) No. 2021-46 for Discing and Flail Mowing Services, and authorizing staff to reissue the RFB at a future date; approving the Third Amendment increasing the Agreement amount with Scoto Farming, Modesto, CA for Discing and Flail Mowing services by $5,390 from $210,000 to a new total amount of $215,390, and extending the term of the Agreement from October 31, 2021 to April 30, 2022; and forwarding to Council for approval.

Removed from Consent

5. Consider approving the award of bid for the purchase of Portland Cement Concrete to Allied Concrete & Supply Co. Inc., Modesto, CA, for a two-year Agreement with three one-year extension options, for an annual estimated cost of $320,546, and a total cost not to exceed $1,602,730 over five years, and forwarding to Council for approval. (Funding Source: Various Funds)
   PUBLIC WORKS; Steve Fischio, 209-342-2222, sfischio@modestogov.com

ACTION: Motion (Wright/Zoslocki; 2/0; Kenoyer Absent) approve the award of bid for the purchase of Portland Cement Concrete to Allied Concrete & Supply Co. Inc., Modesto, CA, for a two-year Agreement with three one-year extension options, for an annual estimated cost of $320,546, and a total cost not to exceed $1,602,730 over five years, and forwarding to Council for approval.

UNFINISHED BUSINESS

6. Consider amending the Annual Commercial Cannabis Permit Fee, to decrease the amount by $3,008 from $21,740 to $18,732 annually, used to pay for the on-going administration and monitoring of approved businesses; and amending the Commercial Cannabis Application Fee to simplify the application process for commercial cannabis businesses, the Phase 1 fee and Phase 2 deposit fee will be merged into a single non-refundable flat fee of $6,380 and forwarding to Council for approval (Funding Source: General Fund)
   FINANCE DEPARTMENT; Gina Brown, 209-577-5381, gbrown@modestogov.com

ACTION: Motion (Wright/Zoslocki; 2/1; Ricci No; Kenoyer Absent) to amend the Annual Commercial Cannabis Permit Fee, to decrease the amount by $3,008 from $21,740 to $18,732 annually, used to pay for the on-going administration and monitoring of approved businesses; and amending the Commercial Cannabis Application Fee to simplify the application process for commercial cannabis businesses, the Phase 1 fee and Phase 2 deposit fee will be merged into a single non-refundable flat fee of $6,380 and forwarding to Council for approval.

Councilmember Ricci joined the meeting as an alternate at 3:10 p.m.
Councilmember Kenoyer joined the meeting at 3:23 p.m. and assumed her voting position.
Councilmember Ricci relegated himself back as an alternate upon the arrival of Councilmember Kenoyer at 3:23 p.m.

NEW BUSINESS

7. Consider introducing an Ordinance amending Sections 5-5.103, 5-5.108, 5-5.109, 5-5.118 of Title 5, Chapter 5 of the Modesto Municipal Code relating to Solid Waste Collection and adding Title 5, Chapter 11 to reflect the new Mandatory Organic Waste Disposal Reduction Ordinance as required under State Senate Bill 1383, and forwarding to Council for approval. (Funding Source: Not Applicable)
   PUBLIC WORKS; Karin Neep, 209-577-5453, kneep@modestogov.com

ACTION: Motion (Wright/Kenoyer; 2/1; Zoslocki No) approving an Ordinance amending Sections 5-5.103, 5-5.108, 5-5.109, 5-5.118 of Title 5, Chapter 5 of the Modesto Municipal Code relating to Solid Waste Collection and adding Title 5, Chapter 11 to reflect the new Mandatory Organic Waste Disposal Reduction Ordinance as required under State Senate Bill 1383, and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 3:45 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 26, 2021 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal (arrived at 5:32 p.m., left at 6:55 p.m.) Ricci, Wright, Mayor Zwahlen
Absent: Councilmember Zoslocki

Pledge of Allegiance to the Flag

Invocation: Cindy Marks, Pray Modesto

City Clerk's Announcements: None

Declaration of Conflicts of Interest: Item 16 & 17 Wright conflict

Reports from Closed Session

City Attorney Jose Sanchez clarified that one item regarding Khatri Brothers v. City of Modesto was inadvertently placed on Closed Session agenda, and was not discussed during Closed Session. No other reportable action.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. County/Covid-19 update. (Funding Source: Not Applicable)
   CITY MANAGER; Joseph Lopez, 209-577-5223, joelopez@modestogov.com

   ACTION: Supervisor Grewal presented COVID-19 update

2. Presentation by Esther Knobel regarding "Kids Food Drive - how the next generation is learning to serve." (Funding Source: Not Applicable)
   CITY CLERK; Dana Sanchez, 577-5396, dasanchez@modestogov.com

   ACTION: Esther Knobel and her students gave a Presentation regarding "Kids Food Drive - How the Next Generation is Learning to Serve."

3. Proclamation proclaiming November 1, 2021 as Extra Mile Day in the City of Modesto. (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

ACTION: Mayor Zwahlen presented proclamation declaring November 1, 2021 as Extra Mile Day in the City of Modesto.

4. Recognizing the heroic actions of Modesto Area Disc Golfers members for putting out a rapidly growing fire at East La Loma Park on September 12, 2021. (Funding Source: Not Applicable)
CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

ACTION: Laurie Smith and Chief Ernst recognized the heroic actions of several Modesto Area Disc Golfers, and Mayor Zwahlen presented commendations.

PUBLIC COMMENT PERIOD

- Ron Dafford read a letter regarding repairs to a sidewalk in front of his home.

- Kevin McClarty spoke regarding the need for lane striping and urged the Mayor to apply political pressure to the State to take action on State Highways.

- Emerson Drake spoke regarding the mask mandate, acknowledged Supervisor Grewal's presence at the City Council meeting, and asked to pull Consent Item Number 7.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 5, 8-13: (Kenoyer/Escutia-Braaton; 6/0; Zoslocki absent)
Items 6 & 7 were removed from Consent for discussion.

CONSENT ITEMS

Consent

5. Consider approving the minutes from the October 12, 2021 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the October 12, 2021 Council Meeting.

    CITY CLERK; Dana Sanchez, 209-577-5396, dasanchez@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 6/0; Zoslocki absent) Motion approving the minutes from the October 12, 2021 Council Meeting.

Removed from Consent

6. Consider approving the 2022 Calendar of regularly scheduled City Council and Council Standing Committee meetings. (Funding Source: Not Applicable)
    - Resolution approving the 2022 City Calendars of regularly scheduled City Council and Council Standing Committee meetings.

    CITY CLERK; Dana Sanchez, 209-577-5396, dasanchez@modestogov.com

ACTION: (Ricci/Madrigal; 2/4; Escutia-Braaton, Kenoyer, Wright, Mayor Zwahlen Noes; Zoslocki absent) Motion to approve a resolution approving the 2022 City Calendars of

regularly scheduled City Council and Council Standing Committee meetings, AND to re-visit the item in 3 months. **(MOTION FAILED)**

ACTION: (Wright/Kenoyer; 6/0; Zoslocki absent) Resolution 2021-414 approving the 2022 City Calendars of regularly scheduled City Council and Council Standing Committee meetings.

Removed from Consent

7. Consider approving the purchase of an ambulance for the Modesto Fire Department utilizing the competitive bidding process from Houston-Galveston Area Council (HGAC) with Frazer, Ltd, Houston, TX, for a cost not to exceed $313,281. (Funding Source: American Rescue Plan Act Spending Plan- Emergency Medical Service Equipment Program- Project 101345)
    - Resolution approving the purchase of an ambulance for the Modesto Fire Department utilizing the competitive bidding process from Houston-Galveston Area Council (HGAC) with Frazer, Ltd, Houston, TX, for a cost not to exceed $313,281 and authorizing the City Manager, or his designee to execute the Agreement.

    FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

ACTION: (Wright/Escutia-Braaton; 6/0; Zoslocki absent) Resolution 2021-415 approving the purchase of an ambulance for the Modesto Fire Department utilizing the competitive bidding process from Houston-Galveston Area Council (HGAC) with Frazer, Ltd, Houston, TX, for a cost not to exceed $313,281 and authorizing the City Manager, or his designee to execute the Agreement.

Consent

8. Consider approving the sole source purchase of LifePak 15 Monitors from Stryker Medical, Chicago, IL for a total cost not to exceed $212,210. (Funding Source: American Rescue Plan Act - Emergency Medical Service Equipment Program- Project 101345)
    - Resolution approving the sole source purchase of LifePak 15 Monitors from Stryker Medical, Chicago, IL for a total cost not to exceed $212,210, and authorizing the Purchasing Manager, or her designee to execute the purchase order.

    FIRE DEPARTMENT; Tim Tietjen, 209-572-9590, ttietjen@modestofire.com

ACTION: (Kenoyer/Escutia-Braaton; 6/0; Zoslocki absent) Resolution 2021-416 approving the sole source purchase of LifePak 15 Monitors from Stryker Medical, Chicago, IL for a total cost not to exceed $212,210, and authorizing the Purchasing Manager, or her designee to execute the purchase order.

Consent

9. Consider approving the plans and specifications for the Upgrade ATMS-2019, CML 5059(238) project, accepting the bid, and awarding a contract to Tennyson Electric, Inc. of Livermore, CA, in the amount of $1,138,793; and authorizing the Director of

Utilities to approve change orders up to the cumulative amount of $113,879. (Funding Source: CMAQ, Local Measure L Funds)

- Resolution approving the plans and specifications for the Upgrade ATMS-2019, CML 5059(238) project, accepting the bid, and awarding a contract to Tennyson Electric, Inc. of Livermore, CA, in the amount of $1,138,793 and authorizing the City Manager, or his designee, to execute the Agreement.
- Resolution authorizing the Director of Utilities to approve change orders up to the cumulative amount of $113,879 (10% of the original contract price) for the Upgrade ATMS-2019, CML 5059(238) project.

PUBLIC WORKS; Scott Collins, 209-577-5431, scollins@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 6/0; Zoslocki absent) Resolution 2021-417 approving the plans and specifications for the Upgrade ATMS-2019, CML 5059(238) project, accepting the bid, and awarding a contract to Tennyson Electric, Inc. of Livermore, CA, in the amount of $1,138,793 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Kenoyer/Escutia-Braaton; 6/0; Zoslocki absent) Resolution 2021-418 authorizing the Director of Utilities to approve change orders up to the cumulative amount of $113,879 (10% of the original contract price) for the Upgrade ATMS-2019, CML 5059(238) project.

Consent

10. 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 vehicle acquisition cost not to exceed $400,000 with a total cost not to exceed $800,000 split equally between the two vendors over a two-year contract. (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 vehicle acquisition cost not to exceed $400,000 with a total cost not to exceed $800,000 split equally between the two vendors over a two-year contract, and authorizing the Purchasing Manager, or her designee, to issue the purchase Agreement.

    PUBLIC WORKS; Steve Fischio, 209-342-2222, sfischio@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 6/0; Zoslocki absent) Resolution 2021-419 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 vehicle acquisition cost not to exceed $400,000 with a total cost not to exceed $800,000 split equally between the two vendors over a two-year contract, and authorizing the Purchasing Manager, or her designee, to issue the purchase Agreement.

Consent

11. Consider authorizing the award of bid for the purchase of Hot Pour Crack Sealant Products for the Public Works Department, Streets Division to Maxwell Products, Inc.,

Salt Lake City, UT, for a two-year Agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of $61,349, and a total amount not to exceed $306,745 over five years. (Funding Source: Surface Transportation Fund)

- Resolution authorizing the award of bid for purchase of Hot Pour Crack Sealant Products for the Public Works Department, Streets Division to Maxwell Products, Inc., Salt Lake City, UT for a two-year Agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of $61,349, and a total amount not to exceed $306,745 over five years, and authorizing the Purchasing Manager or her designee, to issue the Purchase Agreement.

PUBLIC WORKS; Steve Fischio, 209-342-2222, sfischio@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 6/0; Zoslocki absent) Resolution 2021-420 authorizing the award of bid for purchase of Hot Pour Crack Sealant Products for the Public Works Department, Streets Division to Maxwell Products, Inc., Salt Lake City, UT for a two-year Agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of $61,349, and a total amount not to exceed $306,745 over five years, and authorizing the Purchasing Manager or her designee, to issue the Purchase Agreement.

Consent

12. Consider approving the award of bid for the Purchase and Delivery of Chemicals for Wastewater Treatment to NorthStar Chemical, Modesto, CA and Univar Solutions, Kent, WA for an estimated annual amount of $275,053, and authorizing the Director of Finance, or designee, to adjust the financial amounts between both providers for a total amount not to exceed $1,778,003 over five years, and amending the Fiscal Year 2021-22 Wastewater operating budget in the amount of $118,053. (Funding Source: Wastewater Fund and Reserves)

    - Resolution approving the award of bid for the Purchase and Delivery of Chemicals for Wastewater Treatment to NorthStar Chemical, Modesto, CA and Univar Solutions, Kent, WA for an estimated annual amount of $275,053, authorizing the City Manager, or his designee, to execute the Agreements and authorizing the Director of Finance, or designee, to adjust the financial amounts between both providers for a total amount not to exceed $1,778,003 over five years.
    - Resolution amending the Fiscal Year 2021-22 Wastewater Operating budget in the amount of $118,053, to be transferred from Wastewater Reserves and authorizing the City Manager, or his designee, to implement the provisions of the resolution.

    UTILITIES; Ben Koehler, 209-342-4502, bkoehler@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 6/0; Zoslocki absent) Resolution 2021-421 approving the award of bid for the Purchase and Delivery of Chemicals for Wastewater Treatment to NorthStar Chemical, Modesto, CA and Univar Solutions, Kent, WA for an estimated annual amount of $275,053, authorizing the City Manager, or his designee, to execute the Agreements and authorizing the Director of Finance, or designee, to adjust the

financial amounts between both providers for a total amount not to exceed $1,778,003 over five years.

ACTION: (Kenoyer/Escutia-Braaton; 6/0; Zoslocki absent) Resolution 2021-422 amending the Fiscal Year 2021-22 Wastewater Operating budget in the amount of $118,053, to be transferred from Wastewater Reserves and authorizing the City Manager, or his designee, to implement the provisions of the resolution.

Consent

13. Consider approving an increase in the Director's authority to issue change orders from 8 percent ($1,128,000) to 10.5 percent ($1,480,500) of the original construction contract price of $14,100,000 with Diede Construction Inc., Woodbridge, CA and accepting the Water Corporation Yard Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $15,580,165 to Diede Construction Inc., Woodbridge, CA. (Funding Source: Water Fund and Parks Capital Facility Fees (CFF))
    - Resolution approving an increase in the Director's authority to issue change orders from 8 percent ($1,128,000) to 10.50 percent ($1,480,500) of the original construction contract price of $14,100,000 with Diede Construction Inc., Woodbridge, CA and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.
    - Resolution accepting the Water Corporation Yard Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $15,580,165 to Diede Construction, Inc., of Woodbridge, CA.

    UTILITIES; Jesse Franco, 209-571-5175, jfranco@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 6/0; Zoslocki absent) Resolution 2021-423 approving an increase in the Director's authority to issue change orders from 8 percent ($1,128,000) to 10.50 percent ($1,480,500) of the original construction contract price of $14,100,000 with Diede Construction Inc., Woodbridge, CA and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

ACTION: (Kenoyer/Escutia-Braaton; 6/0; Zoslocki absent) Resolution 2021-424 accepting the Water Corporation Yard Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $15,580,165 to Diede Construction, Inc., of Woodbridge, CA.

COUNCIL COMMENTS & REPORTS

None

CITY MANAGER COMMENTS & REPORTS

None

HEARINGS

Published in the Modesto Bee on October 15, 2021

14. Hearing to consider amendment to Title 10 of the Modesto Municipal Code regarding mobile food facilities. (Funding Source: General Fund)
    - Motion introducing and waiving the first reading of an Ordinance amending Title 10 of the Modesto Municipal Code to amend Sections 10-3.101, 10-3.210, and 10-3.212 regarding mobile food facilities.

    CED; Paul Liu, 209-577-5267, pliu@modestogov.com

ACTION: (Wright/Escutia-Braaton; 4/2; Madrigal, Ricci Noes; Zoslocki absent) Motion introducing and waiving the first reading of an **Ordinance** amending Title 10 of the Modesto Municipal Code to amend Sections 10-3.101, 10-3.210, and 10-3.212 regarding mobile food facilities.

NEW BUSINESS

15. Consider approving the revised Downtown Parklet Program. (Funding Source: Not Applicable)
    - Resolution approving the Downtown Parklet Program to allow the use of parklets in the public right of way in accordance with parklet guidance and other conditions as determined necessary by the City Manager.

    CED; Marcus Tucker, 209-577-5473, mtucker@modestogov.com

ACTION: (Madrigal/Ricci; 6/0; Zoslocki absent) Resolution 2021-425 approving the Downtown Parklet Program to allow the use of parklets in the public right of way in accordance with parklet guidance and other conditions as determined necessary by the City Manager.

Councilmember Wright recused himself at 6:51 p.m.
Councilmember Madrigal left meeting at 6:55 p.m.

16. Consider approving a Service Agreement with Fire Recovery USA to recover insurance mitigation rates from Emergency Services for a one-year term, with a one-year extension option rendered by the Modesto Fire Department. (Funding Source: General Fund)
    - Resolution approving a Service Agreement with Fire Recovery USA to recover insurance mitigation rates from Emergency Services for a one-year term, with a one-year extension option rendered by the Modesto Fire Department and authorizing the City Manager, or his designee to execute the Agreement.

    FIRE DEPARTMENT; Tim Tietjen, 209-572-9590, ttietjen@modestofire.com

ACTION: (Escutia-Braaton/Kenoyer; 4/0; Wright Abstain; Zoslocki, Madrigal absent) Resolution 2021-426 approving a Service Agreement with Fire Recovery USA to recover insurance mitigation rates from Emergency Services for a one-year term, with a one-year

extension option rendered by the Modesto Fire Department and authorizing the City Manager, or his designee to execute the Agreement.

17. Consider establishing an Emergency Medical Service First Responder Fee and approving a service Agreement with Wittman Enterprises, LLC for a one-year term, with a one-year extension option for the implementation of a First Responder Fee for Pre-Hospital Emergency Medical Services rendered by the Modesto Fire Department. (Funding Source: General Fund)
    - Resolution establishing a First Responder Fee for Pre-Hospital Emergency Medical Services approving a service Agreement with Wittman Enterprises, LLC for a one-year term, with a one-year extension option for the implementation of a First Responder Fee for Pre-Hospital Emergency Medical Services rendered by the Modesto Fire Department and authorizing the City Manager, or his designee to execute the Agreement.

