2023 LEGISLATIVE HISTORY

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MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, January 10, 2023 at 5:30 PM

Roll Call – Present: Councilmembers Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
Absent: None

Pledge of Allegiance to the Flag

Invocation: John Torres, City Ministry Network

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Sanchez reported that no reportable action was taken on the Closed Session item.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Poet Laureate Reading by Salvatore Salerno (Funding Source: Not Applicable)
   PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: None.

2. Presentation of Certificate of Recognition to the Modesto City Marching Brigade for selection to participate in the National 4th of July Parade in Washington, D.C. (Funding Source: Not Applicable)
CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

ACTION: Mayor Zwahlen presented Certificate of Recognition to the Modesto City Marching Brigade

MISCELLANEOUS

3. Consider approving appointments to fill two City of Modesto vacancies on the Equity Commission for a four-year term. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution approving the appointments of Austin Grant and Joel Campos to the Equity Commission with a term expiration of January 1, 2027.

HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-001 approving the appointments of Austin Grant and Joel Campos to the Equity Commission with a term expiration of January 1, 2027.

4. Consider reappointing Chris Guptill to the Tuolumne River Regional Park Citizens Advisory Committee (TRRP CAC) through December 31, 2026. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution reappointing Chris Guptill to the Tuolumne River Regional Park Citizens Advisory Committee (TRRP CAC) through December 31, 2026.

PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Bavaro/Wright; 7/0) Resolution 2023-002 reappointing Chris Guptill to the Tuolumne River Regional Park Citizens Advisory Committee (TRRP CAC) through December 31, 2026.

PUBLIC COMMENT PERIOD

- Ana Andrade, from the Housing Committee of the NAACP also known as the Community Workforce Housing read comments from community members regarding the need of affordable housing, and better housing conditions.

- Teresa Clutter spoke about the shooting of her son-in-law, Paul Chavez, Jr., and Forward Together.

- Gary McGill spoke in support of lifting the ban on cruising.

- Paul Soto commented about political and social economic conditions.

- Frank Johnson spoke in support of lifting the ban on cruising, and asked Council to place the item on the agenda.

- Richard Anderson spoke about recent posts on the Next Door app regarding the new recycling system. He suggested educational videos regarding the blue and green receptacles.

- Johnny Garcia, CEO of the Central Valley Hispanic Chamber of Commerce spoke in support of lifting the ban on cruising. He asked Council to place an item on the agenda to repeal the ban on cruising.

- Flavio from the Sacramento Low Rider Commission spoke in support of lifting the ban on cruising. He asked that an item be placed on the agenda to discuss lifting the ban on cruising.

- Aaron Anguiano, Latino Community Roadtable asked that an item be placed on the agenda to lift the ban on cruising.

- Lorraine from the California Low Rider Alliance spoke in support of lifting the ban on cruising.

- Debbie Martinez spoke in support of lifting the ban on cruising. She asked Council make a decision this evening.

- Patrick Thomas spoke about Paul Chavez, Jr.

- Chris Murphy spoke in support of lifting the ban on cruising.

- A citizen commented about the Council rules posted on the City website regarding public comment period. He also spoke about the shooting of Paul Chavez, Jr.

- Glenn Harris, teacher at Gregori Highschool spoke about the importance of bringing back the cultural experience of the cruise. He spoke in support of lifting the ban on cruising.

- Brittony Estrella Chavez commented on the death of her husband Paul Davis Chavez, Jr. She spoke about Council representation, Officer Sam Muncy and holding the City accountable. She further spoke about reform and change and moving forward together.

- Jose Porras commented about the blue recycling receptacle. He stated that the blue recycling receptacle should be picked up once a month, and the green can more often.

- Dave Stein spoke in support of lifting the ban on cruising.

- Christina Romero, Los Angeles Low Rider Alliance spoke in support of lifting the ban on cruising.

- Vanessa Alfaro spoke in support of lifting the ban on cruising and adding an item on the agenda to lift the ban.

- Angela Romero spoke in support of lifting the ban on cruising.

- Kaleb Isley spoke in support of lifting the ban on cruising.

- David Polanco from the San Jose Low Rider Alliance spoke in support of lifting the ban on cruising.

- Sebastian Jones spoke in support of lifting the ban on cruising and adding an item on the agenda to lift the ban on cruising.

- Ramon Rodriguez spoke about lifting the ban on cruising and also side shows and car crashes. He also spoke about Officers Muncy and Espinoza.

- Maggie Mejia, Modesto Cruisers Council spoke in support of lifting the ban on cruising.

- Mike Casucci spoke in support of lifting the ban on cruising.

- Jeneva Naive spoke in support of lifting the ban on cruising.

- Speedy Naive spoke in support of lifting the ban on cruising.

- Ron DeLoach, Chairman of West Modesto People of Action thanked Councilmember Wright for coming to their meeting to speak to residents about affordable housing. More housing is needed in West Modesto.

- Jessica Naive spoke in support of lifting the ban on cruising, The lowrider community supported them and held a fundraiser for her daughter. She asked that the ban on the cruising be repealed.

- Manuel Naive, Jr. spoke in support of lifting the ban on cruising. He spoke about his hard lift and how cruising changed his life.

- Jimi Pernetti spoke in support of lifting the ban on cruising.

- Emerson Drake stated that he wanted to pull consent item number 7.

- Paul Hessler spoke in support of lifting the ban on cruising. He commented on the toy drives and fundraising events they have held to support members of the community.

- Tony Lopez spoke in support of lifting the ban on cruising and also spoke about the blue can receptacle and asked how often will it be picked-up.