    FIRE DEPARTMENT; Tim Teitjen, 209-572-9590, ttietjen@modestofire.com

ACTION: (Kenoyer/Ricci; 4/0; Wright Abstain; Zoslocki, Madrigal absent) Resolution 2021-427 establishing a First Responder Fee for Pre-Hospital Emergency Medical Services approving a service Agreement with Wittman Enterprises, LLC for a one-year term, with a one-year extension option for the implementation of a First Responder Fee for Pre-Hospital Emergency Medical Services rendered by the Modesto Fire Department and authorizing the City Manager, or his designee to execute the Agreement.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 7:11 p.m.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Seven Case (Pursuant to Section 54956.9(d)(1) of the Government Code)

Name of Case: City of Modesto, et al. v. Covanta Stanislaus, Inc.
Stanislaus County Superior Court
Case No. CV-20-004932

Khatri Brothers v. City of Modesto
Stanislaus County Superior Court
Case No.: CV-19-001846

Baljit Athwal, et al. v. Stanislaus County et al.
United States Eastern District
Case No.: 1:15-CV-00311

Georgia DeFilippo, et al. v. Stanislaus County et al.
United States Eastern District
Case No.: 1:18-CV-00496

Frank Carson v. Stanislaus County et al.
United States Eastern District
Case No.: 2:20-AT-00513

Eduardo Quintanar, Jr. v. Stanislaus County et al.
United States Eastern District
Case No.: 1:18-CV-01402

Walter W. Wells & Scott McFarlane v. Stanislaus County et al.
United States Eastern District
Case No.: 1:20-CV-00770

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

Property: APN: 101-003-005-000, 416 N Jefferson Street Modesto, CA 95351
APN: 101-003-006-000, 121 Elm Street Modesto, CA 95351

Property Owners: David Edward and Carole Lynn Kamrar Trust

Negotiating Parties:
For City: Richard Rand, Real Estate Agent and Bill Sandhu, Director of Public Works

For Buyer: Dave Kamrar

Under Negotiation: Price and Terms

Attest:_____
Dana Sanchez, Interim City Clerk

MINUTES

City of Modesto

ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP

(Held Via Teleconference)

Monday, November 01, 2021 at 5:30 PM

Roll Call: Present: Mayor Zwahlen, Councilmembers Madrigal and Ricci

PUBLIC COMMENTS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:

Consent Items: 1-6 (Madrigal/Ricci; 3/0)

CONSENT

Consent

1. Consider approving a first amendment increasing the Agreement amount with Nor Cal Fire Inc., Ripon, CA for Fire Extinguisher Inspection and Maintenance Services by $23,500 from $17,500 to a new total amount of $41,000 and an additional $71,715 over the term of the Agreement for a new total of $159,215, and forwarding to Council for approval. (Funding Source: Various Funds)
   PUBLIC WORKS; Patrick Crowley, 209-402-6812, pcrowley@modestogov.com

ACTION: (Madrigal/Ricci; 3/0) Motion to approve a first amendment increasing the Agreement amount with Nor Cal Fire Inc., Ripon, CA for Fire Extinguisher Inspection and Maintenance Services by $23,500 from $17,500 to a new total amount of $41,000 and an additional $71,715 over the term of the Agreement for a new total of $159,215, and forwarding to Council for approval.

Consent

2. Consider approving the award of bid and Agreement for Slurry Oil to VSS Emultech, Modesto, CA for a one-year Agreement with four one-year extension options, for an annual estimated cost of $407,768 and a total amount not to exceed $2,038,835, over five years, and forwarding to Council for approval. (Funding Source: Surface Transportation Fund)
   PUBLIC WORKS; Steve Fischio, 209-342-2222, sfischio@modestogov.com

ACTION: (Madrigal/Ricci; 3/0) Motion to approve the award of bid and Agreement for Slurry Oil to VSS Emultech, Modesto, CA for a one-year Agreement with four one-year

extension options, for an annual estimated cost of $407,768 and a total amount not to exceed $2,038,835, over five years, and forwarding to Council for approval.

Consent

3. Consider approving the award of bid and Agreement for Slurry Rock to West Coast Sand & Gravel, Modesto CA for a one-year Agreement with four one-year extension options, for an annual estimated cost of $506,473 and a total amount not to exceed $2,532,365 over five years, and forwarding to Council for approval. (Funding Source: Surface Transportation Fund)
   PUBLIC WORKS; Steve Fischio, 209-342-2222, sfischio@modestogov.com

ACTION: (Madrigal/Ricci; 3/0) Motion to approve the award of bid and Agreement for Slurry Rock to West Coast Sand & Gravel, Modesto CA for a one-year Agreement with four one-year extension options, for an annual estimated cost of $506,473 and a total amount not to exceed $2,532,365 over five years, and forwarding to Council for approval.

Consent

4. Consider approving the sole source purchase Agreement with Trojan Technologies, Ontario, CA, for the procurement of Ultraviolet (UV) lamps and parts for an estimated annual amount of $234,300 and a total amount not to exceed $1,171,500 over five years, and authorizing the Purchasing Manager, or her designee, the ability to add parts based on the department's needs, ensuring the total amount does not exceed the authorized total, and forwarding to Council for approval. (Funding Source: Wastewater Fund)
   UTILITIES; Monte Hamilton, 209-342-4505, mhamilton@modestogov.com

ACTION: (Madrigal/Ricci; 3/0) Motion to approve the sole source purchase Agreement with Trojan Technologies, Ontario, CA, for the procurement of Ultraviolet (UV) lamps and parts for an estimated annual amount of $234,300 and a total amount not to exceed $1,171,500 over five years, and authorizing the Purchasing Manager, or her designee, the ability to add parts based on the department's needs, ensuring the total amount does not exceed the authorized total, and forwarding to Council for approval.

Consent

5. Consider approving the sole source purchase Agreement with DC Frost and Associates, Walnut Creek, CA, to include wastewater process equipment parts for the Phase 2 Tertiary Treatment Plant for an estimated annual amount of $39,578 and a total amount not to exceed $197,890 over five years, and authorizing the Purchasing Manager, or her designee, the ability to add parts based on the department's needs, ensuring the total amount does not exceed the authorized total, and forwarding to Council for approval. (Funding Source: Wastewater Fund)
   UTILITIES; Monte Hamilton, 209-342-4505, mhamilton@modestogov.com

ACTION: (Madrigal/Ricci; 3/0) Motion to approve the sole source purchase Agreement with DC Frost and Associates, Walnut Creek, CA, to include wastewater process equipment parts for the Phase 2 Tertiary Treatment Plant for an estimated annual amount of $39,578 and a total

amount not to exceed $197,890 over five years, and authorizing the Purchasing Manager, or her designee, the ability to add parts based on the department's needs, ensuring the total amount does not exceed the authorized total, and forwarding to Council for approval.

Consent

6. Consider approving a Memorandum of Understanding Agreement with Modesto City Schools for reimbursement to the City for costs associated with the installation of the Fairview Water Main Improvements, in an amount not to exceed $81,244 and forwarding to Council for approval. (Funding Source: Water Fund - Services Revenue)
   UTILITIES; Jesse Franco, 209-571-5175, jfranco@modestogov.com

ACTION: (Madrigal/Ricci; 3/0) Motion to approve a Memorandum of Understanding Agreement with Modesto City Schools for reimbursement to the City for costs associated with the installation of the Fairview Water Main Improvements, in an amount not to exceed $81,244 and forwarding to Council for approval.

NEW BUSINESS

7. Consider an Ordinance amending the Modesto Municipal Code to add Article 7, to Title 8, Chapter 3, "Local Hiring Preferences in Public Works Contracts" and a resolution "Minimum Requirements to Submit a Bid on a City Contract for Public Works Projects," and forwarding to Council for consideration. (Funding Source: Not Applicable)
   CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: Motion to consider an Ordinance amending the Modesto Municipal Code to add Article 7, to Title 8, Chapter 3, "Local Hiring Preferences in Public Works Contracts" and a resolution "Minimum Requirements to Submit a Bid on a City Contract for Public Works Projects," and forwarding to Council for consideration.

Item 7 was continued to a future date to be determined.

8. Consider recommending to the City Council to direct staff to apply for the Fiscal Year 2021 Federal Railroad Administration's (FRA) Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program for funds to establish a Quiet Zone in the downtown area. (Funding Source: Not Applicable)
   CED; Marcus Tucker, 209-577-9473, mtucker@modestogov.com

ACTION: (Madrigal/Zwahlen; 3/0) Motion to recommend to the City Council to direct staff to apply for the Fiscal Year 2021 Federal Railroad Administration's (FRA) Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program for funds to establish a Quiet Zone in the downtown area.

9. Consider approving the inclusion of commercial, industrial, and agricultural properties within the City's jurisdiction in the Golden State Finance Authority program to finance renewable energy generation, energy and water efficiency improvements, electric

vehicle charging infrastructure, seismic retrofitting, fire prevention and other energy efficient improvements and approving associate membership in the Joint Exercise of Powers Authority; and forwarding to Council for approval. (Funding Source: Not Applicable)
FINANCE DEPARTMENT; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com

ACTION: (Madrigal/Ricci; 3/0) Motion to approve the inclusion of commercial, industrial, and agricultural properties within the City's jurisdiction in the Golden State Finance Authority program to finance renewable energy generation, energy and water efficiency improvements, electric vehicle charging infrastructure, seismic retrofitting, fire prevention and other energy efficient improvements and approving associate membership in the Joint Exercise of Powers Authority; and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 5:58 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 Nov 02, 2021 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Mayor Zwahlen
Absent: Councilmember Zoslocki

Pledge of Allegiance to the Flag

Invocation: Scott Nelson, Covenant Grove Church

City Clerk's Announcements: Item 10 has been removed from Consent.

Declaration of Conflicts of Interest: None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to George Doman honoring his contributions to the music industry and in bringing awareness to the challenges and discrimination faced by those with disabilities. (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

   ACTION: Mayor Zwahlen presented a proclamation to George Doman honoring his contributions to the music industry and in bringing awareness to the challenges and discrimination faced by those with disabilities.

PUBLIC COMMENT PERIOD

- Ron Dafford spoke regarding ADA compliance of City sidewalks.

- Loretta Carhart spoke regarding ownership and responsibility of sidewalks and trees.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 2-9: (Kenoyer/Madrigal; 6/0; Zoslocki absent)
Item 10 was removed from Consent

CONSENT ITEMS

Consent

2. Consider approving the minutes from the October 26, 2021 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the October 26, 2021 Council Meeting.

    CITY CLERK; Dana Sanchez, 209-577-5396, dasanchez@modestogov.com

ACTION: (Kenoyer/Madrigal; 6/0; Zoslocki absent) Motion approving the minutes from the October 26, 2021 Council Meeting.

Consent

3. Consider approving a resolution continuing to authorize remote teleconference meetings pursuant to Assembly Bill 361. (Funding Source: Not Applicable)
    - Resolution continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

    CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Kenoyer/Madrigal; 6/0; Zoslocki absent) Resolution 2021-428 continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

Consent

4. Consider final adoption of **Ordinance 3739-C.S**. amending Title 10 of the Modesto Municipal Code to amend Sections 10-3.101, 10-3.210, and 10-3.212 regarding mobile food facilities. (Funding Source: Not Applicable)
    - Motion approving final adoption of **Ordinance 3739-C.S**. amending Title 10 of the Modesto Municipal Code to amend Sections 10-3.101, 10-3.210, and 10-3.212 regarding mobile food facilities.

    CITY CLERK; Dana Sanchez, 209-577-5396, dasanchez@modestogov.com

ACTION: (Kenoyer/Madrigal; 6/0; Zoslocki absent) Motion approving final adoption of **Ordinance 3739-C.S.** amending Title 10 of the Modesto Municipal Code to amend Sections 10-3.101, 10-3.210, and 10-3.212 regarding mobile food facilities.

Consent

5. Consider approving the amended Bylaws for the Citizens' Districting Commission. (Funding Source: Not Applicable)
    - Resolution approving the amended Bylaws for the Citizens' Districting Commission.

    CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Kenoyer/Madrigal; 6/0; Zoslocki absent) Resolution 2021-429 approving the amended Bylaws for the Citizens' Districting Commission.

Consent

6. Consider accepting an informational report for the September 2021 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)

- Motion accepting an informational report for the September 2021 Accounts Payable Payment Register and Void report.

FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

ACTION: (Kenoyer/Madrigal; 6/0; Zoslocki absent) Motion accepting an informational report for the September 2021 Accounts Payable Payment Register and Void report.

Consent

7. Consider accepting a report on upcoming vehicle replacements and new addition planned for bidding. (Funding Source: Various Funds)
    - Motion accepting a report on upcoming vehicle replacements and new addition for bidding.

    FINANCE DEPARTMENT; Cynthia Kline, 209-571-5175, ckline@modestogov.com

ACTION: (Kenoyer/Madrigal; 6/0; Zoslocki absent) Motion accepting a report on upcoming vehicle replacements and new addition for bidding.

Consent

8. Consider approving a Purchase Order for a John Deere Tractor with Deere & Company, Cary, NC, by utilizing the competitive bidding process from Sourcewell (formerly National Joint Powers Alliance) for a total amount not to exceed $271,425 and a sole source purchase with Evergreen Irrigation Inc., Stayton, OR, for a Windrow Turner for Public Works Department for a total amount not to exceed $374,651. (Funding Source: Fleet Replacement Fund)
    - Resolution approving a Purchase Order for a John Deere Tractor with Deere & Company, Cary, NC, by utilizing the competitive bidding process from Sourcewell (formerly National Joint Powers Alliance) for a total amount not to exceed $271,425 and a sole source purchase with Evergreen Irrigation Inc., Stayton, OR, for a Windrow Turner for Public Works Department for a total amount not to exceed $374,651, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Orders.

    FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Madrigal; 6/0; Zoslocki absent) Resolution 2021-430 approving a Purchase Order for a John Deere Tractor with Deere & Company, Cary, NC, by utilizing the competitive bidding process from Sourcewell (formerly National Joint Powers Alliance) for a total amount not to exceed $271,425 and a sole source purchase with Evergreen Irrigation Inc., Stayton, OR, for a Windrow Turner for Public Works Department for a total amount not to exceed $374,651, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Orders.

Consent

9. Consider rejecting all bids received for Request for Bid (RFB) No. 2021-46 for Discing and Flail Mowing Services, and authorizing staff to reissue the RFB at a future date; approving the Third Amendment increasing the Agreement amount with Scoto

Farming, Modesto, CA for Discing and Flail Mowing services by $5,390 from $210,000 to a new total amount of $215,390, and extending the term of the Agreement from October 31, 2021 to April 30, 2022. (Funding Source: Various Funds)

- Resolution rejecting all bids received for Request for Bid (RFB) No. 2021-46 for Discing and Flail Mowing services and authorizing staff to reissue the RFB at a future date.
- Resolution approving the Third Amendment increasing the Agreement amount with Scoto Farming, Modesto, CA for Discing and Flail Mowing Services by $5,390 from $210,000 to a new total amount of $215,390, and extending the term of the Agreement from October 31, 2021 to April 30, 2022, and authorizing the Purchasing Manager, or her designee, to execute the Third Amendment

PRN; Kelly Gallagher, 209-342-2270, kgallagher@modestogov.com

ACTION: (Kenoyer/Madrigal; 6/0; Zoslocki absent) Resolution 2021-431 rejecting all bids received for Request for Bid (RFB) No. 2021-46 for Discing and Flail Mowing services and authorizing staff to reissue the RFB at a future date.

ACTION: (Kenoyer/Madrigal; 6/0; Zoslocki absent) Resolution 2021-432 approving the Third Amendment increasing the Agreement amount with Scoto Farming, Modesto, CA for Discing and Flail Mowing Services by $5,390 from $210,000 to a new total amount of $215,390, and extending the term of the Agreement from October 31, 2021 to April 30, 2022, and authorizing the Purchasing Manager, or her designee, to execute the Third Amendment

Removed from Consent

10. Consider approving the submission of the Transportation Development Act Claim for Fiscal Year 2021-22 to the Stanislaus Council of Governments in the amount of $668,698 for improvements to the Transportation Center for Transit Customers and the future operation of the Altamont Corridor Express to Modesto and rescinding Resolution 2021-366, and amending the Fiscal Year 2021-22 budget in the amount of $668,698 and rescinding Resolution 2021-367. (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 2021-22 to the Stanislaus Council of Governments (StanCOG) in the amount of $668,698, and rescinding Resolution 2021-366.
    - Resolution authorizing a budget adjustment amending Fiscal Year 2021-22 Capital Improvement Project Budget Project 101338 Transit Center Improvements – CS area and Project 101339 Transit Center Improvements in the amount of $668,698 to fund improvements to the Transportation Center in preparation for the Altamont Corridor Express (ACE), rescinding Resolution 2021-367; and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

    PUBLIC WORKS; Bill Sandhu, 209-341-2906, bsandhu@modestogov.com

ACTION: (Wright/Zwahlen; 6/0; Zoslocki absent) Resolution 2021-433 approving the submission of the City's Transportation Development Act (TDA) Transit Claim for Transportation Center improvements for Fiscal Year 2021-22 to the Stanislaus Council of Governments (StanCOG) in the amount of $668,698, and rescinding Resolution 2021-366.

ACTION: (Wright/Zwahlen; 6/0; Zoslocki absent) Resolution 2021-434 authorizing a budget adjustment amending Fiscal Year 2021-22 Capital Improvement Project Budget Project 101338 Transit Center Improvements – CS area and Project 101339 Transit Center Improvements in the amount of $668,698 to fund improvements to the Transportation Center in preparation for the Altamont Corridor Express (ACE), rescinding Resolution 2021-367; and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

COUNCIL COMMENTS & REPORTS

Councilmember Escutia-Braaton spoke regarding a ribbon cutting that she and Councilmember Kenoyer attended to support a new local business.

Councilmember Ricci spoke regarding the weather and needed rain. He also spoke regarding the Park Rangers program, and is pleased with the progress. He is also looking forward to more progress of a Safe Parking and Camping program for the homeless. He also expressed his desire for more community outreach regarding ARPA funding. And lastly he expressed his excitement regarding the success of the turf program and water conservation efforts,

CITY MANAGER COMMENTS & REPORTS

City Manager Joe Lopez directed Director of Public Works Bill Sandhu to speak with a citizen and answer her questions regarding City trees and sidewalks.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 5:57 p.m.

Attest: _____
Dana Sanchez, Interim City Clerk

MINUTES

City of Modesto

SPECIAL APPOINTMENTS COMMITTEE / COUNCIL WORKSHOP

(Held Via Teleconference)

Wednesday, November 03, 2021 at 4:30 PM

Roll Call: Present: Councilmembers Madrigal, Escutia-Braaton, Kenoyer (arrived at 4:34 p.m.)

PUBLIC COMMENTS

None

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: No Consent Items

NEW BUSINESS

1. Consider an appointment for one vacancy on the City of Modesto Landmark Preservation Commission and forwarding to Council for approval. (Funding Source: Not Applicable)
   CED; Steve Mitchell, 209-577-5267, smitchell@modestogov.com

   ACTION: (Madrigal/Escutia-Braaton; 3/0) Motion appointing Michelle Buer for one vacancy on the City of Modesto Landmark Preservation Commission and forwarding to Council for approval.

2. Consider interviewing and recommending the appointment for one vacancy on the City of Modesto Planning Commission and forwarding to Council for approval. (Funding Source: Not Applicable)
   CED; Steve Mitchell, 209-577-5267, smitchell@modestogov.com

   ACTION: Staff was directed to schedule interviews for City of Modesto Planning Commission on either Friday, November 12th, 2021 at 2:00 p.m. or Wednesday, November 17th, at 3:30 p.m. for one vacancy.

3. Consider interviewing and recommending to the City Council the reappointment of Board Member Naramsen Goriel and the appointment of one prospective candidate to fill the vacancy on the City of Modesto Board of Zoning Adjustment. (Funding Source: Not Applicable)
   CED; Steve Mitchell, 209-577-5267, smitchell@modestogov.com

ACTION: Staff was directed to schedule interviews for City of Modesto Board of Zoning Adjustment on either Friday, November 12th, 2021 at 2:00 p.m. or Wednesday, November 17th, at 3:30 p.m. for one vacancy and one re-appointment.

4. Consider reappointing Thomas Lopes and Tim Fisher to the Modesto Convention and Visitors Bureau Board of Directors for a second two-year term from January 1, 2022 to December 31, 2023, and forwarding to Council for approval. (Funding Source: Not Applicable)
PRND; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Escutia-Braaton/Kenoyer;3/0) Motion reappointing Thomas Lopes and Tim Fisher to the Modesto Convention and Visitors Bureau Board of Directors for a second two-year term from January 1, 2022 to December 31, 2023, and forwarding to Council for approval.

5. Consider recommending the reappointment of Vince Hansen, representing the Creekside Golf Club and appointments to fill up to five Citizen-At-Large vacancies on the City of Modesto Golf Courses Advisory Committee and forwarding to Council for approval. (Funding Source: Not Applicable)
PRND; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 3/0) Motion recommending the reappointment of Vince Hansen, representing the Creekside Golf Club and forwarding to Council for approval.

ACTION: (Kenoyer/Escutia-Braaton; 3/0) Motion recommending Doug Lemcke and Michelle Buer to fill two Citizen-At-Large vacancies on the City of Modesto Golf Courses Advisory Committee and forwarding to Council for approval.

6. Consider reappointing Patrick Cavanah to the Culture Commission for a second term from January 1, 2022 to December 31, 2025, and forwarding to Council for approval. (Funding Source: Not Applicable)
PRND; Marco Sepulveda, 209-577-5275, msepulveda@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 3/0) Motion reappointing Patrick Cavanah to the Culture Commission for a second term from January 1, 2022 to December 31, 2025, and forwarding to Council for approval**.**

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 5:12 p.m.

Attest: _____
Dana Sanchez, Interim City Clerk

MINUTES

City of Modesto

SPECIAL AUDIT COMMITTEE /COUNCIL WORKSHOP

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

Thursday Nov 04, 2021 at 10:00 AM

Roll Call: Present: Mayor Zwahlen, Councilmembers Wright and Escutia-Braaton
Also present: Councilmember Ricci, Councilmember Kenoyer (joined at 10:43 a.m.)

PUBLIC COMMENTS

- Tim Ragsdale spoke regarding professionalism of current City Council and encouraged them to keep up the good work. He also spoke regarding Audit functions and the recommendations by Association of Local Government Auditors (ALGA) that Committee members be independent of management, and that the Committee include financial and management experts from the community. He also encouraged the Committee to hire an in-house Auditor soon.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: No Consent Items

UNFINISHED BUSINESS

1. Consider accepting the Troy and Banks Utility and Telecommunication Audit report and forwarding to Council for acceptance. (Funding Source: Not Applicable)
FINANCE DEPARTMENT; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com

ACTION: (Wright/Escutia-Braaton; 3/0) Motion to approve accepting the Troy and Banks Utility and Telecommunication Audit report and forwarding to Council for acceptance.

NEW BUSINESS

2. Consider accepting the results of the Human Resources and Payroll Audit of excluded part-time and seasonal employees from the California Public Employees' Retirement System (CalPERS), review of penalties and additional costs to City of Modesto, and forwarding to Council for approval. (Funding Source: Various)
HUMAN RESOURCES; Dawn Kelley, 209-577-5490, dkelley@modestogov.com

ACTION: (Wright/Escutia-Braaton; 3/0) Motion to approve accepting the results of the Human Resources and Payroll Audit of excluded part-time and seasonal employees from the California Public Employees' Retirement System (CalPERS), review of penalties and additional costs to City of Modesto, and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 10:43 a.m.

Attest: _____
Dana Sanchez, Interim City Clerk

MINUTES

City of Modesto

SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP

(Held Via Teleconference)

Monday, November 08, 2021 at 5:00 PM

Roll Call Present: Councilmember Kenoyer, Councilmember Ricci, Mayor Zwahlen
Also Present: Councilmember Madrigal
Absent: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

1. Consider approving the award of bid and Purchasing Agreement with L N Curtis, Walnut Creek, CA for Personal Protection Equipment for the Modesto Fire Department, for a two-year Agreement with three one-year extension options, for an annual estimated cost of $260,000, and a total cost not to exceed $1,300,000 over five years, and forwarding to Council for approval. (Funding Source: General Fund)
FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

   ACTION: (Ricci/Zwahlen; 3/0) Motion to approve the award of bid and Purchasing Agreement with L N Curtis, Walnut Creek, CA for Personal Protection Equipment for the Modesto Fire Department, for a two-year Agreement with three one-year extension options, for an annual estimated cost of $260,000, and a total cost not to exceed $1,300,000 over five years, and forwarding to Council for approval.

NEW BUSINESS

2. Presentation on Potential Safe Park Concept (Funding Source: Not Applicable)
CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

   ACTION: No reportable action.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:45 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 09, 2021 at 5:30 PM

Roll Call – Councilmembers Escutia-Braaton, Kenoyer, Madrigal (arrived at 5:32 p.m.), Ricci, Wright, Zoslocki, Mayor Zwahlen

Pledge of Allegiance to the Flag

Invocation: Jim Applegate, Redeemer Church, Modesto

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: No reportable action

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. County/Covid-19 update. (Funding Source: Not Applicable)
   CITY MANAGER; Joseph Lopez, 209-577-5223, joelopez@modestogov.com

   ACTION: Supervisor Grewal presented COVID-19 update.

2. Presentation of 2021 Innovations in Code Administration Award from the International Code Council for the City of Modesto's "Plan Check With Us" program. (Funding Source: Not Applicable)
   CED; Oscar Diaz, 209-571-5885, odiaz@modestogov.com

   ACTION: Susan Dowty from International Code Council presented 2021 Innovations in Code Administration Award to the City of Modesto, Building Department and Neighborhood Preservation Unit for their "Plan Check With Us" program.

3. Presentation of the City of Modesto and Stanislaus County's 2nd Chance Week Eye Glass Collection (Funding Source: Not Applicable)
   PUBLIC WORKS; Vicki Rice, 209-577-5495, vrice@modestogov.com

   ACTION: Vicki Rice, Recycling Program Coordinator and Janice McClenden with the Department of Environmental Resources of Stanislaus County presented the collection

from 2nd Chance Week Eye Glass Collection to the Paul Wagner with the Lion's Club for distribution where there is need.

PUBLIC COMMENT PERIOD

- Sharon Froba, NAACP Housing Chair spoke in favor of using the former Municipal Golf Course as low-income affordable housing.

- David Froba spoke in favor of using the former Municipal Golf Course as low-income affordable housing, and read an excerpt from their historical study of racially restrictive covenants. He provided Councilmembers with the excerpt as well as the website information for the study at Stanislaus State University.

- Pastor Latricia spoke in support of using Muni Golf Course for permanently sustainable housing for homeless citizens.

- Steven Cullen spoke in favor of using the Muni Golf Course for affordable housing and modeling a program after Lindsey, CA. He also spoke regarding Rouse Road and sub-standard housing in that area.

- Darlene Ruiz, mother of Trevor Seever, spoke in support of the new CHAT program, and is hopeful that this is a step in the right direction. She also spoke regarding the postponement of the trial of Joseph LaMantia. She also spoke regarding AB 1506 and asked that the City and citizens petition the Attorney General, Rob Bonta to take this case.

- Ray Ruiz spoke regarding death of Trevor Seever, and urged Modesto to bring in an independent police auditor. He also spoke regarding AB 1506 and asked that the District Attorney recuse himself, and turn the case over to the Attorney General.

- Emerson Drake spoke regarding a Forward Together Sub-committee meeting regarding a Policy and Procedures. He also spoke regarding Consent items and questioned how Councilmembers are informed about items on the agenda. He also spoke regarding Beard Brook park, and questioned what the status is of the park. He also questioned how ARPA funds are being used. He also questioned why not all Public Records Requests are published on the portal.

- PJ Hutcherson spoke regarding affordable housing in Modesto, and expressed that in comparison, Manteca is faster and quicker at getting housing for residents.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 4-12: (Kenoyer/Wright; 7/0)

CONSENT ITEMS

Consent

4. Consider approving the minutes from the November 2, 2021 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the November 2, 2021 Council Meeting.

    CITY CLERK; Dana Sanchez, 209-577-5396, dasanchez@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Motion approving the minutes from the November 2, 2021 Council Meeting.

Consent

5. Consider approving the recommended budget adjustments to Fiscal Year 2021-22 Annual Operating and Capital Improvement Program Budgets. (Funding Source: Various Funds)
    - Resolution amending Year 2021-22 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager, to make the necessary steps to implement the provisions of this resolution.

    BUDGET; Steve Christensen, 209-577-5390, schristensen@modestgov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-435 amending Year 2021-22 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager, to make the necessary steps to implement the provisions of this resolution.

Consent

6. Consider approving the First Amendment to the sole source Agreement with Benevate, Inc. dba Neighborly Software, to increase the Agreement amount by $121,791 from $34,300 for a new total amount of $156,091 to facilitate the City's Housing and Community Development grant management and project portfolios, establishing a three-year Agreement with the option for two one-year service extensions, and amending the Fiscal Year 2021-22 operating budget by $58,000. (Funding Source: Community Development Block Grant Funds)
    - Resolution approving the First Amendment to the sole source Agreement with Benevate, Inc. dba Neighborly Software, to increase the Agreement amount by $121,791 from $34,300 for a new total amount of $156,091 to facilitate the City's Housing and Community Development grant management and project portfolios, establishing a three-year Agreement with the option for two one-year service extensions, and authorizing the City Manager or his designee to execute this amendment.
    - Resolution amending the Fiscal Year 2021-22 Operating budget by $58,000 as outlined in the attachment A and authorizing the City Manager or his designee to implement the provisions of this resolution.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-436 approving the First Amendment to the sole source Agreement with Benevate, Inc. dba Neighborly Software, to increase the Agreement amount by $121,791 from $34,300 for a new total amount of $156,091 to facilitate the City's Housing and Community Development grant management and project portfolios,

establishing a three-year Agreement with the option for two one-year service extensions, and authorizing the City Manager or his designee to execute this amendment.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-437 amending the Fiscal Year 2021-22 Operating budget by $58,000 as outlined in the attachment A and authorizing the City Manager or his designee to implement the provisions of this resolution.

Consent

7. Consider awarding a Community Development Block Grant CARES Act (CDBG-CV) Public Service Grant in an amount not to exceed $100,000 plus $10,000 activity delivery costs to Bay Valley Foundation, Inc. for an Information Technology Training Program. (Funding Source: CDBG-CV Funding)
    - Resolution awarding a Community Development Block Grant CARES Act (CDBG-CV) Public Service Grant in an amount not to exceed $100,000 plus $10,000 activity delivery costs to Bay Valley Foundation, Inc. for an Information Technology Training Program, and authorizing the City Manager or his designee to execute the Agreement.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-438 awarding a Community Development Block Grant CARES Act (CDBG-CV) Public Service Grant in an amount not to exceed $100,000 plus $10,000 activity delivery costs to Bay Valley Foundation, Inc. for an Information Technology Training Program, and authorizing the City Manager or his designee to execute the Agreement.

Consent

8. Consider approving First Amendments to the Legal Services Agreements for Rivera Hewitt Paul, LLP and Angelo, Kilday and Kilduff in the amount of $100,000 each, for total Agreement amounts not to exceed $145,000 each for continued representation in police litigation matters. (Funding Source: General Liability Insurance Fund)
    - Resolution approving a First Amendment to the Legal Services Agreement with Rivera Hewitt Paul, LLP in the amount of $100,000, for a total Agreement amount not to exceed $145,000, for continued representation in police litigation matters and authorizing the City Manager or his designee, to execute the amendment.
    - Resolution approving a First Amendment to the Legal Services Agreement with Angelo, Kilday and Kilduff in the amount of $100,000, for a total Agreement amount not to exceed $145,000 for continued representation in police litigation matters and authorizing the City Manager or his designee, to execute the amendment.

    CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-439 approving a First Amendment to the Legal Services Agreement with Rivera Hewitt Paul, LLP in the amount of $100,000, for a total Agreement amount not to exceed $145,000, for continued representation in police litigation matters and authorizing the City Manager or his designee, to execute the amendment.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-440 approving a First Amendment to the Legal Services Agreement with Angelo, Kilday and Kilduff in the amount of $100,000, for a total Agreement amount not to exceed $145,000 for continued representation in police litigation matters and authorizing the City Manager or his designee, to execute the amendment.

Consent

9. Consider amending the Annual Commercial Cannabis Permit Fee, to decrease the amount by $3,008 from $21,740 to $18,732 annually, used to pay for the on-going administration and monitoring of approved businesses; and amending the Commercial Cannabis Application Fee to simplify the application process for commercial cannabis businesses, the Phase 1 fee and Phase 2 deposit fee will be merged into a single non-refundable flat fee of $6,380. (Funding Source: General Fund)
    - Resolution adopting the Annual Commercial Cannabis Permit Fee, to decrease the amount by $3,008 from $21,740 to $18,732 annually, used to pay for the on-going administration and monitoring of approved businesses.
    - Resolution adopting the Commercial Cannabis Application Fee to simplify the application process for commercial cannabis businesses, the Phase 1 fee and Phase 2 deposit fee will be merged into a single non-refundable flat fee of $6,380.

    FINANCE DEPARTMENT; Gina Brown, 209-577-5381, gbrown@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-441 adopting the Annual Commercial Cannabis Permit Fee, to decrease the amount by $3,008 from $21,740 to $18,732 annually, used to pay for the on-going administration and monitoring of approved businesses.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-442 adopting the Commercial Cannabis Application Fee to simplify the application process for commercial cannabis businesses, the Phase 1 fee and Phase 2 deposit fee will be merged into a single non-refundable flat fee of $6,380.

Consent

10. Consider accepting the Monthly Investment Report for August 2021 (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for August 2021.

    FINANCE DEPARTMENT; Calogero Maniscalco, 209-577-5219, cmaniscalco@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Motion accepting the Monthly Investment Report for August 2021.

Consent

11. Consider approving the inclusion of commercial, industrial, and agricultural properties within the City's jurisdiction in the Golden State Finance Authority (GSFA) program, and authorizing GSFA, through Ygrene Commercial PACE (C-PACE), to offer its program and levy assessments within the City of Modesto for Property Assessed Clean

Energy (PACE) program for only commercial properties. (Funding Source: Not Applicable)

- Resolution of the City Council of the City of Modesto, California consenting to inclusion of commercial, industrial and agricultural, properties within the City'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 improvement, electric vehicle charging infrastructure, seismic retrofitting, fire prevention and other improvements and approving associate membership in the Joint Exercise of Powers Authority related thereto; and authorizing the City Manager, or his designee to execute the Agreement.
- Resolution of the City Council of the City of Modesto, California consenting to inclusion of commercial, industrial and agricultural, properties within the City's jurisdiction in the Golden State Finance Authority Program to finance renewable energy improvements, energy efficiency and water conservation improvement, electric vehicle charging infrastructure, seismic retrofitting, fire prevention and other improvements and approving associate membership in the Joint Exercise of Powers Authority related thereto and authorizing the City Manager, or his designee to execute the Agreement.

FINANCE DEPARTMENT; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-443 of the City Council of the City of Modesto, California consenting to inclusion of commercial, industrial and agricultural, properties within the City'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 improvement, electric vehicle charging infrastructure, seismic retrofitting, fire prevention and other improvements and approving associate membership in the Joint Exercise of Powers Authority related thereto; and authorizing the City Manager, or his designee to execute the Agreement.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-444 of the City Council of the City of Modesto, California consenting to inclusion of commercial, industrial and agricultural, properties within the City's jurisdiction in the Golden State Finance Authority Program to finance renewable energy improvements, energy efficiency and water conservation improvement, electric vehicle charging infrastructure, seismic retrofitting, fire prevention and other improvements and approving associate membership in the Joint Exercise of Powers Authority related thereto and authorizing the City Manager, or his designee to execute the Agreement.

Consent

12. Consider approving a Purchase and Sale Agreement for the combined amount of $550,000 to acquire two real properties located at 416 N. Jefferson Street and 121 Elm Street, $20,000 in related closing costs, and amending the Fiscal Year 2021-22 Capital Improvement Program budget in the amount of $570,000. (Funding Source: Fleet Management and Replacement Funds)

- Resolution approving a Purchase and Sale Agreement with The Kamrar Trust to acquire two real properties located at 416 N. Jefferson Street (APN: 101-003-005) and 121 Elm Street (APN: 101-003-006) for the combined amount of $550,000, $20,000 in related closing costs, and authorizing the City Manager, or his designee, to execute the Purchase and Sale Agreement and all related documents required to complete the sale and close of escrow.
- Resolution authorizing a budget adjustment amending Fiscal Year 2021-22 Capital Improvement Project Budget to establish Project 101365 – 416 N Jefferson and 121 Elm Street in the amount of $570,000 to fund the Purchase and Sale Agreement for APN: 101-003-005 and APN: 101-003-006; and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

PUBLIC WORKS; Bill Sandhu, bsandhu@modestogov.com, 209-341-2906

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-445 approving a Purchase and Sale Agreement with The Kamrar Trust to acquire two real properties located at 416 N. Jefferson Street (APN: 101-003-005) and 121 Elm Street (APN: 101-003-006) for the combined amount of $550,000, $20,000 in related closing costs, and authorizing the City Manager, or his designee, to execute the Purchase and Sale Agreement and all related documents required to complete the sale and close of escrow.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-446 authorizing a budget adjustment amending Fiscal Year 2021-22 Capital Improvement Project Budget to establish Project 101365 – 416 N Jefferson and 121 Elm Street in the amount of $570,000 to fund the Purchase and Sale Agreement for APN: 101-003-005 and APN: 101-003-006; and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

COUNCIL COMMENTS & REPORTS

Councilmember Wright praised the Public Works staff on their hard work, and praised staff for award they received today.