Recessed: 7:42 pm
Reconvened: 7:50 pm

- Anna commented on the shooting of Paul Chavez, Jr. and commented on Officer Muncy. She further spoke about accountability.

CONSENT
ACTION CONSENT ITEMS 5-27: (Williams/Wright; 7/0)

Consent
5. Consider approving the minutes from the December 13, 2022 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the December 13, 2022 Council Meeting.

CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

ACTION: (Williams/Wright; 7/0) Motion approving the minutes from the December 13, 2022 Council Meeting.

Consent
6. Consider approving final adoption of Ordinance 3753-C.S. adding Section 2-3.908, "Community Police Review Board," to Chapter 3, "Administrative Departments," of Title 2, "Administration," of the Modesto Municipal Code to establish The City Of Modesto Community Police Review Board (CPRB). (Funding Source: Not Applicable)
    - Motion approving final adoption of Ordinance 3753-C.S. adding Section 2-3.908, "Community Police Review Board," to Chapter 3, "Administrative Departments," of Title 2, "Administration," of the Modesto Municipal Code to establish The City Of Modesto Community Police Review Board (CPRB).

CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

ACTION: (Williams/Wright; 7/0) Motion approving final adoption of **Ordinance 3753-C.S.** adding Section 2-3.908, "Community Police Review Board," to Chapter 3, "Administrative Departments," of Title 2, "Administration," of the Modesto Municipal Code to establish The City Of Modesto Community Police Review Board (CPRB).

Consent – ***Removed from 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: (Wright//Ricci; 7/0) Resolution 2023-003 continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

Consent

8. Consider approving a Second Amendment to the Legal Services Agreement with Meyers Nave to add specialty legal services rates. (Funding Source: Various Funds)
    - Resolution approving a Second Amendment to the Legal Services Agreement with Meyers Nave to add specialty legal services rates and authorizing the City Manager, or his designee, to execute the Amendment.

    CITY MANAGER; Joseph Lopez, 209-577-5223, joelopez@modestogov.com

    ACTION: (Williams/Wright; 7/0) Resolution 2023-004 approving a Second Amendment to the Legal Services Agreement with Meyers Nave to add specialty legal services rates and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

9. Consider approving the recommended Budget adjustments to Fiscal Year 2022-23 Annual Operating and Capital Improvement Program Budgets. (Funding Source: Various Funds)
    - Resolution amending Fiscal Year 2022-23 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: (Williams/Wright; 7/0) Resolution 2023-005 amending Fiscal Year 2022-23 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

10. Consider approving a Will Serve Letter and an Outside Service Agreement for water connection for the property located a 323 Bothun Road in unincorporated Stanislaus County just outside of the city limits of Turlock (APN: 043-029-001) adjacent to the former Del Este water service area now owned by the City of Modesto. (Funding Source: Water Fund)
    - Resolution approving a Will Serve Letter and an Outside Service Agreement for water connection for the property located a 323 Bothun Road in unincorporated Stanislaus County just outside of the city limits of Turlock

(APN: 043-029-001) adjacent to the former Del Este water service area now owned by the City of Modesto.

CED; Toby Wells, 209-571-5542, twells@modestogov.com

ACTION: (Williams/Wright; 7/0) Resolution 2023-006 approving a Will Serve Letter and an Outside Service Agreement for water connection for the property located a 323 Bothun Road in unincorporated Stanislaus County just outside of the city limits of Turlock (APN: 043-029-001) adjacent to the former Del Este water service area now owned by the City of Modesto.

Consent

11. Consider approving an Agreement with PlaceWorks (Berkeley, California) for the Development of the Southwest Modesto Plan, in an amount not to exceed $216,000. (Funding Source: Local Early Action Planning (LEAP) Grant)
    - Resolution approving an Agreement with PlaceWorks (Berkeley, California) for the Development of the Southwest Modesto Plan, in an amount not to exceed $216,000 and authorizing the City Manager, or his designee, to execute the Agreement.

    CED; Jessica Hill, 209-577-5211, jhill@modestogov.com

    ACTION: (Williams/Wright; 7/0) Resolution 2023-007 approving an Agreement with PlaceWorks (Berkeley, California) for the Development of the Southwest Modesto Plan, in an amount not to exceed $216,000 and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

12. Consider approving a First Amendment to the Agreement with Housing Tools LLC. (Housing Tools) for Consultant Services related to Grant Assistance, Labor Compliance and Regulatory Contract Monitoring for a revised Agreement total amount not to exceed $195,000. (Funding Source: Community Development Block Grant Funds and Permanent Local Housing Allocation Grant Funds)
    - Resolution approving a First Amendment to the Agreement with Housing Tools LLC. (Housing Tools) for Consultant Services related to Grant Assistance, Labor Compliance and Regulatory Contract Monitoring increasing the amount by $150,000 from $45,000 for a total amount not to exceed $195,000 and authorizing the City Manager, or his designee, to execute this Amendment.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

    ACTION: (Williams/Wright; 7/0) Resolution 2023-008 approving a First Amendment to the Agreement with Housing Tools LLC. (Housing Tools) for Consultant Services related to Grant Assistance, Labor Compliance and Regulatory Contract Monitoring increasing the amount by $150,000 from $45,000 for a total amount not to exceed $195,000 and authorizing the City Manager, or his designee, to execute this Amendment.