Councilmember Escutia-Braaton also commended Public Works for a job well done, and their professionalism. She also acknowledged Thursday as Veteran's Day, and encouraged citizens to participate in this weekend's Veteran's Day parade on Saturday to honor the City's over 10,000 veterans, and expressed how immensely grateful she is to them for their service and sacrifice.

Councilmember Kenoyer attended an event on Saturday at Roosevelt Park for approximately 200 Afghanistan refugees or guests to our city, being hosted by families in Modesto. The Sherriff and Modesto Police were there to make them feel comfortable and to welcome the new residents to the City.

Councilmember Ricci thanked Councilmember Kenoyer for attending the event at Roosevelt Park. He also spoke regarding his continued concern over tree issues. He expressed hope that more ARPA money might be budgeted towards Forestry. He also

spoke regarding abandoned buildings creating blight in the city, and encouraged an Ordinance to mitigate the blight.

Councilmember Madrigal spoke regarding Consent Item 9 regarding cannabis, and asked for a presentation from staff regarding cannabis revenue.

Councilmember Zoslocki spoke regarding STANRTA and their fundamental obligation to make sure transportation rates are affordable. He mentioned the free bus rides that were given a few years ago, and a correlation to increased ridership. He also mentioned that California Fare Trade Transit Operations recognized our efforts to make rates affordable to riders.

Mayor Zwahlen spoke regarding an all-day Trauma Symposium she attended at Doctor's Memorial Center, where Modesto Police Department presented an Active Shooter scenario, and how to best react in that situation. She also attended the Clergy Council at King-Kennedy Center with Chief Brandon Gillespie, and is proud that the City is well represented by people who want to make a difference.

CITY MANAGER COMMENTS & REPORTS

City Manager Joseph Lopez responded to some public comments that were made. With respect to the Muni Golf Course, the City is doing its due diligence on the proper disposition of that property, no final decisions have been made, and the City is still gathering public input at this time. Also with respect to Forward Together, the next meeting of the full committee is Monday, November 15th at 5:30 p.m. and information can be found on the City's website at www.modestogov.com/forwardtogether

HEARINGS

Published in the Modesto Bee on 10/29/2021

13. Hearing to consider an Ordinance amending Sections 5-5.103, 5-5.108, 5-5.109, 5-5.118 of Title 5, Chapter 5 of the Modesto Municipal Code relating to Solid Waste Collection and adding Title 5, Chapter 11 to reflect the new Mandatory Organic Waste Disposal Reduction Ordinance as required under State Senate Bill 1383. (Funding Source: Not Applicable)
    - Motion introduce and waiving the first reading of an Ordinance amending Sections 5-5.103, 5-5.108, 5-5.109, 5-5.118 of Title 5, Chapter 5 of the Modesto Municipal Code relating to Solid Waste Collection and adding Title 5, Chapter 11 to reflect the new Mandatory Organic Waste Disposal Reduction Ordinance as required under State Senate Bill 1383.

    PUBLIC WORKS; Karin Neep, 209-577-5453, kneep@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Motion introduce and waiving the first reading of an **Ordinance** amending Sections 5-5.103, 5-5.108, 5-5.109, 5-5.118 of Title 5, Chapter 5 of the Modesto Municipal Code relating to Solid Waste Collection and adding Title 5, Chapter 11

to reflect the new Mandatory Organic Waste Disposal Reduction Ordinance as required under State Senate Bill 1383.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 7:06 p.m.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Four Cases (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
Stanislaus County Superior Court
Case No. 9000266

Estate of Kim Jackson et al. v. City of Modesto, et al.
United States Eastern District
Case No.: 1:21-cv-00415-AWI-EPG

David Robert Seever v. City of Modesto, et al.
United States Eastern District
Case No.: 1:21-cv-01373-NONO-EPG

Darlene Ruiz v. City of Modesto, et al.
United States Eastern District
Case No.: 1:21-cv-01565-NONE-EPG

Attest:_____
Dana Sanchez, Interim City Clerk

MINUTES

City of Modesto

SPECIAL APPOINTMENTS COMMITTEE / COUNCIL WORKSHOP

(Held Via Teleconference)

Wednesday, November 17, 2021 at 3:30 PM

Roll Call: Present: Madrigal, Escutia-Braaton, Kenoyer (arrived at 4:17 p.m.)

PUBLIC COMMENTS

None

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: No Consent Items

UNFINISHED BUSINESS

1. Consider interviewing and recommending to the City Council a prospective candidate to fill the vacancy on the City of Modesto Planning Commission. (Funding Source: Not Applicable)
CED; Steve Mitchell, 209-577-5267, smitchell@modestogov.com

   ACTION: (Escutia-Braaton/Kenoyer; 3/0) Motion approving the appointment of Jose Vasquez to fill the vacancy on the City of Modesto Planning Commission, and forwarding to Council for approval.

2. Consider interviewing and recommending to the City Council the reappointment of Board Member Naramsen Goriel and the appointment of a prospective candidate to fill the vacancy on the City of Modesto Board of Zoning Adjustment. (Funding Source: Not Applicable)
CED; Steve Mitchell, 209-577-5267, smitchell@modestogov.com

   ACTION: (Escutia-Braaton/Kenoyer; 3/0) Motion approving the reappointment of Naramsen Goriel to the City of Modesto Board of Zoning Adjustment, and forwarding to Council for approval.

   ACTION: (Escutia-Braaton/Kenoyer; 3/0) Motion approving the appointment of Marshall Riddle to fill the vacancy on the City of Modesto Board of Zoning Adjustment, and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 4:42 p.m.

Attest: _____
Dana Sanchez, Interim City Clerk

MINUTES

City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference

Monday, November 22, 2021 at 3:00 PM

Roll Call: Present: Kenoyer (arrived at 3:07 p.m.), Wright, Zoslocki

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
Items 1-8: (Wright/Zoslocki; 2/0; Kenoyer Absent)

CONSENT

1. Consider approving the recommended budget adjustments to Fiscal Year 2021-22 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval. (Funding Source: Various Funds)
   BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com

ACTION: Motion (Wright/Zoslocki; 2/0; Kenoyer Absent) to approve the recommended budget adjustments to Fiscal Year 2021-22 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval.

2. Consider approving the extension of termination dates of four annual Purchasing Agreements and forwarding to Council for approval. (Funding Source: Various Funds)
   FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

ACTION: Motion (Wright/Zoslocki; 2/0; Kenoyer Absent) to approve the extension of termination dates of four annual Purchasing Agreements and forwarding to Council for approval.

3. Consider approving the increase of a purchase order with Strategic Procurement Solutions, Coleville, California, for procurement advisory services by $32,940 from $36,600 for a revised total amount not to exceed $69,540 and forwarding to Council for approval. (Funding Source: Various Funds)
   FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

ACTION: Motion (Wright/Zoslocki; 2/0; Kenoyer Absent) to approve the increase of a purchase order with Strategic Procurement Solutions, Coleville, California, for procurement advisory services by $32,940 from $36,600 for a revised total amount not to exceed $69,540 and forwarding to Council for approval.

4. Consider rejecting all bids for Request for Bid (RFB) No. 2021-45 for two Aerial Trucks and authorizing staff to re-evaluate if issuing a rebid or utilizing a cooperative Agreement is appropriate, and forwarding to Council for approval. (Funding Source: Fleet Replacement Fund)
   FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

ACTION: Motion (Wright/Zoslocki; 2/0; Kenoyer Absent) to reject all bids for Request for Bid (RFB) No. 2021-45 for two Aerial Trucks and authorizing staff to re-evaluate if issuing a rebid or utilizing a cooperative Agreement is appropriate, and forwarding to Council for approval.

5. Consider authorizing a payment in the amount of $100,000 to Belfor Property Restoration, Modesto, CA for the Creekside Golf Clubhouse Fire Repair; and forwarding to Council for approval. (Funding Source: Golf Fund)
   PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: Motion (Wright/Zoslocki; 2/0; Kenoyer Absent) to consider authorizing a payment in the amount of $100,000 to Belfor Property Restoration, Modesto, CA for the Creekside Golf Clubhouse Fire Repair; and forwarding to Council for approval.

6. Consider approving the award of bid and Agreement for Concrete Services for High Voltage Repairs and Misc. Traffic Electrical Repairs to TBS Contractors, Merced, CA, for a one-year Agreement with four one-year extension options, for an annual estimated cost of $170,273 and a total amount not to exceed $851,365 over five years, and forwarding to Council for approval. (Funding Source: Gas Tax and Surface Transportation Fund)
   PUBLIC WORKS; Scott Collins, 209-577-5431, scollins@modestogov.com

ACTION: Motion (Wright/Zoslocki; 2/0; Kenoyer Absent) to approve the award of bid and Agreement for Concrete Services for High Voltage Repairs and Misc. Traffic Electrical Repairs to TBS Contractors, Merced, CA, for a one-year Agreement with four one-year extension options, for an annual estimated cost of $170,273 and a total amount not to exceed $851,365 over five years, and forwarding to Council for approval.

7. Consider approving the plans and specifications for the Grayson Well 69 (Replacing Well 274) Project and awarding a construction contract to W.M. Lyles Co., Fresno, CA, in the amount of $2,683,800 plus $268,380 for contingency (if needed), for a total amount not to exceed $2,952,180; authorizing an increase in the Director's Authority from 8% ($214,704) to 10% ($268,380) to issue change orders; and amending the Fiscal Year 2021-22 Capital Improvement Program Budget in the amount of $1,017,828 and forwarding to Council for approval. (Funding Source: Water Fund)
   UTILITIES; Robert Davalos, 209-571-5869, rdavalos@modestogov.com

ACTION: Motion (Wright/Zoslocki; 2/0; Kenoyer Absent) to approve the plans and specifications for the Grayson Well 69 (Replacing Well 274) Project and awarding a construction contract to W.M. Lyles Co., Fresno, CA, in the amount of $2,683,800 plus

$268,380 for contingency (if needed), for a total amount not to exceed $2,952,180; authorizing an increase in the Director's Authority from 8% ($214,704) to 10% ($268,380) to issue change orders; and amending the Fiscal Year 2021-22 Capital Improvement Program Budget in the amount of $1,017,828 and forwarding to Council for approval.

8. Consider approving the plans and specifications for the Tank 5 and 12 Recoat & Repairs project, accepting the bid, and awarding a contract with Cal Sierra Construction, Inc. of Carmichael, CA, in the amount of $1,692,500 plus $423,125 for contingency (if needed), for a total amount not to exceed $2,115,625; authorizing an increase in the Director's Authority from 8% ($135,400) to 25% ($423,125) to issue change orders and forwarding to Council for approval. (Funding Source: Water Fund)
UTILITIES; Robert Davalos, 209-571-5869, rdavalos@modestogov.com

ACTION: Motion (Wright/Zoslocki; 2/0; Kenoyer Absent) to approve the plans and specifications for the Tank 5 and 12 Recoat & Repairs project, accepting the bid, and awarding a contract with Cal Sierra Construction, Inc. of Carmichael, CA, in the amount of $1,692,500 plus $423,125 for contingency (if needed), for a total amount not to exceed $2,115,625; authorizing an increase in the Director's Authority from 8% ($135,400) to 25% ($423,125) to issue change orders and forwarding to Council for approval.

Councilmember Kenoyer joined the meeting at 3:07 p.m. and assumed her voting position.

UNFINISHED BUSINESS

9. Consider approving modifications to the Turf Rebate Program and forwarding to Council for approval. (Funding Source: Water Fund)
UTILITIES; Jeff Daniels, 209-342-4285, jdaniels@modestogov.com

ACTION: Motion (Wright/Kenoyer; 3/0) to approve modifications to the Turf Rebate Program and forwarding to Council for approval.

10. Consider approving the Wastewater Engineer's Report prepared by Carollo Engineers, Inc. as complete; the Sewer Rate Study Update prepared by Bartle Wells Associates as complete; authorizing staff to initiate a Proposition 218 process to adjust the City's sewer rates beginning in Fiscal Year 2022-23 through Fiscal Year 2026-27 and forwarding to Council for approval. (Funding Source: Wastewater Fund)
UTILITIES; William Wong, 209-571-5801, wwong@modestogov.com

ACTION: Motion (Wright/Kenoyer; 3/0) to approve the Wastewater Engineer's Report prepared by Carollo Engineers, Inc. as complete; the Sewer Rate Study Update prepared by Bartle Wells Associates as complete; authorizing staff to initiate a Proposition 218 process to adjust the City's sewer rates beginning in Fiscal Year 2022-23 through Fiscal Year 2026-27 and forwarding to Council for approval.

NEW BUSINESS

11. Consider accepting an actuarial valuation report of Other Post-Employment Benefits (OPEB) as of the measurement date June 30, 2020 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 DEPARTMENT; Cal Maniscalco, 209-577-5219, cmaniscalco@modestogov.com

ACTION: Motion (Wright/Kenoyer; 3/0) to accept an actuarial valuation report of Other Post-Employment Benefits (OPEB) as of the measurement date June 30, 2020 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.

12. Consider amending the Position Allocation Plan in two departments: adding five Heavy Equipment Mechanic allocations, one Fleet Procurement Technician allocation, and one Maintenance Worker II allocation and reclassifying one Administrative Office Assistant III to one Administrative Services Technician II in the Public Works Department; and reclassifying one Administrative Office Assistant II to one Administrative Office Assistant III in the Utilities Department; and forwarding to Council for approval. (Funding Source: Various Funds)
HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: Motion (Wright/Zoslocki; 3/0) to amend the Position Allocation Plan in two departments: adding five Heavy Equipment Mechanic allocations, one Fleet Procurement Technician allocation, and one Maintenance Worker II allocation and reclassifying one Administrative Office Assistant III to one Administrative Services Technician II in the Public Works Department; and reclassifying one Administrative Office Assistant II to one Administrative Office Assistant III in the Utilities Department; and forwarding to Council for approval.

13. Consider approving a Professional Services Agreement with Public Agency Retirement Services (PARS), Newport Beach, CA for a three-year Agreement with four one-year extensions to provide administrative and management services of a Section 115 Trust for an amount determined based on the fee schedule defined under Exhibit A and forwarding to Council for approval. (Funding Source: Various Funds)
HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: Motion (Kenoyer/Wright; 3/0) to approve a Professional Services Agreement with Public Agency Retirement Services (PARS), Newport Beach, CA for a three-year Agreement with four one-year extensions to provide administrative and management services of a Section 115 Trust for an amount determined based on the fee schedule defined under Exhibit A and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 4:20 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 23, 2021 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
Absent: None

Pledge of Allegiance to the Flag

Invocation: Marvin Jacobo, City Ministry Network

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: No reportable action

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. County/Covid-19 update. (Funding Source: Not Applicable)
   CITY MANAGER; Joseph Lopez, 209-577-5223, joelopez@modestogov.com

   ACTION: Nick Dokoozlian from Stanislaus County presented COVID-19 update.

2. Proclamation proclaiming November 27, 2021 through November 28, 2021 as Small Business Saturday in the City of Modesto. (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

   ACTION: Mayor Zwahlen presented a Proclamation proclaiming November 27th through November 28, 2021 as Small Business Saturday in the City of Modesto to Trish Christensen from the Modesto Chamber of Commerce.

PUBLIC COMMENT PERIOD

- Edgar Garibay, Central Valley Programs Director for the Tuolumne River Trust invited the City Council to an All Children Thrive (ACT) community meet and greet with elected officials on Thursday, December 2nd at 3:30 p.m. at George Rogers Park.

- Ramon Rodriguez spoke regarding the arrest of Alonzo Nunez, and accountability of the police.

- Ron DeLoach offered words of encouragement to Councilmember Kenoyer, he also spoke in support of affordable housing at the Municipal Golf Course.

- Frank Ploof spoke regarding the urgency for affordable housing, and bridge housing. He also spoke regarding multiple agencies working on a housing plan. He also praised Downtown Streets Team program.

- Emerson Drake asked Council to pay more attention to the detail, and stop spending money. He also spoke regarding a public records request for maintenance and use logs for Fire Department vehicles. He also spoke regarding the rules and restrictions to Safe Parking. He also spoke regarding a land swap of Beard Brook Park, and encouraged the Council to be effective in their Committee meetings.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 3-12: (Kenoyer/Madrigal; 7/0)

CONSENT ITEMS

Consent

3. Consider approving the minutes from the November 9, 2021 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the November 9, 2021 Council Meeting.

    CITY CLERK; Dana Sanchez, 209-577-5396, dasanchez@modestogov.com

ACTION: (Kenoyer/Madrigal; 7/0) Motion approving the minutes from the November 9, 2021 Council Meeting.

Consent

4. Consider final adoption of Ordinance 3740-C.S. amending Sections 5-5.103, 5- 5.108, 5-5.109, 5-5.118 of Title 5, Chapter 5 of the Modesto Municipal Code relating to Solid Waste Collection and adding Title 5, Chapter 11 to reflect the new Mandatory Organic Waste Disposal Reduction Ordinance as required under State Senate Bill 1383. (Funding Source: Not Applicable)
    - Motion approving final adoption of Ordinance 3740-C.S. amending Sections 5-5.103, 5- 5.108, 5-5.109, 5-5.118 of Title 5, Chapter 5 of the Modesto Municipal Code relating to Solid Waste Collection and adding Title 5, Chapter 11 to reflect the new Mandatory Organic Waste Disposal Reduction Ordinance as required under State Senate Bill 1383.

    CITY CLERK; Dana Sanchez, 209-577-5396, dasanchez@modestogov.com

ACTION: (Kenoyer/Madrigal; 7/0) Motion approving final adoption of **Ordinance 3740-C.S.** amending Sections 5-5.103, 5- 5.108, 5-5.109, 5-5.118 of Title 5, Chapter 5 of the Modesto Municipal Code relating to Solid Waste Collection and adding Title 5, Chapter 11 to reflect the new Mandatory Organic Waste Disposal Reduction Ordinance as required under State Senate Bill 1383.

Consent

5. Consider approving a resolution continuing to authorize remote teleconference meetings pursuant to Assembly Bill 361. (Funding Source: Not Applicable)
    - Resolution continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

    CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2021-447 continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

Consent

6. Consider approving the First Amendment to an Agreement with Harris & Associates to provide engineering services for the City's Assessment and Community Facilities Districts (CFDs), increasing the Agreement amount by $205,000 from $45,000 to a new total of $250,000. (Funding Source: Various Community Facilities Districts and Developer Deposits)
    - Resolution approving a First Amendment to an Agreement with Harris & Associates to provide engineering services for the City's Assessment and Community Facilities Districts, increasing the Agreement amount by $205,000 from $45,000 to a total of $250,000, and authorizing the City Manager, or his designee, to negotiate and execute the amendment.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2021-448 approving a First Amendment to an Agreement with Harris & Associates to provide engineering services for the City's Assessment and Community Facilities Districts, increasing the Agreement amount by $205,000 from $45,000 to a total of $250,000, and authorizing the City Manager, or his designee, to negotiate and execute the amendment.