Consent

13. Consider approving a Community Development Block Grant CARES Act (CDBG-CV) Grant to Stanislaus County Affordable Housing Corporation (STANCO), in an amount not to exceed $450,428 and $25,000 in activity delivery costs for a grand total of $475,428 for the acquisition and rehabilitation of the property located at 319 Laurel Street, Modesto, CA. (Funding Source: Community Development Block Grant Funds Cares Act)
    - Resolution approving a Community Development Block Grant CARES Act (CDBG-CV) Grant to Stanislaus County Affordable Housing Corporation (STANCO), in an amount not to exceed $450,428 and $25,000 in activity delivery costs for a grand total of $475,428 for the acquisition and rehabilitation of the property located at 319 Laurel Street, Modesto and authorizing the City Manager or designee to execute the Agreements.

    CED; Jessica Hill, 209-577-5211, jhill@modestogov.com

    ACTION: (Williams/Wright; 7/0) Resolution 2023-009 approving a Community Development Block Grant CARES Act (CDBG-CV) Grant to Stanislaus County Affordable Housing Corporation (STANCO), in an amount not to exceed $450,428 and $25,000 in activity delivery costs for a grand total of $475,428 for the acquisition and rehabilitation of the property located at 319 Laurel Street, Modesto and authorizing the City Manager or designee to execute the Agreements.

Consent

14. Consider adopting Building, Plumbing, Electrical, and Mechanical Ordinances by reference of the 2022 California Building Codes and consider amending various sections of Chapters 1, 2, 3, 7, and 11 of Title 9 of the Modesto Municipal Code. (Funding Source: General Fund/ Building Permit Fees)
    - Motion introducing and waiving the first reading of an Ordinance amending Articles 1, 2, and 16 of Chapter 1 of Title 9 of the Modesto Municipal Code relating to building regulations to adopt by reference, California Code of Regulations, Title 24 Part 2, Volumes 1 & 2.
    - Motion introducing and waiving the first reading of an Ordinance amending Chapter 3, Electrical Code of Title 9 of the Modesto Municipal Code relating to building regulations to adopt by reference, California Code of Regulations, Title 24 Part 3 “Electrical Code”.
    - Motion introducing and waiving the first reading of an Ordinance adopting by reference, the Existing Building Code contained within the 2022 California Building Standards Code and amending Articles 1 and 2 of Chapter 11 of Title 9 of the Modesto Municipal Code.
    - Motion introducing and waiving the first reading of an Ordinance amending Chapter 7, “Mechanical Code” of Title 9 of the Modesto Municipal Code relating to building regulations to adopt by reference, California Code of Regulations, Title 24, Part 4 “Mechanical Code”.
    - Motion introducing and waiving the first reading of an Ordinance adopting by reference the Plumbing Code contained within the 2022 California Building

Standards Code and amending Articles 1 and 2 of Chapter 2 of Title 9 of the Modesto Municipal Code.

CED; Oscar Diaz, 209-571-5885, odiaz@modestogov.com

ACTION: (Williams/Wright; 7/0) Motion introducing and waiving the first reading of **Ordinance 3754-C.S**. amending Articles 1, 2, and 16 of Chapter 1 of Title 9 of the Modesto Municipal Code relating to building regulations to adopt by reference, California Code of Regulations, Title 24 Part 2, Volumes 1 & 2.

ACTION: (Williams/Wright; 7/0) Motion introducing and waiving the first reading of **Ordinance 3755-C.S.** amending Chapter 3, Electrical Code of Title 9 of the Modesto Municipal Code relating to building regulations to adopt by reference, California Code of Regulations, Title 24 Part 3 "Electrical Code".

ACTION: (Williams/Wright; 7/0) Motion introducing and waiving the first reading of **Ordinance 3756-C.S.** adopting by reference, the Existing Building Code contained within the 2022 California Building Standards Code and amending Articles 1 and 2 of Chapter 11 of Title 9 of the Modesto Municipal Code.

ACTION: (Williams/Wright; 7/0) Motion introducing and waiving the first reading of **Ordinance 3757-C.S.** amending Chapter 7, "Mechanical Code" of Title 9 of the Modesto Municipal Code relating to building regulations to adopt by reference, California Code of Regulations, Title 24, Part 4 "Mechanical Code".

ACTION: (Williams/Wright; 7/0) Motion introducing and waiving the first reading of **Ordinance 3758-C.S**. adopting by reference the Plumbing Code contained within the 2022 California Building Standards Code and amending Articles 1 and 2 of Chapter 2 of Title 9 of the Modesto Municipal Code.

Consent

15. Consider approving an Agreement with Neil Sullivan LLC, Concord, California, for Executive Team and Management Engagement Services for a three-year period for an amount not to exceed $150,000. (Funding Source: Various Funds)
    - Resolution approving an Agreement with Neil Sullivan LLC, Concord, California, for Executive Team and Management Engagement Services for a three-year period for an amount not to exceed $150,000; and authorizing the City Manager or his designee to execute the Agreement.

FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

ACTION: (Williams/Wright; 7/0) Resolution 2023-010 approving an Agreement with Neil Sullivan LLC, Concord, California, for Executive Team and Management Engagement Services for a three-year period for an amount not to exceed $150,000; and authorizing the City Manager or his designee to execute the Agreement.