Consent

7. Consider approving the First Amendment with Rolling F Credit Union for the Intake of Rental Assistance Applications to increase the Agreement amount by $60,000 from $100,000 to a new total amount of $160,000. (Funding Source: U.S. Treasury Emergency Rental Assistance Program)
    - Resolution approving the First Amendment to the Rolling F Credit Union to increase the Agreement amount by $60,000 from $100,000 to a new total amount of $160,000 to continue the Rental Assistance Intake Program and authorizing the City Manager or his designee to execute the Agreement.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2021-449 approving the First Amendment to the Rolling F Credit Union to increase the Agreement amount by $60,000 from $100,000 to a new total amount of $160,000 to continue the Rental Assistance Intake Program and authorizing the City Manager or his designee to execute the Agreement.

Consent

8. Consider accepting an informational report on the July and August 2021 grant applications and awards. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the July and August 2021 grant applications and awards.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

ACTION: (Kenoyer/Madrigal; 7/0) Motion accepting an informational report for the July and August 2021 grant applications and awards.

Consent

9. Consider approving the addition of Central Valley Ag Grinding, Oakdale, CA and increase to the Purchase Orders for the furnishing of street sweeping material receiving service and City-wide disposal services with Bertolotti Disposal Modesto, CA, Bertolotti Transfer & Recycling Center, Modesto, CA, Gilton Solid Waste Management, Modesto, CA, Gilton Resources Recovery Modesto, CA and Fink Road Landfill, Crows Landing, CA by $550,000 for an estimated revised annual cost from $800,000 to $1,350,000 and authorizing the Director of Finance, or her designee, to add additional disposal sites if needed without exceeding the total revised combined amount of $6,200,000 over five years. (Funding Source: Multiple Funds)
    - Resolution approving the addition of Central Valley Ag Grinding, Oakdale, CA and increase to the Purchase Orders for the furnishing of street sweeping material receiving service and City-wide disposal services with Bertolotti Disposal Modesto, CA, Bertolotti Transfer & Recycling Center, Modesto, CA, Gilton Solid Waste Management, Modesto, CA, Gilton Resources Recovery Modesto, CA and Fink Road Landfill, Crows Landing, CA by $550,000 for an estimated revised annual estimated cost from $800,000 to $1,350,000 and authorizing the Director of Finance, or her designee, to add additional disposal sites, if needed, without exceeding the total revised combined amount of $6,200,000 over five years; and authorizing the Purchasing Manager, or her designee, to execute the Purchase Orders.

    FINANCE; Cynthia Kline, 209-577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2021-450 approving the addition of Central Valley Ag Grinding, Oakdale, CA and increase to the Purchase Orders for the furnishing of street sweeping material receiving service and City-wide disposal services with Bertolotti Disposal Modesto, CA, Bertolotti Transfer & Recycling Center, Modesto, CA, Gilton Solid Waste Management, Modesto, CA, Gilton Resources Recovery Modesto, CA and Fink Road Landfill, Crows Landing, CA by $550,000 for an estimated revised annual estimated cost from $800,000 to $1,350,000 and authorizing the Director of Finance, or her designee, to add additional disposal sites, if needed, without exceeding the total revised combined amount of $6,200,000 over five years; and authorizing the Purchasing Manager, or her designee, to execute the Purchase Orders.

Consent

10. Consider approving a First Amendment increasing the Agreement amount with Nor Cal Fire Inc., Ripon, CA for Fire Extinguisher Inspection and Maintenance Services by $23,500 from $17,500 to a new annual amount of $41,000 and an additional $71,715 over the term of the Agreement for a new total amount not to exceed of $159,215, and authorizing the Finance Director, or her designee, to add additional parts if needed without exceeding the estimated annual cost of $159,215. (Funding Source: Various Funds)
    - Resolution approving a First Amendment increasing the Agreement amount with Nor Cal Fire Inc., Ripon, CA for Fire Extinguisher Inspection and Maintenance Services by $23,500 from $17,500 to a new annual amount of $41,000 and an additional $71,715 over the term of the Agreement for a new total not to exceed amount of $159,215, and authorizing the Finance Director, or her designee, to add additional parts if needed without exceeding the estimated annual cost of $159,215, and authorizing the City Manager, or his designee, to execute the Amendment.

    PUBLIC WORKS; Patrick Crowley, 209-342-2274, pcrowley@modestogov.com

ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2021-451 approving a First Amendment increasing the Agreement amount with Nor Cal Fire Inc., Ripon, CA for Fire Extinguisher Inspection and Maintenance Services by $23,500 from $17,500 to a new annual amount of $41,000 and an additional $71,715 over the term of the Agreement for a new total not to exceed amount of $159,215, and authorizing the Finance Director, or her designee, to add additional parts if needed without exceeding the estimated annual cost of $159,215, and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

11. Consider approving the sole source Purchase Agreement with DC Frost and Associates, Walnut Creek, CA, to include wastewater process equipment parts for the Phase 2 Tertiary Treatment Plant for an estimated annual amount of $39,578 and a total amount not to exceed $197,890 over five years, and authorizing the Purchasing Manager, or her designee, the ability to add parts based on the Department's needs, ensuring the total amount does not exceed the authorized total. (Funding Source: Wastewater Fund)
    - Resolution approving the sole source Purchase Agreement with DC Frost and Associates, Walnut Creek, CA, to include wastewater process equipment parts for the Phase 2 Tertiary Treatment Plant for an estimated annual amount of $39,578 and a total amount not to exceed $197,890 over five years, and authorizing the Purchasing Manager, or her designee, the ability to add parts based on the Department's needs, ensuring the total amount does not exceed the authorized total, and authorizing the Director of Finance or her designee, to execute the Agreement.

    UTILITIES; Monte Hamilton, 209-342-4505, mhamilton@modestogov.com

ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2021-452 approving the sole source Purchase Agreement with DC Frost and Associates, Walnut Creek, CA, to include wastewater process equipment parts for the Phase 2 Tertiary Treatment Plant for an estimated annual

amount of $39,578 and a total amount not to exceed $197,890 over five years, and authorizing the Purchasing Manager, or her designee, the ability to add parts based on the Department's needs, ensuring the total amount does not exceed the authorized total, and authorizing the Director of Finance or her designee, to execute the Agreement.

Consent

12. Consider approving the sole source Purchase Agreement with Trojan Technologies, Ontario, CA, for the procurement of Ultraviolet (UV) lamps and parts for an estimated annual amount of $234,300 and a total amount not to exceed $1,171,500 over five years, and authorizing the Purchasing Manager, or her designee, the ability to add parts based on the Department's needs, ensuring the total amount does not exceed the authorized total. (Funding Source: Wastewater Fund)
    - Resolution approving the sole source Purchase Agreement with Trojan Technologies, Ontario, CA, for the procurement of Ultraviolet (UV) lamps and parts for an estimated annual amount of $234,300 and a total amount not to exceed $1,171,500 over five years, and authorizing the Purchasing Manager, or her designee, the ability to add parts based on the Department's needs, ensuring the total amount does not exceed the authorized total, and authorizing the Director of Finance, or her designee, to execute the Agreement.

    UTILITIES; Monte Hamilton, 209-342-4505, mhamilton@modestogov.com

ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2021-453 approving the sole source Purchase Agreement with Trojan Technologies, Ontario, CA, for the procurement of Ultraviolet (UV) lamps and parts for an estimated annual amount of $234,300 and a total amount not to exceed $1,171,500 over five years, and authorizing the Purchasing Manager, or her designee, the ability to add parts based on the Department's needs, ensuring the total amount does not exceed the authorized total, and authorizing the Director of Finance, or her designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

Councilmember Ricci spoke regarding his attendance at Modesto on Ice kickoff with Mayor Zwahlen, and Vice-Mayor Escutia-Braaton, and encouraged everyone to check it out, he also thanked Modesto Subaru for being a sponsor. He also spoke regarding blight and dumping, and his concern of restrictions and prohibitions on the bulky item pick up program. He also thanked everyone who spoke regarding housing and urged the City to keep pushing forward for supply. Finally, he spoke regarding Small Business Saturday, and urged everyone to support local business, and wished everyone a Happy Thanksgiving.

Councilmember Kenoyer thanked everyone for their well wishes and prayers over the last three years. She attended the ribbon cutting for Modesto on Ice on Saturday, and enjoyed watching the children skate. She also encouraged everyone to support small businesses.

Councilmember Escutia-Braaton spoke regarding Modesto on Ice, she encouraged everyone to participate, and wished everyone well during the Thanksgiving Holidays.

Councilmember Madrigal expressed his excitement with Modesto on Ice coming back for another year, and shared his hope that Downtown Modesto becomes a Downtown Holiday Winter Experience. He also requested staff for a report for what funding is available for video surveillance cameras to combat blight abatement, and illegal dumping. He also spoke regarding the Annual South Modesto Businesses United Christmas Tree Lighting on Monday, November 29th at 6 p.m. and invited everyone to come. He also invited everyone to the Annual South Modesto Holiday Posada from 6 p.m. to 9 p.m. and the County will be providing on site Covid vaccines.

Councilmember Wright thanked City staff, Jaylen French & Jessica Hill regarding new Tivoli housing project and moving the project forward.

CITY MANAGER COMMENTS & REPORTS

City Manager Joseph Lopez wished everyone a Happy Thanksgiving.

NEW BUSINESS

13. Consider approving submission of the Fiscal Year 2021 Federal Railroad Administration's (FRA) Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program Grant Application for funds to establish a Quiet Zone in the downtown area. (Funding Source: General Funds)
    - Resolution approving the submission of the Fiscal Year 2021 Federal Railroad Administration's (FRA) Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program Grant Application for funds to establish a Quiet Zone in the downtown area and authorizing the City Manager or designee to execute the necessary documents for the Grant Application.

    CED; Marcus Tucker, 209-577-9473, mtucker@modestogov.com

ACTION: (Wright/Kenoyer; 7/0) Resolution 2021-454 approving the submission of the Fiscal Year 2021 Federal Railroad Administration's (FRA) Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program Grant Application for funds to establish a Quiet Zone in the downtown area ***with a 30 percent local match contribution*** and authorizing the City Manager or designee to execute the necessary documents for the Grant Application.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 7:11 p.m.

CLOSED SESSION

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(a) of the Government Code)

Name of case(s): Sterling Butts v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ13001878

PUBLIC EMPLOYEE APPOINTMENT
(Pursuant to Section 54957 Government Code)
Title: City Clerk

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

Attest:_____
Dana Sanchez, Interim City Clerk

MINUTES

City of Modesto

CITY COUNCIL MEETING

Arbor Theatre, Modesto Centre Plaza
Corner of 10th and K Streets
Modesto, California
Monday, November 29, 2021 at 9:00 AM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer (arrived @ 9:07 a.m.), Madrigal (arrived @ 9:07 a.m.), Ricci, Wright, Zoslocki, Mayor Zwahlen

Pledge of Allegiance to the Flag

PUBLIC COMMENT PERIOD

- Tim Ragsdale spoke regarding the immediate need for an appointed Auditor now, as opposed to waiting for an elected Auditor which would delay filling that position indefinitely. He mentioned one of the benefits of an Auditor is it facilitates employee growth by asking questions about the way work is done. He also spoke regarding the creation of an Audit Committee and felt the City Council may not have technical expertise of audit functions, and strongly urged two qualified citizens with auditing background should be included on the committee.

- Anne-Marie Hogan from the Association of Local Government Auditors congratulated the Committee on their work and praised Council for keeping it moving forward because accountability in Government is so important.

- Emerson Drake spoke regarding his concerns that this meeting was not recorded. He is also concerned the Committees recommendations will be watered down. He is also concerned that public comment is only allowed at the beginning of the meeting.

- Wendy Byrd spoke regarding independency of the Auditor position, and not controlled or retaliated against by Council. She also acknowledged there are a lot of intricate parts and the value of expertise of public policy is important as well.

- Anne-Marie Hogan spoke regarding Audit Committee, that items should go to Committee first. She stated Council can't discuss items or review draft reports in Closed Session. Draft reports should be reviewed by who is being audited in case there are mistakes. Audit drafts are protected from public disclosure. Serve at the pleasure language is old fashioned and doesn't matter.

- Kevin Valine from the Modesto Bee asked for repeat of the motion on the Audit Committee item that Council approved. He asked for clarification whether these votes are preliminary until brought to Council to bring these proposed amendments to the

voters in November, and when brought back in January will you bring back the remaining items plus the new items brought up by council today.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: No Consent Items

NEW BUSINESS

1. Discussion and possible action regarding the recommendations from the Charter Review Committee, and other potential items for consideration related to the City's Charter, and authorizing the City Manager, or his designee, to implement the next steps. (Funding Source: Not Applicable)
   CITY MANAGER; Edgar Garcia, 209-571-5101, edgarcia@modestogov.com

ACTION: (Madrigal/Escutia-Braaton; 7/0) Motion to approve Charter Review Committee revision recommendation regarding City Manager - Section 800.

Lunch break 12:00 p.m. – 1:00 p.m.

ACTION: (Wright/Ricci; 7/0) Motion to accept Charter Review Committee revision recommendations regarding Budget Timeline - Sections 1302.1, 1302.2, and 1303.3

ACTION: (Escutia-Braaton/Madrigal; 7/0) Motion to approve Charter Review Committee revision recommendations regarding miscellaneous Technical Amendments excluding Human Relations Commission.

ACTION: (Wright/Zoslocki; 7/0) Motion to discuss Timing of Mayor's Election

ACTION: (Wright/Escutia-Braaton; 6/1; Madrigal No) Motion to approve Charter Review Committee revision recommendations regarding Timing of Mayor's Election.

ACTION: (Madrigal/Zoslocki; 5/2; Kenoyer, Ricci, Noes) Motion to add the Audit Standing Committee to the Charter.

ACTION: (Wright/Zoslocki; 7/0) Motion to approve the Charter Review Committee revision recommendations, as amended as follows: The Audit Committee shall be comprised of three members of the City Council and two members of the public who are residents of the City of Modesto, and who shall be recommended for appointment by the Mayor and ratified by the City Council. The public members shall possess a minimum of two years experience in financial or performance auditing. Strong consideration shall be given to public members who are Certified Public Accountants.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 3:30 p.m.

Attest:_____
Dana Sanchez, Interim City Clerk

MINUTES

City of Modesto
ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference

Monday, December 06, 2021 at 5:30 PM

Roll Call: Present: Councilmember Madrigal
Absent: Mayor Zwahlen, Councilmember Ricci
Also Present: Alternates Councilmembers Escutia-Braaton and Wright

PUBLIC COMMENTS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 2-6: (Wright/Escutia-Braaton; 3/0; Zwahlen, Ricci absent)
Item 1 was removed from Consent

CONSENT

Removed from Consent

1. Consider approving an Agreement with Stanislaus County for the project development, construction, ownership and operation of the Airport Neighborhood Active Transportation Connectivity and Safety Project and forwarding to Council for approval. (Funding Source: State funds, County Local Measure L funds)
CED; Tamorah Bryant, 209-577-5328, tbryant@modestogov.com

ACTION: Motion (Wright/Escutia-Braaton; 3/0; Zwahlen, Ricci absent) to approve an Agreement with Stanislaus County for the project development, construction, ownership and operation of the Airport Neighborhood Active Transportation Connectivity and Safety Project and forwarding to Council for approval.

Consent

2. Consider approving a First Amendment to the Consultant Agreement with Slate Communications, for Interim Public Relations Consultant Services and Communications and Outreach Support for the Utilities Department, and increasing the amount by $90,000 from $50,000 to a new total amount not to exceed $140,000 and forwarding to Council for approval. (Funding Source: General Fund, Water and Wastewater Funds & Various Departmental Funds)
UTILITIES; William Wong, 209-571-5801, wwong@modestogov.com

ACTION: Motion (Wright/Escutia-Braaton; 3/0; Zwahlen, Ricci absent) to approve a First Amendment to the Consultant Agreement with Slate Communications, for Interim Public Relations Consultant Services and Communications and Outreach Support for the Utilities Department, and increasing the amount by $90,000 from $50,000 to a new total amount not to exceed $140,000 and forwarding to Council for approval.

Consent

3. Consider approving an Agreement with Arrow Construction, of Manteca, CA, for Subsurface Exploration (Potholing) Services for the La Loma Sewer Project in the amount of $143,000 for the identified scope of services, plus $14,300 in additional services, if needed, for a total not to exceed amount of $157,300 and forwarding to Council for approval. (Funding Source: Wastewater Fund)
   UTILITIES; Cristian Ciotau, 209-577-5260, cciotau@modestogov.com

ACTION: Motion (Wright/Escutia-Braaton; 3/0; Zwahlen, Ricci absent) to approve an Agreement with Arrow Construction, of Manteca, CA, for Subsurface Exploration (Potholing) Services for the La Loma Sewer Project in the amount of $143,000 for the identified scope of services, plus $14,300 in additional services, if needed, for a total not to exceed amount of $157,300 and forwarding to Council for approval.

Consent

4. Consider approving an Agreement with West Yost Associates, Sacramento, CA, for Engineering Services for a Well Equipping Design Template in the amount of $70,300 for the identified scope of services, plus $7,030 in additional services, if needed for a total not to exceed amount of $77,330 and forwarding to Council for approval. (Funding Source: Water Fund)
   UTILITIES; Robert Davalos, 209-571-5869, rdavalos@modestogov.com

ACTION: Motion (Wright/Escutia-Braaton; 3/0; Zwahlen, Ricci absent) to approve an Agreement with West Yost Associates, Sacramento, CA, for Engineering Services for a Well Equipping Design Template in the amount of $70,300 for the identified scope of services, plus $7,030 in additional services, if needed for a total not to exceed amount of $77,330 and forwarding to Council for approval.

Consent

5. Consider approving an On-Call Construction Services Agreement with Ewing Construction Services, of Davis, CA, for a term of one-year with two one-year extensions options, not to exceed $100,000 per year for a total not to exceed amount of $300,000 over three years and forwarding to Council for approval. (Funding Source: Various Capital Improvement Projects)
   UTILITIES; Jesse Franco, 209-571-5175, jfranco@modestogov.com

ACTION: Motion (Wright/Escutia-Braaton; 3/0; Zwahlen, Ricci absent) to approve an On-Call Construction Services Agreement with Ewing Construction Services, of Davis, CA, for a term of one-year with two one-year extensions options, not to exceed $100,000 per year

for a total not to exceed amount of $300,000 over three years and forwarding to Council for approval.

Consent

6. Consider approving an On-Call Real Property Consulting Services Agreement with Associated Right of Way Services, of Pleasant Hill, CA, for a term of one-year with two one-year extensions options, not to exceed $100,000 per year for a total not to exceed amount of $300,000 over three years and forwarding to Council for approval. (Funding Source: Various Capital Improvement Projects)
   UTILITIES; Jesse Franco, 209-571-5175, jfranco@modestogov.com

ACTION: Motion (Wright/Escutia-Braaton; 3/0; Zwahlen, Ricci absent) to approve an On-Call Real Property Consulting Services Agreement with Associated Right of Way Services, of Pleasant Hill, CA, for a term of one-year with two one-year extensions options, not to exceed $100,000 per year for a total not to exceed amount of $300,000 over three years and forwarding to Council for approval.