Consent

16. Consider approving the Purchase for Various Fleet Addition and Replacement Vehicles which includes one Compact Sweeper, three One-Ton Truck Turner Valve, and two Vacuum 3 Axle Trucks in the amount not to exceed $2,352,973. (Funding Source: Surface Transportation Fund and Fleet Replacement Fund)
    - Resolution approving the Competitive Bidding Process from Sourcewell with Municipal Maintenance Equipment, Sacramento, CA for one Ravo 5-iSeries Compact Sweeper for an amount not to exceed $336,152; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order; and authorizing the Purchasing Manager or her designee to execute any Change Orders not to exceed 15% of the total purchase price.
    - Resolution approving the Competitive Bidding Process from Sourcewell with 72 Hour LLC doing business as (dba) National Auto Fleet Group, Watsonville, CA to purchase three One-Ton Truck Turner Valve for an amount not to exceed $720,372; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order; and authorizing the Purchasing Manager or her designee to execute any Change Orders not to exceed 15% of the total purchase price.
    - Resolution approving the Competitive Bidding Process from Sourcewell with Municipal Maintenance Equipment, Sacramento, CA to purchase two Vacuum 3 Axle Trucks for an amount not to exceed $1,296,449; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order; and authorizing the Purchasing Manager or her designee to execute any Change Orders not to exceed 15% of the total purchase price.

    FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

    ACTION: (Williams/Wright; 7/0) Resolution 2023-011 approving the Competitive Bidding Process from Sourcewell with Municipal Maintenance Equipment, Sacramento, CA for one Ravo 5-iSeries Compact Sweeper for an amount not to exceed $336,152; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order; and authorizing the Purchasing Manager or her designee to execute any Change Orders not to exceed 15% of the total purchase price.

    ACTION: (Williams/Wright; 7/0) Resolution 2023-012 approving the Competitive Bidding Process from Sourcewell with 72 Hour LLC doing business as (dba) National Auto Fleet Group, Watsonville, CA to purchase three One-Ton Truck Turner Valve for an amount not to exceed $720,372; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order; and authorizing the Purchasing Manager or her designee to execute any Change Orders not to exceed 15% of the total purchase price.

    ACTION: (Williams/Wright; 7/0) Resolution 2023-013 approving the Competitive Bidding Process from Sourcewell with Municipal Maintenance Equipment, Sacramento, CA to purchase two Vacuum 3 Axle Trucks for an amount not to exceed $1,296,449; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order; and authorizing the Purchasing Manager or her designee to execute any Change Orders not to exceed 15% of the total purchase price.

Consent

17. Consider approving the Purchase of a Grant Management Software Subscription with Carahsoft Technology Corporation, Reston, VA (dba) eCivis in the amount of $295,685 over five years. (Funding Source: Information Technology Fund)
    - Resolution approving the Purchase of a Grant Management Software Subscription with Carahsoft Technology Corporation, Reston, VA (dba) eCivis in the amount of $295,685 over five years; and authorizing the Purchasing Manager or her designee to issue the Purchase Order.

FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

ACTION: (Williams/Wright; 7/0) Resolution 2023-014 approving the Purchase of a Grant Management Software Subscription with Carahsoft Technology Corporation, Reston, VA (dba) eCivis in the amount of $295,685 over five years; and authorizing the Purchasing Manager or her designee to issue the Purchase Order.

Consent

18. Consider accepting the Monthly Investment Report for September 2022. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for September 2022.

FINANCE DEPARTMENT; Calogero Maniscalco, 209-577-5219, cmaniscalco@modestogov.com

ACTION: (Williams/Wright; 7/0) Motion accepting the Monthly Investment Report for September 2022.

Consent

19. Consider approving a First Amendment with ZOLL Data Systems, Inc. for Hosted Server Services for both ePCR and FireRMS Records Management and Reporting Software for Salida Fire Services and future fire contract services for a total revised amount not to exceed $272,296. (Funding Source: General Fund)
    - Resolution approving a First Amendment with ZOLL Data Systems, Inc. for Hosted Server Services for both ePCR and FireRMS Records Management and Reporting Software for Salida Fire Services and future fire contract services by increasing the amount by $33,424 for a total revised amount not to exceed $272,296 and authorizing the City Manager, or his designee to execute the Amendment.

FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

ACTION: (Williams/Wright; 7/0) Resolution 2023-015 approving a First Amendment with ZOLL Data Systems, Inc. for Hosted Server Services for both ePCR and FireRMS Records Management and Reporting Software for Salida Fire Services and future fire contract services by increasing the amount by $33,424 for a total revised amount not to exceed $272,296 and authorizing the City Manager, or his designee to execute the Amendment.

Consent

20. Consider approving a Second Amendment to the Agreement with United Site Services, Inc. of Modesto, CA for Portable Toilet Rental Services for a revised total amount not to exceed $583,250 over the term of the Agreement for United Site Services and Sun Valley Portable Restrooms, Inc., Turlock, CA. (Funding Source: Golf Fund)
    - Resolution approving a Second Amendment to the Agreement with United Site Services, Inc. of Modesto, CA for Portable Toilet Rental Services for a revised total amount not to exceed $583,250 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.

    PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

    ACTION: (Williams/Wright; 7/0) Resolution 2023-016 approving a Second Amendment to the Agreement with United Site Services, Inc. of Modesto, CA for Portable Toilet Rental Services for a revised total amount not to exceed $583,250 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

21. Consider authorizing additional payment not to exceed $151,225 to Belfor Property Restoration, Modesto, CA for Emergency Work related to the American Legion Hall Fire Remediation. (Funding Source: TRRP JPA Insurance Proceeds)
    - Resolution authorizing additional payment not to exceed $151,225 to Belfor Property Restoration, Modesto, CA for Emergency Work related to the American Legion Hall Fire Remediation and authorizing the Purchasing Manager, or her designee, to issue the payments.

    PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

    ACTION: (Williams/Wright; 7/0) Resolution 2023-017 authorizing additional payment not to exceed $151,225 to Belfor Property Restoration, Modesto, CA for Emergency Work related to the American Legion Hall Fire Remediation and authorizing the Purchasing Manager, or her designee, to issue the payments.