NEW BUSINESS

7. Consider a Pilot Operating Agreement for Stand-Up Electric Scooter Sharing Program with Bird Rides, Inc. and forwarding to Council for approval. (Funding Source: Not Applicable)
   CED; Marcus Tucker, 209-577-9473, mtucker@modestogov.com

ACTION: Motion (Escutia-Braaton/Madrigal; 2/1; Wright Noes; Zwahlen, Ricci absent) AS AMENDED to accept and add change to 100 scooters to start and provide flexibility to the operator to petition to increase in increments of 25.and forwarding to Council for approval.

8. Consider recommending a Neighborhood Traffic Calming Program to Council for approval. (Funding Source: Measure L Local Funds – Traffic Management)
   CED; Tamorah Bryant, 209-577-5328, tbryant@modestogov.com

ACTION: Motion (Wright/Escutia-Braaton; 3/0; Zwahlen, Ricci absent) to recommend a Neighborhood Traffic Calming Program to Council for approval.

9. Consider expanding the role of the "Cannabis Permit Committee" and renaming the Committee to be known as the "Cannabis Program and Permit Committee." (Funding Source: Not Applicable)
   CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: Motion (Escutia-Braaton/Wright; 3/0; Zwahlen, Ricci absent) to expand the role of the "Cannabis Permit Committee" and renaming the Committee to be known as the "Cannabis Program and Permit Committee."

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

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, December 07, 2021 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
Absent: None

Pledge of Allegiance to the Flag

Invocation: Jeremiah Williams, The Revival Center

City Clerk's Announcements: Item 15 was removed from the Agenda

Declaration of Conflicts of Interest: None

Reports from Closed Session: No reportable action

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Voter Education Presentation (Funding Source: Not Applicable)
   CITY CLERK; Dana Sanchez, 209-577-5396, dasanchez@modestogov.com

ACTION: Donna Linder, County Clerk Recorder & Registrar of Voters, spoke regarding voting and elections workshops to educate the public.

2. Youth Commission Update (Funding Source: Not Applicable)
   PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: Ashley Weaver, Parks, Recreation and Neighborhoods Manager, announced the re-establishment of the Youth Commission Advisory Board, and introduced the students serving as the Advisory Board. Rana Banankhah gave overview of their efforts to re-establish the Advisory Board.

MISCELLANEOUS
Appointments

3. Consider approving the reappointment of Vince Hansen as the Creekside Golf Club representative, and the appointments of Doug Lemke and Michelle Buer as Members-At-Large, to the City of Modesto Golf Courses Advisory Committee from January 1, 2022 through December 31, 2025. (Funding Source: Not Applicable)

Staff Recommendation:

- Resolution approving the reappointment of Vince Hansen as the Creekside Golf Club representative, and the appointments of Doug Lemke and Michelle Buer as Members-At-Large to the City of Modesto Golf Courses Advisory Committee from January 1, 2022 through December 31, 2025.

PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2021-455 approving the reappointment of Vince Hansen as the Creekside Golf Club representative, and the appointments of Doug Lemke and Michelle Buer as Members-At-Large to the City of Modesto Golf Courses Advisory Committee from January 1, 2022 through December 31, 2025.

4. Consider reappointing Thomas Lopes, for a third term, and Tim Fisher for a second term, to the Modesto Convention and Visitors Bureau Board of Directors from January 1, 2022 to December 31, 2023. (Funding Source: Not Applicable)

Staff Recommendation:

- Resolution reappointing Thomas Lopes, for a third term, and Tim Fisher for a second term, to the Modesto Convention and Visitors Bureau Board of Directors from January 1, 2022 to December 31, 2023.

PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Escutia-Braaton/Ricci; 7/0) Resolution 2021-456 reappointing Thomas Lopes, for a third term, and Tim Fisher for a second term, to the Modesto Convention and Visitors Bureau Board of Directors from January 1, 2022 to December 31, 2023.

5. Consider reappointing Patrick Cavanah to the Culture Commission for a second term from January 1, 2022 to December 31, 2025. (Funding Source: Not Applicable)

Staff Recommendation:

- Resolution reappointing Patrick Cavanah to the Culture Commission for a second term from January 1, 2022 to December 31, 2025.

PRN; Marco Sepulveda, 209-577-5275, msepulveda@modestogov.com

ACTION: (Wright/Zwahlen; 7/0) Resolution 2021-457 reappointing Patrick Cavanah to the Culture Commission for a second term from January 1, 2022 to December 31, 2025.

PUBLIC COMMENT PERIOD

- Frank Ploof spoke regarding his desire for a monthly report on homelessness, and housing. He also spoke regarding a documentary of the homeless.

- Richard Anderson spoke regarding the Municipal Golf Course and possible uses of the land, including affordable housing.

- Ramon Rodriguez spoke regarding the arrest of Alonzo Nunes, and the death of Trevor Seever. He also asked for accountability of the police. He also spoke in support of using the Municipal Golf Course for affordable housing.

- Pastor Latricia spoke regarding the need for affordable housing, and using the Municipal Golf Course for affordable housing.

- Darlene Ruiz spoke regarding the death of Trevor Seever, and asked for an Independent Police Auditor to build trust.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 6-14, 16-24: (Kenoyer/Zoslocki; 7/0)
Item 15 was removed from Agenda

CONSENT ITEMS

Consent
6. Consider approving the minutes from the November 23, 2021 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the November 23, 2021 Council Meeting.

    CITY CLERK; Dana Sanchez, 209-577-5396, dasanchez@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Motion approving the minutes from the November 23, 2021 Council Meeting.

Consent
7. Consider approving the Mayor's appointments to the City of Modesto Standing Committees, and City Council Liaison Committees. (Funding Source: Not Applicable)
    - Motion approving the selection of Council Member David Wright as Vice Mayor.
    - Motion approving the appointments to the Standing Committees and City Council Liaison Committees.

    CITY MANAGER; Edgar Garcia, 209-571-5101, edgarcia@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Motion approving the selection of Council Member David Wright as Vice Mayor.

ACTION: (Kenoyer/Zoslocki; 7/0) Motion approving the appointments to the Standing Committees and City Council Liaison Committees.

Consent
8. Consider approving the recommended budget adjustments to Fiscal Year 2021-22 Annual Operating and Capital Improvement Program Budgets. (Funding Source: Various Funds)

- Resolution amending Year 2021-22 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager, to make the necessary steps to implement the provisions of this resolution.

BUDGET; Steve Christensen, 209-577-5390, schristensen@modestgov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-458 amending Year 2021-22 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager, to make the necessary steps to implement the provisions of this resolution.

Consent

9. Consider approving a Sixth Amendment to the Agreement with Dokken Engineering for the preparation of the plans, specifications, and estimate and right-of-way acquisition for the State Route 99/Pelandale Avenue Interchange - Phase 2 project to increase the existing Agreement by $48,906, from $3,550,327 to a total not to exceed amount of $3,599,233, and authorizing the City Manager, or his designee to execute the Sixth Amendment to Agreement. (Funding Source: Streets Capital Facilities Fees (CFF) and State Transportation Improvement Program (STIP) Funds)
    - Resolution approving a Sixth Amendment to the Agreement with Dokken Engineering for the preparation of the plans, specifications, and estimate and right-of-way acquisition for the State Route 99/Pelandale Avenue Interchange - Phase 2 project to increase the existing Agreement by $48,906, from $3,550,327 to a total not to exceed amount of $3,599,233, and authorizing the City Manager, or his designee to execute the Sixth Amendment to Agreement.

    CED; Phillip Soares, 209-577-5258, psoares@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-459 approving a Sixth Amendment to the Agreement with Dokken Engineering for the preparation of the plans, specifications, and estimate and right-of-way acquisition for the State Route 99/Pelandale Avenue Interchange - Phase 2 project to increase the existing Agreement by $48,906, from $3,550,327 to a total not to exceed amount of $3,599,233, and authorizing the City Manager, or his designee to execute the Sixth Amendment to Agreement.

Consent

10. Consider approving a Memorandum of Understanding with Stanislaus Regional Transit Authority for a Cost-Sharing Agreement to create a Transit-Oriented Development Plan, and amending the Fiscal Year 2021-22 Non-Capital project 101352 – Leap 2021 Planning Grant budget in the amount of $100,000. (Funding Source: State of California Local Early Action Planning Grant Funds and Stanislaus Regional Transit Authority)
    - Resolution approving a Memorandum of Understanding between the City of Modesto and Stanislaus Regional Transit Authority for a Cost-Sharing Agreement for a Transit-Oriented Development Plan.
    - Resolution approving a budget adjustment amending Fiscal Year 2021-22 Non-Capital project 101352 – Leap 2021 Planning Grant in the amount of $100,000 to fund the Cost-Sharing Agreement for a Transit Oriented Development Plan; and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

CED; Brad Wall, 209-577-5273, bwall@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-460 approving a Memorandum of Understanding between the City of Modesto and Stanislaus Regional Transit Authority for a Cost-Sharing Agreement for a Transit-Oriented Development Plan.

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-461 approving a budget adjustment amending Fiscal Year 2021-22 Non-Capital project 101352 – Leap 2021 Planning Grant in the amount of $100,000 to fund the Cost-Sharing Agreement for a Transit Oriented Development Plan; and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

Consent

11. Consider accepting an informational report for the October 2021 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the October 2021 Accounts Payable Payment Register and Void report.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Motion accepting an informational report for the October 2021 Accounts Payable Payment Register and Void report.

Consent

12. Consider accepting the Monthly Investment Report for September 2021. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for September 2021.

    FINANCE DEPARTMENT; Calogero Maniscalco, 209-577-5219, cmaniscalco@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Motion accepting the Monthly Investment Report for September 2021.

Consent

13. Consider approving an Agreement with Wonderlic, Inc. for a subscription to as-needed pre-employment behavioral assessment services, with an expiration date of June 30, 2023, with an annual estimated amount not to exceed $8,400, with a potential extension option and total amount not to exceed $16,800. (Funding Source: General Fund)
    - Resolution approving an Agreement with Wonderlic, Inc. for a subscription to as-needed pre-employment behavioral assessment services, with an expiration date of June 30, 2023, with an annual estimated amount not to exceed $8,400, with a potential extension option and total amount not to exceed $16,800, and authorizing the City Manager, or his designee, to execute the Agreement.

    FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-462 approving an Agreement with Wonderlic, Inc. for a subscription to as-needed pre-employment behavioral assessment services, with an expiration date of June 30, 2023, with an annual estimated amount not to exceed $8,400, with a potential extension option and total amount not to exceed $16,800, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

14. Consider approving the award of bid and Purchasing Agreement with L N Curtis, Walnut Creek, CA for Personal Protection Equipment for the Modesto Fire Department, for a two-year Agreement with three one-year extension options, for an annual estimated cost of $260,000, and a total cost not to exceed $1,300,000 over five years. (Funding Source: General fund and SAFER grant)
    - Resolution approving the award of bid and Purchasing Agreement with L N Curtis, Walnut Creek, CA for Personal Protection Equipment for the Modesto Fire Department, for a two-year Agreement with three one-year extension options, for an annual estimated cost of $260,000, and a total cost not to exceed $1,300,000 over five years and authorizing the Director of Finance, or her designee, to execute the Purchasing Agreement.

    FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-463 approving the award of bid and Purchasing Agreement with L N Curtis, Walnut Creek, CA for Personal Protection Equipment for the Modesto Fire Department, for a two-year Agreement with three one-year extension options, for an annual estimated cost of $260,000, and a total cost not to exceed $1,300,000 over five years and authorizing the Director of Finance, or her designee, to execute the Purchasing Agreement.

Removed from Agenda

15. Consider authorizing payment of an insurance deductible in the amount of $100,000 to Belfor Property Restoration, Modesto, CA for the Creekside Golf Clubhouse Fire Repair. (Funding Source: Golf Fund)
    - Resolution authorizing payment of an insurance deductible in the amount of $100,000 to Belfor Property Restoration, Modesto, CA for the Creekside Golf Clubhouse Fire Repair and authorizing the City Manager, or his designee, to issue the payment and execute the Agreement.

    PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

Consent

16. Consider approving the award of bid and Agreement for Slurry Oil to VSS Emultech, Modesto, CA for a one-year Agreement with four one-year extension options, for an annual estimated cost of $407,768 and a total amount not to exceed $2,038,840, over five years. (Funding Source: Surface Transportation, Water, Wastewater, and Storm Drainage Funds)
    - Resolution approving the award of bid and Agreement for Slurry Oil on an as needed basis to VSS Emultech, Modesto CA, for a one-year Agreement with four one-year extension options, for an annual estimated cost of $407,768, and

a total amount not to exceed $2,038,840 over five years, and authorizing the Director of Finance, or her designee, to issue the Purchase Agreement.

PUBLIC WORKS; Steve Fischio, 209-342-2222, sfischio@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-464 approving the award of bid and Agreement for Slurry Oil on an as needed basis to VSS Emultech, Modesto CA, for a one-year Agreement with four one-year extension options, for an annual estimated cost of $407,768, and a total amount not to exceed $2,038,840 over five years, and authorizing the Director of Finance, or her designee, to issue the Purchase Agreement.

Consent

17. Consider approving the award of bid and Agreement for Slurry Rock to West Coast Sand & Gravel, Modesto CA for a one-year Agreement with four one-year extension options, for an annual estimated cost of $506,473 and a total amount not to exceed $2,532,365 over five years. (Funding Source: Surface Transportation, Water, Wastewater, and Storm Drainage Funds)
    - Resolution approving the award of bid and Agreement for Slurry Rock on an as needed basis to West Coast Sand & Gravel, Modesto CA, for a one-year Agreement with four one-year extension options, for an estimated annual cost of $506,473, and a total amount not to exceed $2,532,365 over five years, and authorizing the Director of Finance, or her designee, to issue the Purchase Agreement.

PUBLIC WORKS; Steve Fischio, 209-342-2222, sfischio@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-465 approving the award of bid and Agreement for Slurry Rock on an as needed basis to West Coast Sand & Gravel, Modesto CA, for a one-year Agreement with four one-year extension options, for an estimated annual cost of $506,473, and a total amount not to exceed $2,532,365 over five years, and authorizing the Director of Finance, or her designee, to issue the Purchase Agreement.

Consent

18. Consider approving the award of bid and Agreement for the purchase of Portland Cement Concrete to Allied Concrete & Supply Co. Inc., Modesto, CA for a two-year Agreement with three one-year extension options, for an annual estimated cost of $320,546 and a total cost not to exceed $1,602,730, over five years. (Funding Source: Surface Transportation, Water, Wastewater, and Storm Drainage Fund)
    - Resolution approving the award of bid and Agreement for Portland Cement Concrete on an as needed basis to Allied Concrete & Supply Co. Inc., Modesto CA, for a two-year Agreement with three one-year extension options, for an estimated annual cost of $320,546, and a total amount not to exceed $1,602,730 over five years, and authorizing the Director of Finance, or her designee, to issue the Purchase Agreement.

PUBLIC WORKS; Steve Fischio, 209-342-222, sfischio@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-466 approving the award of bid and Agreement for Portland Cement Concrete on an as needed basis to Allied Concrete & Supply

Co. Inc., Modesto CA, for a two-year Agreement with three one-year extension options, for an estimated annual cost of $320,546, and a total amount not to exceed $1,602,730 over five years, and authorizing the Director of Finance, or her designee, to issue the Purchase Agreement.

Consent

19. Consider approving the plans and specifications for the Transit Center Improvements and Transit Center Addition Project and awarding a construction Contract with Simile Construction Services, Inc. from Modesto, CA, in the amount of $5,233,576 plus $418,686 for contingency (if needed), for a total not to exceed amount of $5,652,262. (Funding Source: Federal Transit Administration, Local Transportation Funds, State – SB1 State of Good Repair and Low Carbon Transit Operations Program)
    - Resolution approving plans and specifications for the Transit Center Improvements and Transit Center Addition Project, accepting the bid, and approving a Contract with Simile Construction Services, Inc., Modesto, CA, for the Transit Center Improvements and Transit Center Addition Project in the amount of $5,233,576, plus $418,686 for contingency (if needed), for a total amount of $5,652,262 and authorizing the City Manager, or his designee, to execute the Contract.

    PUBLIC WORKS; Jesse Franco, 209-571-5175, jfranco@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-467 approving plans and specifications for the Transit Center Improvements and Transit Center Addition Project, accepting the bid, and approving a Contract with Simile Construction Services, Inc., Modesto, CA, for the Transit Center Improvements and Transit Center Addition Project in the amount of $5,233,576, plus $418,686 for contingency (if needed), for a total amount of $5,652,262 and authorizing the City Manager, or his designee, to execute the Contract.

Consent

20. Consider accepting the Bangs Avenue-Tully Road Sewer & Water Main Improvements Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $1,461,613 to Preston Pipelines Infrastructure, Inc., Milpitas, CA. (Funding Source: Water & Wastewater Funds)
    - Resolution accepting the Bangs Avenue-Tully Road Sewer & Water Main Improvements Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $1,461,613 to Preston Pipelines Infrastructure, Inc., Milpitas, CA.

    UTILITIES; Greg Showerman, 209-571-5860, gshowerman@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-468 accepting the Bangs Avenue-Tully Road Sewer & Water Main Improvements Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $1,461,613 to Preston Pipelines Infrastructure, Inc., Milpitas, CA.

Consent

21. Consider accepting the plans and specifications for the High Voltage Improvements at Sutter Wastewater Treatment Plant (WWTP) Project and awarding a construction contract with Clyde G. Steagall Inc, of Loomis, CA, in the amount of $302,500 plus $45,375 for contingency (if needed), for a total amount not to exceed $347,875; authorizing an increase in the Director's Authority from 10% ($30,250) to 15% ($45,375) of the construction contract price of $302,500 to issue change orders; and amending the Fiscal Year 2021-2022 Capital Improvement Program Budget in the amount of $414,425. (Funding Source: Wastewater Fund)
    - Resolution approving plans and specifications for the High Voltage Improvements at Sutter Wastewater Treatment Plant Project, accepting the bid, and approving a construction contract with Clyde G. Steagall Inc, of Loomis, CA, in the amount of $302,500 plus $45,375 for contingency (if needed) for a total amount not to exceed $347,875 and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution authorizing an increase in the Director's authority to issue change orders for the High Voltage Improvements at Sutter WWTP Project from 10% ($30,250) to 15% ($45,375) of the construction contract price of $302,500 with Clyde G. Steagall Inc, of Loomis, CA.
    - Resolution amending the Fiscal Year 2021-22 Capital Improvement Program Budget in the amount of $414,425 to be transferred into the project from Wastewater Fund to fully fund the construction, contingency, construction administration and design support during construction for the High Voltage Improvements at Sutter WWTP Project and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

    UTILITIES; Cristian Ciotau, 209-577-5260, cciotau@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-469 approving plans and specifications for the High Voltage Improvements at Sutter Wastewater Treatment Plant Project, accepting the bid, and approving a construction contract with Clyde G. Steagall Inc, of Loomis, CA, in the amount of $302,500 plus $45,375 for contingency (if needed) for a total amount not to exceed $347,875 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-470 authorizing an increase in the Director's authority to issue change orders for the High Voltage Improvements at Sutter WWTP Project from 10% ($30,250) to 15% ($45,375) of the construction contract price of $302,500 with Clyde G. Steagall Inc, of Loomis, CA.