Consent

22. Consider approving an Agreement with Mark Thomas & Company, Inc. to prepare construction documentation for the Tuolumne River Regional Park (TRRP) Riverwalk Trail - Gateway to Neece Project for a total amount not to exceed $289,583. (Funding Source: Parks Capital Facility Fee Fund, Recreational Trails and Greenways Grant Program – Proposition 68)
    - Resolution approving an Agreement with Mark Thomas & Company, Inc. to prepare construction documentation for the Tuolumne River Regional Park (TRRP) Riverwalk Trail - Gateway to Neece Project for an amount of $263,257, plus $26,326 for additional services, if needed, for an Agreement total not to exceed $289,583 and authorizing the City Manager, or his designee, to execute the Agreement.

    PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Williams/Wright; 7/0) Resolution 2023-018 approving an Agreement with Mark Thomas & Company, Inc. to prepare construction documentation for the Tuolumne River Regional Park (TRRP) Riverwalk Trail - Gateway to Neece Project for an amount of $263,257, plus $26,326 for additional services, if needed, for an Agreement total not to exceed $289,583 and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

23. Consider authorizing the submittal of application(s) to the Environmental Protection Agency Consumer Recycling Education and Outreach Grant Program, and authorizing the City Manager or his designee to sign Grant Applications and related forms. (Funding Source: Not Applicable)
    - Resolution authorizing the submittal of application(s) to the Environmental Protection Agency Consumer Recycling Education and Outreach Grant Program, and authorizing the City Manager, or his designee, to sign Grant Applications and related forms.

    PUBLIC WORKS; Rosene Salmo, 209-577-5453, rsalmo@modestogov.com

    ACTION: (Williams/Wright; 7/0) Resolution 2023-019 authorizing the submittal of application(s) to the Environmental Protection Agency Consumer Recycling Education and Outreach Grant Program, and authorizing the City Manager, or his designee, to sign Grant Applications and related forms.

Consent

24. Consider approving the Award of Bid and Agreement for the Furnishing of Bio-Solids Removal and Land Application Services with Jim Brisco Enterprises, Inc., Atwater, CA, for a total amount not to exceed $810,891 over five years. (Funding Source: Sewer Operations Fund)
    - Resolution approving the Award of Bid and Agreement for the Furnishing of Bio-Solids Removal and Land Application Services to Jim Brisco Enterprises, Inc., Atwater, CA, for a two year Agreement with three one-year extension options, for an estimated annual amount of $145,500, and a total amount not to exceed $810,891 over five years; and authorizing the City Manager, or his designee, to execute the Agreement

    UTILITIES; Jason Farnsworth, 209-577-6255, jfarnsworth@modestogov.com

    ACTION: (Williams/Wright; 7/0) Resolution 2023-020 approving the Award of Bid and Agreement for the Furnishing of Bio-Solids Removal and Land Application Services to Jim Brisco Enterprises, Inc., Atwater, CA, for a two year Agreement with three one-year extension options, for an estimated annual amount of $145,500, and a total amount not to exceed $810,891 over five years; and authorizing the City Manager, or his designee, to execute the Agreement

Consent

25. Consider approving a Lease Agreement with the State of California, State Lands Commission, for a total amount not to exceed $32,000 over twenty years. (Funding Source: Sewer Operations Fund)
    - Resolution approving a Lease Agreement with the State of California, State Lands Commission, for the use of a 30-foot-wide strip of submerged land situated in the bed of the Tuolumne River, Stanislaus County, State of California for an estimated amount of $12,000 and a total amount not to exceed $32,000 over twenty years and authorizing the City Manager, or his designee, to execute the Agreement.

    UTILITIES; Jason Farnsworth, 209-577-6255, jfarnsworth@modestogov.com

    ACTION: (Williams/Wright; 7/0) Resolution 2023-021 approving a Lease Agreement with the State of California, State Lands Commission, for the use of a 30-foot-wide strip of submerged land situated in the bed of the Tuolumne River, Stanislaus County, State of California for an estimated amount of $12,000 and a total amount not to exceed $32,000 over twenty years and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

26. Consider approving Agreements with Republic Services, Inc. dba Forward, Inc. Landfill for the Non-Hazardous Waste Disposal of Wastewater Grit, Sewer Spoils, and Storm Spoils for a total amount not to exceed $404,910 over six years. (Funding Source: Sewer and Storm Drain Funds)
    - Resolution approving the Agreement(s) with Forward, Inc. for the Disposal of Non-Hazardous Sewer Grit, Sewer Spoils and Storm Spoils for a three year Agreement with one three-year extension option, for an annual estimated cost of $67,485, and a total not to exceed $404,910 over six years, and authorizing the City Manager, or his designee, to execute the Agreement.

    UTILITIES; Jason Farnsworth, 209-577-6255, jfarnsworth@modestogov.com

    ACTION: (Williams/Wright; 7/0) Resolution 2023-022 approving the Agreement(s) with Forward, Inc. for the Disposal of Non-Hazardous Sewer Grit, Sewer Spoils and Storm Spoils for a three year Agreement with one three-year extension option, for an annual estimated cost of $67,485, and a total not to exceed $404,910 over six years, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

27. Consider accepting the Rebid Sonoma Sanitary Sewer Trunk Extension Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $2,230,697 to A. Teichert & Son, Inc., DBA Teichert Construction. (Funding Source: Wastewater Fund)
    - Resolution accepting the Rebid Sonoma Sanitary Sewer Trunk Extension Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $2,230,697 to A. Teichert & Son, Inc. dba Teichert Construction, of Roseville, CA.

    UTILITIES; Pete Kambel, 209-577-5444, pkambel@modestogov.com

ACTION: (Williams/Wright; 7/0) Resolution 2023-023 accepting the Rebid Sonoma Sanitary Sewer Trunk Extension Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $2,230,697 to A. Teichert & Son, Inc. dba Teichert Construction, of Roseville, CA.

COUNCIL COMMENTS & REPORTS

Vice Mayor Ricci commented that he appreciates all the Cruiser Council people for coming and speaking this evening about things they care about. That's the kind of spirit needed to improve the communities. He's looking forward to staff bringing some options to overcome a ban that originates from a bygone era. He also recognized the Central Valley Incident Command Center that was set up to deal with this storm. It just shows how communities come together to solve emergencies. The work they did was incredibly impressive. The coordination with neighboring communities and the State was impressive. He also recognized City staff for coming through for the community and the results just speak for themselves.

Councilmember Bavaro reported that January 9th was National Law Enforcement Appreciation Day. It's a day to be grateful and show appreciation and respect to all Modesto police officers who have dedicated their lives protecting our community and neighborhoods.

Councilmember Alvarez commended the car community for taking the time out of their evening to advocate on behalf of community culture. He believes that cruising is an expression of culture and that the cruising ban is an antiquated policy. However, he wants to highlight the importance of prioritizing traffic safety, and the safety of the community at large. He also reported that he sits on the Citizens Housing and Community Development Committee, along with Vice Mayor Ricci 11 other members from the community. The committee meets regularly on the second Thursday of each month at 12 p.m., at City Hall and is also accessible via Zoom. He invited anyone in District 2 or any resident who's dealing with substandard rental, housing or absentee landlords to get in contact with his office. He also highlighted the tireless work of the Modesto Fire Department and the Central Valley Incident Management Team for their proactive approach to this storm. He reported on all the calls the City staff received and responded to due to the storm.

Councilmember Williams stated that he absolutely agrees with everything his Council colleagues have said this evening. Particularly, Vice Mayor Ricci, and Councilmember Alvarez in their sentiments with the storm. He is thankful for all of the response teams, throughout the region that have come together that made the difference and helped save property and lives. In terms of cruising, he has two classic cars that he would like to cruise one of these days, but it's going to take a little time and he would hope that the car community would be a little patient with them. He also invited the public to attend the following upcoming events in honor of Martin Luther King. This Friday, Martin Luther King Kennedy Board of Directors Luncheon at the King-Kennedy Memorial Center at 11:30 a.m. On Martin Luther King Day, the Christian Love Baptist Church, is hosting the 33rd annual Martin Luther King commemoration, at 10:00 a.m. In addition, a Martin Luther King, Jr. Unity March and Community Service event will be held and is hosted by the Silver Square Lodge #66 at the King Kennedy Center.

Councilmember Escutia-Braaton thanked everyone that came out for public comment. She knows it's not easy for the public to take time away from family and private time to attend. That's really what it's about and they are here to listen. She loves the fact that Modesto's beautiful multi-cultural and Community Pride was very visible. She spoke about her childhood and her fond memories of cruising. She also thanked the many City employees who really went above and beyond to help the collective Modesto community during the storm. She saw firsthand the crews that were out there in the massive rain dealing with those issues. The Incident Command Center that was referenced is fairly new to the City and it's a model that can be used for any crisis. Councilmember Escutia-Braaton also commented on the recycling program and advised the public to visit the City's website to obtain information about the program. In addition, if members of the public have questions or comments, they can call the Solid Waste Customer Service number at 209-577-5494.

CITY MANAGER COMMENTS & REPORTS

City Manager Lopez reported that the City is currently accepting applications for the Community Police Review Board. Applications will be accepted through January 31st. He encourages anybody to visit the City's website at Modestogov.com for additional information on the application process. In addition, he would like to note that in the next several days, the application period will open for the Measure H Oversight Committee, as well as, for the public positions for the Audit Committee with the voters passage of Measures G and H.

MATTERS TOO LATE FOR THE AGENDA

28. Consider ratifying the Proclamation of Existence of a Local Emergency in response to the severe storm event, dated January 9, 2023. (Funding Source: Not Applicable)
CITY MANAGER; Joseph Lopez, 209-577-5223, joelopez@modestogov.com

ACTION: (Wright/Williams; 7/0) Motion adding ratifying the Proclamation of Existence of a Local Emergency in response to the severe storm event, dated January 9, 2023 024 as a matter too late for the agenda.

ACTION: (Escutia-Braaton/Wright; 7/0) Resolution 2023-024 ratifying the Proclamation of Existence of a Local Emergency in response to the severe storm event, dated January 9, 2023

ADJOURNMENT

This meeting adjourned at 8:53 p.m.

All Closed Session matters heard prior to meeting.

CLOSED SESSION

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:_____
Diane Nayares-Perez, City Clerk

MINUTES

City of Modesto

ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP

Held Via Teleconference
Wednesday, January 11, 2023, at 4:00 PM

*Roll Call: Present: Committee Members Ricci, Alvarez, Chair Zwahlen,
Absent: None

PUBLIC COMMENTS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 1-5: (Ricci/Alvarez; 3/0)

CONSENT

Consent

1. Consider approving a Third 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 $629,311 plus $62,931 additional services, if needed, from $12,447,994 for a total amount not to exceed $13,140,236, and forwarding to Council for approval. (Funding Source: Streets Capital Facility Fees)
    - Motion approving a Third 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 $629,311 plus $62,931 additional services, if needed, from $12,447,994 for a total not to exceed amount of $13,140,236, and forwarding to Council for approval.