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-471 amending the Fiscal Year 2021-22 Capital Improvement Program Budget in the amount of $414,425 to be transferred into the project from Wastewater Fund to fully fund the construction, contingency, construction administration and design support during construction for the High Voltage Improvements at Sutter WWTP Project and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

Consent

22. Consider accepting the River Trunk Emergency Repair project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities and releasing payments totaling $197,995 to Rolfe Construction, Inc., Atwater, CA. (Funding Source: Wastewater Fund)
    - Resolution accepting the River Trunk Emergency Repair as complete, authorizing all necessary steps to file with the County Recorder, releasing securities and authorize payments totaling $197,995 to Rolfe Construction, of Atwater, California.

    UTILITIES; Jesse Franco, 209-571-5175, jfranco@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-472 accepting the River Trunk Emergency Repair as complete, authorizing all necessary steps to file with the County Recorder, releasing securities and authorize payments totaling $197,995 to Rolfe Construction, of Atwater, California.

Consent

23. Consider approving the plans and specifications for the Grayson Well 69 (Replacing Well 274) Project and awarding a construction contract to W.M. Lyles Co., Fresno, CA, in the amount of $2,683,800 plus $268,380 for contingency (if needed), for a total amount not to exceed $2,952,180; authorizing an increase in the Director's Authority from 8% ($214,704) to 10% ($268,380) to issue change orders; and amending the Fiscal Year 2021-22 Capital Improvement Program Budget in the amount of $1,017,828. (Funding Source: Water Fund)
    - Resolution approving plans and specifications for the Grayson Well 69 (Replacing Well 274) Project, accepting the bid, and approving a construction contract to W.M. Lyles Co., Fresno, CA, in the amount of $2,683,800 plus $268,380 for contingency (if needed) for a total amount not to exceed $2,952,180 and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution authorizing an increase in the Director's Authority to issue change orders for the Well 69 (Replacing Well 274) Project from 8% ($214,704) to 10% ($268,380) of the construction contract amount of $2,683,800 with W.M. Lyles Co., Fresno, CA.
    - Resolution amending the Fiscal Year 2021-22 Capital Improvement Program Budget in the amount of $1,017,828 to be transferred into the project from water fund reserves to fully fund the construction, contingency, construction administration, and design support during construction for the Grayson Well 69 (Replacing Well 274) Project and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

    UTILITIES; Robert Davalos, 209-571-5869, rdavalos@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-473 approving plans and specifications for the Grayson Well 69 (Replacing Well 274) Project, accepting the bid, and approving a construction contract to W.M. Lyles Co., Fresno, CA, in the amount of $2,683,800 plus $268,380 for contingency (if needed) for a total amount not to exceed $2,952,180 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-474 authorizing an increase in the Director's Authority to issue change orders for the Well 69 (Replacing Well 274) Project from 8% ($214,704) to 10% ($268,380) of the construction contract amount of $2,683,800 with W.M. Lyles Co., Fresno, CA.

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-475 amending the Fiscal Year 2021-22 Capital Improvement Program Budget in the amount of $1,017,828 to be transferred into the project from water fund reserves to fully fund the construction, contingency, construction administration, and design support during construction for the Grayson Well 69 (Replacing Well 274) Project and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

Consent

24. Consider approving the plans and specifications for the Tank 5 and 12 Recoat and Repairs project, accepting the bid, and awarding a contract with Cal Sierra Construction, Inc. of Carmichael, CA, in the amount of $1,692,500 plus $423,125 for contingency (if needed), for a total amount not to exceed $2,115,625; authorizing an increase in the Director's Authority from 8% ($135,400) to 25% ($423,125) to issue change orders. (Funding Source: Water Fund)
    - Resolution approving the plans and specifications for the Tank 5 and 12 Recoat and Repairs Project, accepting the bid, and approving a construction contract with Cal Sierra Construction, Inc., of Carmichael, CA in the amount of $1,692,500, plus $423,125 for contingency (if needed), for a total amount not to exceed $2,115,625 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 Tank 5 and 12 Recoat and Repairs Project from 8 percent ($135,400) to 25 percent ($423,125) of the construction contract amount.

    UTILITIES; Robert Davalos, 209-571-5869, rdavalos@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-476 approving the plans and specifications for the Tank 5 and 12 Recoat and Repairs Project, accepting the bid, and approving a construction contract with Cal Sierra Construction, Inc., of Carmichael, CA in the amount of $1,692,500, plus $423,125 for contingency (if needed), for a total amount not to exceed $2,115,625 and authorizing the City Manager, or his designee, to execute the contract.

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2021-477 authorizing an increase in the Director's authority to issue change orders for the Tank 5 and 12 Recoat and Repairs Project from 8 percent ($135,400) to 25 percent ($423,125) of the construction contract amount.

COUNCIL COMMENTS & REPORTS

Councilmember Escutia-Braaton spoke regarding the importance of housing, and invited the public to come to a Housing Workshop, and encouraged the public to participate.

Councilmember Ricci spoke regarding illegal dumping, and urged the City to work harder regarding enforcement, and urged bringing back the Blight Abatement Task Force. He also spoke regarding Park Rangers, and Safe Parking. He also expressed excitement regarding housing projects the City is working on. Lastly, he thanked all the people involved regarding the Parade.

Councilmember Madrigal also spoke regarding illegal dumping, and the possibility of camera's for hotspots, and asked for a report back regarding these issues. He also invited the Council and public to the Christmas Posada at Los Amigos Tire. There will also be onsite Covid vaccinations.

Councilmember Kenoyer spoke regarding the Parade, and how inspired she was by the large turnout, and thanked City staff for all their hard work.

Mayor Zwahlen thanked staff for their hard work regarding the Parade as well.

Councilmember Wright thanked Chris Murphy, Murphy's staff, and Collin's Electric Company, Inc. for their work on the Friday Night Lighting event of the Christmas Tree and how great it was to see all of the people.

CITY MANAGER COMMENTS & REPORTS

None

UNFINISHED BUSINESS

25. Consider approving the Wastewater Engineer's Report prepared by Carollo Engineers, Inc. as complete; the Sewer Rate Study Update prepared by Bartle Wells Associates as complete; authorizing staff to initiate a Proposition 218 process to adjust the City's sewer rates beginning in Fiscal Year 2022-23 through Fiscal Year 2026-27 and forwarding to Council for approval. (Funding Source: Wastewater Fund)
    - Resolution approving the Wastewater Engineer's Report update prepared by Carollo Engineers, Inc. as complete.
    - Resolution approving the Sewer Rate and Fee Study Prepared by Bartle Wells Associates as complete.
    - Resolution authorizing staff to initiate a Proposition 218 process to adjust the City's sewer rates beginning in fiscal year 2022-23 through fiscal year 2026-27.

    UTILITIES; William Wong, 209-571-5801, wwong@modestogov.com

ACTION: (Wright/Zoslocki; 7/0) Resolution 2021-478 approving the Wastewater Engineer's Report update prepared by Carollo Engineers, Inc. as complete.

ACTION: (Wright/Zoslocki; 7/0) Resolution 2021-479 approving the Sewer Rate and Fee Study Prepared by Bartle Wells Associates as complete.

ACTION: (Wright/Zoslocki; 7/0) Resolution 2021-480 authorizing staff to initiate a Proposition 218 process to adjust the City's sewer rates beginning in fiscal year 2022-23 through fiscal year 2026-27.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 7:03 p.m.

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 Attorney

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Pursuant to Section 54957 of the Government Code)
Title: Interim City Clerk

Attest: _____
Dana Sanchez, Interim City Clerk

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, December 14, 2021 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen

Pledge of Allegiance to the Flag

Invocation: Shalom Bochner, Congregation Beth Shalom

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session:

City Attorney Jose Sanchez reported out on Closed Session. Regarding Conference with Legal Counsel - Anticipated Litigation - One Case, regarding opioid litigation, by a vote of 6/1 (Ricci, No) Council authorized and directed the City Manager to enter into two settlement agreements related to County of Santa Cruz, et.al v. Purdue Pharma L.P. The settlement agreements will be entered into between the City and opioid distributors AmerisourceBergan, Cardinal Health, McKesson, and manufacturer Janssen. The settlements provide the City with funds that may only be used for opioid remediation uses in order to help mitigate the negative impacts caused by the opioid epidemic. The settlement permits non-litigating parties such as the City to enter into these agreements. Currently it is estimated that the City may receive up to 4.9 million dollars over 18 years. The exact amount is subject to change depending on how many jurisdictions enter into these agreements.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. County/Covid-19 update. (Funding Source: Not Applicable)
   CITY MANAGER; Joseph Lopez, 577-5223, joelopez@modestogov.com

ACTION: Nick Dokoozlian from Stanislaus County presented Covid-19 update.

2. Recognition of the City of Modesto/Umass Global Leadership Academy and the Inaugural Class (Funding Source: Not Applicable)
   HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: Director of Human Resources, Christina Alger gave overview of Umass Global Leadership Academy and its purpose. City Manager Joe Lopez expressed gratitude and appreciation to the inaugural graduating class, and thanked the staff of Human Resources that made it possible. Mayor Zwahlen expressed appreciation and congratulations, and recognized the members of the graduating class. Jessica Smart spoke regarding her experience as a member of the Leadership Academy.

MISCELLANEOUS
Appointments

3. Consider appointing Jose Vasquez to the City of Modesto Planning Commission with a term expiration of January 1, 2026. (Funding Source: Not Applicable)
   Staff Recommendation:
   - Resolution appointing Jose Vasquez to the City of Modesto Planning Commission with a term expiration of January 1, 2026.

   CED; Steve Mitchell, 209-577-5267, smitchell@modestogov.com

ACTION: (Wright/Ricci; 7/0) Resolution 2021-481 appointing Jose Vasquez to the City of Modesto Planning Commission with a term expiration of January 1, 2026.

4. Consider appointing Michelle Buer to the City of Modesto Landmark Preservation Commission, with a term expiration of January 1, 2026. (Funding Source: Not Applicable)
   Staff Recommendation:
   - Resolution appointing Michelle Buer to the City of Modesto Landmark Preservation Commission, with a term expiration of January 1, 2026.

   CED; Steve Mitchell, 209-577-5267, smitchell@modestogov.com

ACTION: (Escutia-Braaton/Ricci; 7/0) Resolution 2021-482 appointing Michelle Buer to the City of Modesto Landmark Preservation Commission, with a term expiration of January 1, 2026.

5. Consider reappointing Naramsen Goriel and appointing Marshall Riddle to the City's Board of Zoning Adjustment, each with a term expiration of January 1, 2026. (Funding Source: Not Applicable)
   Staff Recommendation:
   - Resolution reappointing Naramsen Goriel and appointing Marshall Riddle to the City of Modesto Board of Zoning Adjustment, each with a term expiration of January 1, 2026.

   CED; Steve Mitchell, 209-577-5267, smitchell@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2021-483 reappointing Naramsen Goriel and appointing Marshall Riddle to the City of Modesto Board of Zoning Adjustment, each with a term expiration of January 1, 2026.

PUBLIC COMMENT PERIOD

- Sharon Froba spoke in support of using Municipal Golf Course as fair and affordable housing for The WestSide Community Workforce Housing Project. She also spoke regarding a group meeting with the California Attorney General. She also spoke regarding her historical research of discrimination in housing.

- Bianca Lopez spoke regarding social and environmental justice. She referenced a recently released report called "Vestiges of Environmental Racism: Closing California's Last Two Municipal Waste Incinerators" and asked the Council to support the recommendations listed in the report.

- Ramon Rodriguez spoke regarding the incarceration of Alonzo Nunes, and the death of Trevor Seever. He also spoke regarding the effects of poverty in Modesto, and the need to help the homeless with affordable housing at Municipal Golf Course, and other programs.

- Kartik Raj spoke regarding the report "Vestiges of Environmental Racism: Closing California's Last Two Municipal Waste Incinerators" and raising awareness regarding environmental waste. He encouraged Council to consider a zero-waste plan.

- John X Mataka spoke in support of the closure of Covanta incinerator, as communities of color are being affected by the pollution. He asked to meet with the Council members to discuss the issue. He also spoke regarding a lawsuit against Covanta.

- Rafael Mendez spoke regarding a problem with unlicensed contractors taking jobs from licensed contractors, and not getting help from the State Contractor's License Board. He asked the Council for better enforcement regarding unlicensed contractors.

- Written Public Comments received via email to ccmeetings from Davis Harper, Linda Lagace, Diana Sanchez, Erin Black, Whitney Amaya, Tevin Schmitt, Mati Waiya, Kartik Raj, Alex Choy, Erica Donnelly-Greenan, and Ford Skye were also received and forwarded to all Councilmembers.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEMS 6-22: (Kenoyer/Wright;7/0)

CONSENT ITEMS

Consent

6. Consider approving the minutes from the December 7, 2021 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the December 7, 2021 Council Meeting.

    CITY CLERK; Dana Sanchez, 209-577-5397, dasanchez@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Motion approving the minutes from the December 7, 2021 Council Meeting.

Consent

7. Consider approving a resolution continuing to authorize remote teleconference meetings pursuant to Assembly Bill 361. (Funding Source: Not Applicable)
    - Resolution continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

    CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-484 continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

Consent

8. Consider approving a Neighborhood Traffic Calming Program and rescinding Resolution 92-492 (Funding Source: Measure L Local Funds – Traffic Management)
    - Resolution approving the Neighborhood Traffic Calming Program and rescinding Resolution 92-492.

    CED; Tamorah Bryant, 209-577-5328, tbryant@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-485 approving the Neighborhood Traffic Calming Program and rescinding Resolution 92-492.

Consent

9. Consider approving a Permanent Local Housing Allocation loan in the amount of $500,000 to the Stanislaus Regional Housing Authority for the Vine Street Affordable Housing project, and $50,000 for staff activity delivery costs. (Funding Source: PLHA Funds)
    - Resolution approving a Permanent Local Housing Allocation loan in the amount of $500,000 to the Stanislaus Regional Housing Authority for the Vine Street Affordable Housing project, $50,000 for staff activity delivery costs and authorizing the City Manager or his designee to execute the necessary Agreements.
    - Resolution amending the fiscal year 2021-2022 multi-year fund budget to transfer $550,000 from fund (1120) – Grants – PLHA Program to Vine Street project (101185) and authorizing the City Manager or his designee to take the necessary steps to implement the provisions of this resolution.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-486 approving a Permanent Local Housing Allocation loan in the amount of $500,000 to the Stanislaus Regional Housing Authority for the Vine Street Affordable Housing project, $50,000 for staff activity delivery costs and authorizing the City Manager or his designee to execute the necessary Agreements.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-487 amending the fiscal year 2021-2022 multi-year fund budget to transfer $550,000 from fund (1120) – Grants – PLHA Program to

Vine Street project (101185) and authorizing the City Manager or his designee to take the necessary steps to implement the provisions of this resolution.

Consent

10. Consider approving the City of Modesto's Permanent Local Housing Allocation (PLHA) Program Year Two Application, authorizing the City Manager, or his designee, to negotiate and execute any related program Agreements, contracts or other documentation required for implementation and acceptance of the Permanent Local Housing Allocation (PLHA) Program, amending the fiscal year 2021-2022 multi-year fund budget to a project for the fiscal year 2021-2022 PLHA Program to be funded with Permanent Local Housing Allocation Program Grant, and authorization to submit the application, applicable documentation, and provide technical alterations, as required by HCD. (Funding Source: PLHA Funds)
    - Resolution approving the City of Modesto's Permanent Local Housing Allocation (PLHA) Program Year Two Application, authorizing the City Manager, or his designee, to negotiate and execute any related program Agreements, contracts or other documentation required for implementation and acceptance of the Permanent Local Housing Allocation (PLHA) Program, and authorizing the City Manager, or his designee, to submit the application, applicable documentation, and provide technical alterations, as required by HCD, and to make the necessary steps to implement the provision of this resolution.
    - Resolution amending the fiscal year 2021-2022 multi-year fund budget to establish a project for the fiscal year 2021-2022 PLHA Program to be funded with Permanent Local Housing Allocation Program Grant and authorizing the City Manager or his designee to take the necessary steps to implement the provisions of this resolution.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-488 approving the City of Modesto's Permanent Local Housing Allocation (PLHA) Program Year Two Application, authorizing the City Manager, or his designee, to negotiate and execute any related program Agreements, contracts or other documentation required for implementation and acceptance of the Permanent Local Housing Allocation (PLHA) Program, and authorizing the City Manager, or his designee, to submit the application, applicable documentation, and provide technical alterations, as required by HCD, and to make the necessary steps to implement the provision of this resolution.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-489 amending the fiscal year 2021-2022 multi-year fund budget to establish a project for the fiscal year 2021-2022 PLHA Program to be funded with Permanent Local Housing Allocation Program Grant and authorizing the City Manager or his designee to take the necessary steps to implement the provisions of this resolution.

Consent

11. Consider approving a First Amendment increasing the Agreement with Redistricting Partners for Demographic and Census Mapping Consultant services by $33,000 from $80,000 to a new total amount not to exceed $113,000, to add Outreach Services and DistrictR drawing tool for the City's Redistricting process. (Funding Source: General Fund)
    - Resolution approving a First Amendment increasing the Agreement with Redistricting Partners for Demographic and Census Mapping Consultant services by $33,000 from $80,000 to a new total amount not to exceed $113,000, to add Outreach Services and DistrictR drawing tool for the City's Redistricting process, and authorizing the City Manager, or his designee, to execute the Agreement.

    CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-490 approving a First Amendment increasing the Agreement with Redistricting Partners for Demographic and Census Mapping Consultant services by $33,000 from $80,000 to a new total amount not to exceed $113,000, to add Outreach Services and DistrictR drawing tool for the City's Redistricting process, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

12. Consider accepting the Troy and Banks Utility and Telecommunication Audit report. (Funding Source: Not Applicable)
    - Resolution accepting the Troy and Banks Utility and Telecommunication Audit report.

    FINANCE DEPARTMENT; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-491 accepting the Troy and Banks Utility and Telecommunication Audit report.

Consent

13. Consider approving the extension of termination dates of four annual Purchasing Agreements. (Funding Source: Various Funds)
    - Resolution approving the extension of termination dates of four Purchasing Agreements as defined under Attachment A; approving termination dates for the services stated herein; and authorizing the Purchasing Manager, or her designee, to execute amendments to the identified Purchase Agreement.

    FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-492 approving the extension of termination dates of four Purchasing Agreements as defined under Attachment A; approving termination dates for the services stated herein; and authorizing the Purchasing Manager, or her designee, to execute amendments to the identified Purchase Agreement.

Consent

14. Consider approving the increase of a purchase order with Strategic Procurement Solutions, Coleville, California, for procurement advisory services by $32,940 from $36,600 for a revised total amount not to exceed $69,540. (Funding Source: Various Funds)
    - Resolution approving the increase of a purchase order with Strategic Procurement Solutions, Coleville, California, for procurement advisory services by $32,940 from $36,600 for a revised total amount not to exceed $69,540; and authorizing the Purchasing Manager, or her designee, to increase the purchase order.

    FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-493 approving the increase of a purchase order with Strategic Procurement Solutions, Coleville, California, for procurement advisory services by $32,940 from $36,600 for a revised total amount not to exceed $69,540; and authorizing the Purchasing Manager, or her designee, to increase the purchase order.

Consent

15. Consider rejecting all bids for Request for Bid (RFB) No. 2021-45 for two Aerial Trucks and authorizing staff to re-evaluate if issuing a rebid or utilizing a Cooperative Agreement is appropriate. (Funding Source: Fleet Replacement Fund)
    - Resolution rejecting all bids for Request for Bid (RFB) No. 2021-45 for two Aerial Trucks and authorizing staff to re-evaluate if issuing a rebid or utilizing a Cooperative Agreement is appropriate.

    FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-494 rejecting all bids for Request for Bid (RFB) No. 2021-45 for two Aerial Trucks and authorizing staff to re-evaluate if issuing a rebid or utilizing a Cooperative Agreement is appropriate.

Consent

16. Consider amending the Position Allocation Plan in two departments: adding five Heavy Equipment Mechanic allocations, one Fleet Procurement Technician allocation, and one Maintenance Worker II allocation and reclassifying one Administrative Office Assistant III to one Administrative Services Technician II in the Public Works Department; reclassifying one Administrative Office Assistant II to one Administrative Office Assistant III in the Utilities Department; and amending the Fiscal Year 2021-22 operating Fleet Management fund budget. (Funding Source: Various Sources)
    - Resolution amending the Position Allocation for Fiscal Year 2021-22 as adopted in the Operating Budget.
    - Resolution amending the Fiscal Year 2021-22 operating Fleet Management fund budget in the amount of $362,305 to fund new positions for the Fleet Division and authorizing the City Manager, to make the necessary steps to implement the provisions of this resolution.

    HUMAN RESOURCES; Christina Alger, 209-571-5126, alger@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-495 amending the Position Allocation for Fiscal Year 2021-22 as adopted in the Operating Budget.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-496 amending the Fiscal Year 2021-22 operating Fleet Management fund budget in the amount of $362,305 to fund new positions for the Fleet Division and authorizing the City Manager, to make the necessary steps to implement the provisions of this resolution.

Consent

17. Consider accepting the results of the Human Resources and Payroll Audit of excluded part-time and seasonal employees from the California Public Employees' Retirement System (CalPERS). (Funding Source: Utilities, Parks Recreation & Neighborhoods, Public Works, Modesto Police Department and Community Economic Development)
    - Motion to accept the Audit results as presented.

    HUMAN RESOURCES; Dawn Kelley, 209-577-5490, dkelley@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Motion to accept the Audit results as presented.

Consent

18. Consider approving the Third Amendment to Agreement with The Baseball Club of Modesto, as successor in interest to HWS Baseball IV, LLC, to revise the expiration date in the accelerated termination provision from December 31, 2021 to December 31, 2022, and authorizing the City Manager, or his designee, to execute the Third Amendment to Agreement (Funding Source: CIP Project 101019/General Fund)
    - Resolution approving the Third Amendment to Agreement with The Baseball Club of Modesto, as successor in interest to HWS Baseball IV, LLC, to revise the expiration date in the accelerated termination provision from December 31, 2021 to December 31, 2022, and authorizing the City Manager, or his designee, to execute the Third Amendment to Agreement.

    PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-497 approving the Third Amendment to Agreement with The Baseball Club of Modesto, as successor in interest to HWS Baseball IV, LLC, to revise the expiration date in the accelerated termination provision from December 31, 2021 to December 31, 2022, and authorizing the City Manager, or his designee, to execute the Third Amendment to Agreement.

Consent

19. Consider approving the award of bid and Agreement for Concrete Services for High Voltage Repairs and Misc. Traffic Electrical Repairs to TBS Contractors, Merced, CA, for a one-year Agreement with four one-year extension options, for an annual estimated cost of $170,273 and a total amount not to exceed $851,365 over five years. (Funding Source: Gas Tax and Surface Transportation Fund)
    - Resolution approving the award of bid and Agreement for Concrete Services for High Voltage Repairs and Misc. Traffic Electrical Repairs to TBS Contractors, Merced, CA, for a one-year Agreement with four one-year

extension options, for an annual estimated cost of $170,273 and a total amount not to exceed $851,365 over five years and authorizing the City Manager, or his designee, to execute the Agreement.

PUBLIC WORKS; Scott Collins, 209-577-5431, scollins@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-498 approving the award of bid and Agreement for Concrete Services for High Voltage Repairs and Misc. Traffic Electrical Repairs to TBS Contractors, Merced, CA, for a one-year Agreement with four one-year extension options, for an annual estimated cost of $170,273 and a total amount not to exceed $851,365 over five years and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

20. Consider approving the plans and specifications for the Rectangular Rapid Flashing Beacon Installation project, accepting the bid, and awarding a contract to Gruendel Inc. DBA Ray's Electric of Oakland, CA, in the amount of $744,555, and amending the Fiscal Year 2021-22 Capital Improvement Program budget in the amount of $641,861. (Funding Source: Local Measure L Funds)
    - Resolution approving the plans and specifications for Rectangular Rapid Flashing Beacon Installation Project, accepting the bid, and awarding a contract to Gruendel Inc. DBA Ray's Electric of Oakland, CA. in the amount of $744,555 and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution amending the Fiscal Year 2021-22 Capital Improvement Program Budget, Project 101175, 101122, 101176, and 101179 in the amount of $641,861, to fund the Rectangular Rapid Flashing Beacon Installation Project to install RRFBs at ten school locations throughout the City.

    PUBLIC WORKS; Scott Collins, 209-577-5431, scollins@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-499 approving the plans and specifications for Rectangular Rapid Flashing Beacon Installation Project, accepting the bid, and awarding a contract to Gruendel Inc. DBA Ray's Electric of Oakland, CA. in the amount of $744,555 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-500 amending the Fiscal Year 2021-22 Capital Improvement Program Budget, Project 101175, 101122, 101176, and 101179 in the amount of $641,861, to fund the Rectangular Rapid Flashing Beacon Installation Project to install RRFBs at ten school locations throughout the City.

Consent

21. Consider approving modifications to the Turf Rebate Program. (Funding Source: Water Fund)
    - Resolution approving modifications to the Turf Rebate Program.

    UTILITIES; Jeff Daniels, 209-342-4285, jdaniels@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-501 approving modifications to the Turf Rebate Program.

Consent

22. Consider accepting the plans and specifications for the Automatic Transfer Switch (ATS) Replacement at Sutter Wastewater Treatment Plant (WWTP) Project and awarding a construction contract with Clyde G. Steagall Inc, of Loomis, CA, in the amount of $606,491 plus $72,779 for contingency (if needed), for a total amount not to exceed $679,270; authorizing an increase in the Director's Authority from 10% ($60,649) to 12% ($72,779) of the construction contract price of $606,491 to issue change orders; and amending the Fiscal Year 2021-2022 Capital Improvement Program Budget in the amount of $169,420. (Funding Source: Wastewater Fund)
    - Resolution approving plans and specifications for the ATS Replacement at Sutter WWTP Project, accepting the bid, and approving a construction contract with Clyde G. Steagall Inc, of Loomis, CA, in the amount of $606,491 plus $72,779 for contingency (if needed) for a total amount not to exceed $679,270 and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution authorizing an increase in the Director's authority to issue change orders for the ATS Replacement at Sutter WWTP Project from 10% ($60,649) to 12% ($72,779) of the construction contract price of $606,491 with Clyde G. Steagall Inc, of Loomis, CA.
    - Resolution amending the Fiscal Year 2021-22 Capital Improvement Program Budget in the amount of $169,420 to be transferred into the project from Wastewater Fund to fully fund the construction, contingency, construction administration and engineering support during construction for the ATS Replacement at Sutter WWTP Project and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

    UTILITIES; Cristian Ciotau, 209-577-5260, cciotau@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-502 approving plans and specifications for the ATS Replacement at Sutter WWTP Project, accepting the bid, and approving a construction contract with Clyde G. Steagall Inc, of Loomis, CA, in the amount of $606,491 plus $72,779 for contingency (if needed) for a total amount not to exceed $679,270 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-503 authorizing an increase in the Director's authority to issue change orders for the ATS Replacement at Sutter WWTP Project from 10% ($60,649) to 12% ($72,779) of the construction contract price of $606,491 with Clyde G. Steagall Inc, of Loomis, CA.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2021-504 amending the Fiscal Year 2021-22 Capital Improvement Program Budget in the amount of $169,420 to be transferred into the project from Wastewater Fund to fully fund the construction, contingency, construction administration and engineering support during construction for the ATS Replacement at Sutter WWTP Project and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

COUNCIL COMMENTS & REPORTS

Councilmember Wright along with Councilmember Kenoyer attended a Stanislaus Asian American Community Holiday Festival on Sunday. Children received gifts and pizza, and everyone enjoyed it very much.

Councilmember Kenoyer also spoke regarding the Stanislaus Asian American Community Holiday Festival. She expressed her enjoyment, and noted they also had a Cambodian Santa Clause. She also spoke regarding a 8.5 million grant the City had received for Cesar Chavez, and we received another 8.5 million grant for Martin Luther King Park recently. She praised Parks and Recreation staff and grant writers for their excellent work.

Councilmember Madrigal also praised Park's staff for their hard work in helping to secure the 8.5 million dollar grant for Martin Luther King Park, which will include a splash pad. He also thanked staff for all their hard work and helping during the storms.

Councilmember Ricci spoke regarding the incinerator issue, and expressed his desire to make positive changes and creating cleaner air. He also spoke regarding the holidays and many available activities such as Modesto on Ice, the Little Library is accepting toy donations for children, HOHO Holiday Light Display, and Borrow a Puzzle in Dutch Hollow. He also spoke regarding the dog park, and working on that to make it better. He also spoke regarding traffic problems in the College area and staffs diligence in finding solutions. Finally. he echoed positive sentiments regarding the 8.5 million dollar grant for Martin Luther King Park.

Councilmember Escutia-Braaton wished all Modesto residents Season's Greetings, and expressed her hope that everyone has a joyous holiday filled with joy and well-being for them and their families, and a prosperous New Year's.

Mayor Zwahlen spoke regarding the awareness and responsiveness of Council as to what is going on in the communities, and expressed thanks for the privilege of being Mayor. She recognized staff for going above and beyond to improve the community for residents. She also expressed appreciation for Police and Fire Chief to keep the community safe.

CITY MANAGER COMMENTS & REPORTS

City Manager Joe Lopez expressed his gratitude and thanked the Council for the opportunity to serve as the City Manager. He also thanked staff for all their hard work, and wished everyone Happy Holidays and a Happy New Year.

UNFINISHED BUSINESS

23. Consider accepting the plans and specifications for the Rebid River Trunk Gravity System Project and awarding a construction contract to Ranger Pipelines, Inc, of San Francisco, CA, in the amount of $20,720,263 plus $2,072,026 in contingency (if

needed), for a total amount not to exceed $22,792,289; approving an increase in the Director's Authority from 6% to 10% to issue change orders; approving an Agreement with Carollo Engineers for Engineering Support During Construction in the amount of $964,650, plus $96,465 in additional services (if needed), for a total amount not to exceed $1,061,115; approving an Agreement with Stanislaus County for construction costs and services associated with the West Modesto – County Area 9 – Sewer Infrastructure Project – Rouse-Colorado Neighborhood - Colorado Avenue Sewer Fly-Line Phase for a total amount not to exceed $898,560; and amending the Fiscal Year 2021-22 Capital Improvement Project Program Budget in the amount of $24,438,624. (Funding Source: Wastewater Funs)

- Resolution approving plans and specifications for the Rebid River Trunk Gravity System Project, accepting the bid, and approving a construction contract with Ranger Pipelines Inc, of San Francisco, CA, in the amount of $20,720,263 plus $2,072,026 for contingency (if needed) for a total amount not to exceed $22,792,289 and authorizing the City Manager, or his designee, to execute the Agreement.
- Resolution authorizing an increase in the Director's authority to issue change orders for Rebid River Trunk Gravity System Project from 6% ($1,243,216) to 10% ($2,072,026) of the construction contract price of $20,720,263 with Ranger Pipelines Inc, of San Francisco, CA.
- Resolution approving an Agreement with Carollo Engineers, of Walnut Creek, CA, for Engineering Support During Construction for the Rebid River Trunk Gravity System Project, in an amount not to exceed $964,650 for the identified scope of services, plus $96,465 for additional services (if needed), for a maximum total amount of $1,061,115 and authorizing the City Manager, or his designee, to execute the Agreement.
- Resolution approving an Agreement with Stanislaus County for construction costs and services associated with the West Modesto - County Area 9 Sewer Infrastructure Project – Rouse-Colorado Neighborhood – Colorado Avenue Sewer Fly-Line Phase in a not to exceed amount of $898,560 and authorizing the City Manager, or his designee, to execute the Agreement.
- Resolution amending the Fiscal Year 2021-22 Capital Improvement Program Budget in the amount of $24,438,624 to be transferred into the project from Wastewater Reserves to fully fund the construction, contingency, construction administration and design support during construction for the Rebid River Trunk Gravity System Project and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

UTILITIES; Jesse Franco, 209-571-5175, jfranco@modestogov.com

ACTION: (Madrigal/Zoslocki; 7/0) Resolution 2021-505 approving plans and specifications for the Rebid River Trunk Gravity System Project, accepting the bid, and approving a construction contract with Ranger Pipelines Inc, of San Francisco, CA, in the amount of $20,720,263 plus $2,072,026 for contingency (if needed) for a total amount not to exceed $22,792,289 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Madrigal/Zoslocki; 7/0) Resolution 2021-506 authorizing an increase in the Director's authority to issue change orders for Rebid River Trunk Gravity System Project from 6% ($1,243,216) to 10% ($2,072,026) of the construction contract price of $20,720,263 with Ranger Pipelines Inc, of San Francisco, CA.

ACTION: (Madrigal/Zoslocki; 7/0) Resolution 2021-507 approving an Agreement with Carollo Engineers, of Walnut Creek, CA, for Engineering Support During Construction for the Rebid River Trunk Gravity System Project, in an amount not to exceed $964,650 for the identified scope of services, plus $96,465 for additional services (if needed), for a maximum total amount of $1,061,115 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Madrigal/Zoslocki; 7/0) Resolution 2021-508 approving an Agreement with Stanislaus County for construction costs and services associated with the West Modesto - County Area 9 Sewer Infrastructure Project – Rouse-Colorado Neighborhood – Colorado Avenue Sewer Fly-Line Phase in a not to exceed amount of $898,560 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Madrigal/Zoslocki; 7/0) Resolution 2021-509 amending the Fiscal Year 2021-22 Capital Improvement Program Budget in the amount of $24,438,624 to be transferred into the project from Wastewater Reserves to fully fund the construction, contingency, construction administration and design support during construction for the Rebid River Trunk Gravity System Project and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

HEARINGS

Published in the Modesto Bee on December 3, 2021.

24. Hearing to consider accepting the Capital Facilities Fees Annual Report for Fiscal Year 2020-21 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 2020-21 and making findings related to each of the fee categories.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2021-510 accepting the Capital Facilities Fees Annual Report for Fiscal Year 2020-21 and making findings related to each of the fee categories.

Published in the Modesto Bee on December 3, 2021

25. Hearing to consider accepting the Fiscal Year 2020-21 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 2020-21 Annual Report of Funds Held for Future Improvements, and making findings related to each security on file.

    CED; Jessica Hill, 209-577-5211, jhill@modestogov.com

ACTION: (Ricci/Wright; 7/0) Resolution 2021-511 accepting the Fiscal Year 2020-21 Annual Report of Funds Held for Future Improvements, and making findings related to each security on file.

Published in Modesto Bee on December 6, 2021 & December 13, 2021

26. Hearing to consider the approval and adoption of the Modesto Subbasin Groundwater Sustainability Plan and authorize the Stanislaus and Tuolumne Rivers Groundwater Sustainability Association Groundwater Sustainability Agency to submit the Modesto Subbasin Groundwater Sustainability Plan to the Department of Water Resources; and approve the City of Modesto Representative to adopt the Turlock Subbasin Groundwater Sustainability Plan and submit it to Department of Water Resources. (Funding Source: Not Applicable)
    - Resolution approving the adoption of the Modesto Subbasin Groundwater Sustainability Plan and authorizing the Stanislaus and Tuolumne Rivers Groundwater Sustainability Association Groundwater Sustainability Agency to submit the Modesto Subbasin Groundwater Sustainability Plan to the Department of Water Resources.
    - Resolution approving the City of Modesto representative to adopt the Turlock Subbasin Groundwater Sustainability Plan and submit it to Department of Water Resources.

    UTILITIES; Miguel Alvarez, 209-577-5348, malvarez@modestogov.com

ACTION: (Madrigal/Wright; 7/0) Resolution 2021-512 approving the adoption of the Modesto Subbasin Groundwater Sustainability Plan and authorizing the Stanislaus and Tuolumne Rivers Groundwater Sustainability Association Groundwater Sustainability Agency to submit the Modesto Subbasin Groundwater Sustainability Plan to the Department of Water Resources.

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2021-513 approving the City of Modesto representative to adopt the Turlock Subbasin Groundwater Sustainability Plan and submit it to Department of Water Resources.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 7:13 P.M.

CLOSED SESSION

Please take notice that a special Closed Session meeting of the Council of the City of Modesto has been called pursuant to Section 2-1.02 of the Modesto Municipal Code to be convened on

TUESDAY, DECEMBER 14, 2021, at 4:45 P.M.

and after the regularly scheduled meeting in the Tenth Street Place, Chambers Conference Room, Basement Level, 1010 Tenth Street, Modesto, California.

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

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

CLOSED SESSION

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
Stanislaus County Superior Court
Case No. 9000266

CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION
One Case (Pursuant to Section 54956.9(d)(4) of the Government Code)

Attest: _____
Dana Sanchez, Interim City Clerk