    CED; John Rawles, 209-577-5253, jrawles@modestogov.com

    ACTION: (Ricci/Alvarez; 3/0) Motion approving a Third 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 $629,311 plus $62,931 additional services, if needed, from $12,447,994 for a total not to exceed amount of $13,140,236, and forwarding to Council for approval.

Consent

2. Consider approving Freeway Maintenance Agreement for the State Route 132 West Freeway/Expressway - Phase 1 Project with the State of California, acting by and

through the Department of Transportation, and the City of Modesto, and forwarding to Council for approval (Funding Source: Not Applicable)

- Motion approving Freeway Maintenance Agreement STA-132, PM-R11.3/R14.7 for State Route 132 West Freeway/Expressway - Phase 1 Project with the State of California, acting by and through the Department of Transportation, and forwarding to Council for approval.

CED; Toby Wells, 209-571-5442, twells@modestogov.com

ACTION: (Ricci/Alvarez; 3/0) Motion approving Freeway Maintenance Agreement STA-132, PM-R11.3/R14.7 for State Route 132 West Freeway/Expressway - Phase 1 Project with the State of California, acting by and through the Department of Transportation, and forwarding to Council for approval.

Consent

3. Consider approving the sale of 5.01 Acres of real property at 1500 Robertson Road jointly owned by the City of Modesto, the City of Ceres and Stanislaus County as part of the Tuolumne River Regional Park for $191,000 and approving the purchase of such property by the City of Modesto to be used for the Sutter Primary Treatment Facility Parking Lot/Security Project and forwarding to Council for approval. (Funding Source: Wastewater Fund)

    - Motion approving the sale of 5.01 Acres of real property at 1500 Robertson Road jointly owned by the City of Modesto, the City of Ceres and Stanislaus County as part of the Tuolumne River Regional Park for $191,000 and approving the purchase of such property by the City of Modesto to be used for the Sutter Plant Parking Lot/Security Project, and forwarding to Council for approval.

    PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

    ACTION: (Ricci/Alvarez; 3/0) Motion approving the sale of 5.01 Acres of real property at 1500 Robertson Road jointly owned by the City of Modesto, the City of Ceres and Stanislaus County as part of the Tuolumne River Regional Park for $191,000 and approving the purchase of such property by the City of Modesto to be used for the Sutter Plant Parking Lot/Security Project and forwarding to Council for approval.

Consent

4. Consider approving the submission of a Grant Application to the California Department of Water Resources for the 2022 Urban Community Drought Relief Grant Program and forwarding to Council for approval. (Funding Source: Water Fund)

    - Motion approving the submission of a Grant Application to the California Department of Water Resources for the 2022 Urban Community Drought Relief Grant Program for the Underrepresented Community of Empire and City-Wide Turf Replacement Project for an amount up to $4,000,000 in grant funding with a local match requirement of $250,000 and forwarding to Council for approval.

    UTILITIES; Juan Ochoa, 209-577-5423, jochoa@modestogov.com

ACTION: (Ricci/Alvarez; 3/0) Motion approving the submission of a Grant Application to the California Department of Water Resources for the 2022 Urban Community Drought Relief Grant Program for the Underrepresented Community of Empire and City-Wide Turf Replacement Project for an amount up to $4,000,000 in grant funding with a local match requirement of $250,000 and forwarding to Council for approval.

Consent

5. Consider approving a Right-of-Way Dedication by the City of Modesto on behalf of the public for the future Aria Way extension for Public Use and Right of Way. (Funding Source: Not Applicable)
    - Motion approving a Right-of-Way Dedication by the City of Modesto on behalf of the public for the future Aria Way (APN 083-004-084) extension for Public Use and Right-of-Way and forwarding to Council for approval.

UTILITIES; Robert Davalos, 209-571-5869, rdavalos@modestogov.com

ACTION: (Ricci/Alvarez; 3/0) Motion approving a Right-of-Way Dedication by the City of Modesto on behalf of the public for the future Aria Way (APN 083-004-084) extension for Public Use and Right-of-Way and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:06 p.m.

Attest: _____
Dana Sanchez, Assistant City Clerk

MINUTES
City of Modesto
SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference
Wednesday, January 18, 2023 at 4:00 PM

Roll Call: Present: Vice-Chair Escutia-Braaton and Chair Ricci
Absent: Member Williams (Arrived 4:19pm)
Also Present: Member Wright (Alternate)

PUBLIC COMMENTS

- Kevin V had several questions regarding the Tuolumne River Regional Park Trail connections and crossings.

- Emerson Drake questioned how agenda information is presented to the Committee Members prior to meetings.

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

Member Wright joined the meeting as an alternate for Williams.

CONSENT

Consent

1. Consider approving the purchase of a 2019 Chevrolet Tahoe SUV from the Salida Fire Protection District (SFPD), Salida, CA, for a cost not to exceed $60,000 and forwarding to Council for approval. (Funding Source: General Fund)
    - Motion approving the purchase of a 2019 Chevrolet Tahoe SUV from the Salida Fire Protection District, Salida, CA, for a total amount not to exceed $60,000; and forwarding to Council for approval.

    FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

    ACTION: (Wright/Escutia-Braaton; 3/0) Motion approving the purchase of a 2019 Chevrolet Tahoe SUV from the Salida Fire Protection District, Salida, CA, for a total amount not to exceed $60,000; and forwarding to Council for approval.

Consent

2. Consider approving an Agreement with Mark Thomas & Company, Inc. to prepare construction documentation for the Dry Creek Regional Park to Tuolumne River Regional Park (TRRP) Trail Connection Project for a total amount not to exceed $511,424, and forwarding to Council for approval. (Funding Source: Parks & Air Quality Capital Facility Fee Fund)

- Motion approving an Agreement with Mark Thomas & Company, Inc. to prepare construction documentation for the Dry Creek Regional Park to Tuolumne River Regional Park (TRRP) Trail Connection Project for an amount of $464,931, plus $46,493 for additional services, if needed, for an Agreement total not to exceed $511,424, and forwarding to Council for approval.

PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Wright/Escutia-Braaton; 3/0) Motion approving an Agreement with Mark Thomas & Company, Inc. to prepare construction documentation for the Dry Creek Regional Park to Tuolumne River Regional Park (TRRP) Trail Connection Project for an amount of $464,931, plus $46,493 for additional services, if needed, for an Agreement total not to exceed $511,424, and forwarding to Council for approval.

Consent

3. Consider approving an increase of the Director's Authority of contingency amount of $74,455 with Gruendel Inc. DBA Ray's Electric in an amount not to exceed $148,910 and forwarding to Council for approval. (Funding Source: Measure L Road Tax Fund)
    - Motion approving an increase of the Director's Authority of contingency amount of $74,455 with Gruendel Inc. DBA Ray's Electric from 10% ($74,455) to 20% ($148,910) in an amount not to exceed $148,910 and forwarding to Council for approval.

PUBLIC WORKS; James Ashby, 209-571-5116, jashby@modestogov.com

ACTION: (Wright/Escutia-Braaton; 3/0) Motion approving an increase of the Director's Authority of contingency amount of $74,455 with Gruendel Inc. DBA Ray's Electric from 10% ($74,455) to 20% ($148,910) in an amount not to exceed $148,910 and forwarding to Council for approval.

Member Williams joined the meeting at 4:19 p.m. and assumed voting position from Alternate Member Wright.

NEW BUSINESS

4. Consider approving the Fourth Amendment to the Purchasing Agreement with Grover Landscape Services, Inc. of Modesto, CA for Landscape Maintenance Services to extend the term period for an additional three years and six months and increasing the amount of the Agreement by an amount not to exceed $10,141,509 for the extension period; and forwarding to Council for approval. (Funding Source: General Fund – Parks Operations, Community Facilities District Funds, Joint Powers Authority Tuolumne River Regional Park Fund, Various City and Enterprise Funds)
    - Motion approving the Fourth Amendment to the Purchasing Agreement with Grover Landscape Services, Inc. of Modesto, CA for Landscaping Maintenance Services to extend the term period for an additional three years and six months and increasing the amount of the Agreement by an amount not to exceed $10,141,509 for the extension period; and forwarding to Council for approval.

PRN; Kelly Gallagher, 209-342-2270, kgallagher@modestogov.com

ACTION: (Escutia-Braaton/Williams; 3/0) Motion approving the Fourth Amendment to the Purchasing Agreement with Grover Landscape Services, Inc. of Modesto, CA for Landscaping Maintenance Services to extend the term period for an additional three years and six months and increasing the amount of the Agreement by an amount not to exceed $10,141,509 for the extension period; and forwarding to Council for approval.

5. Consider approving a Land Exchange Agreement with E. J. Gallo Winery and Gallo Glass Company to acquire certain real property located along the Tuolumne River (a portion of APNs 035-016-010, 035-018-009, 035-018-013 and 035-024-007), in exchange for a portion of Beard Brook Park (APN 106-034-001); approving a Transfer Agreement with the State of California Department of Parks and Recreation, and forwarding to Council for approval. (Funding Source: Non-Motorized Local Transportation Fund and Parks & Air Quality Capital Facility Fees Fund)
    - Motion approving a Land Exchange Agreement with E. J. Gallo Winery and Gallo Glass Company to acquire certain real property located along the Tuolumne River (a portion of APNs 035-016-010, 035-018-009, 035-018-013 and 035-024-007), in exchange for a portion of Beard Brook Park (APN 106-034-001); approving a Transfer Agreement with the State of California Department of Parks and Recreation, and forwarding to Council for approval.

   PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

   ACTION: (Escutia-Braaton/Williams; 3/0) Motion approving a Land Exchange Agreement with E. J. Gallo Winery and Gallo Glass Company to acquire certain real property located along the Tuolumne River (a portion of APNs 035-016-010, 035-018-009, 035-018-013 and 035-024-007), in exchange for a portion of Beard Brook Park (APN 106-034-001); approving a Transfer Agreement with the State of California Department of Parks and Recreation, and forwarding to Council for approval.

6. Consider an Ordinance amending Section 3-2.1401.1 of Article 14, Chapter 2, Title 3 of the Modesto Municipal Code relating to speed limits to determine and designate speed limit changes. (Funding Source: Surface Transportation Fund (Gas Tax))
    - Motion approving an Ordinance amending Section 3-2.1401.1 of Article 14, Chapter 2, Title 3 of the Modesto Municipal Code relating to speed limits and forwarding to Council for approval.

   PUBLIC WORKS; Mark Murphy, 209-577-5431, mmurphy@modestogov.com

   ACTION: (Escutia-Braaton/Williams; 3/0) Motion approving an Ordinance amending Section 3-2.1401.1 of Article 14, Chapter 2, Title 3 of the Modesto Municipal Code relating to speed limits and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 5:01 p.m.

Attest: _____
Andrea Cook, Deputy City Clerk

MINUTES
City of Modesto
SPECIAL AUDIT COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference
Monday, January 23, 2023 at 10:00 AM

Roll Call: Present: Member Bavaro, Vice-Chair Wright, Chair Zwahlen
Absent: None
Also Present: Members Ricci and Williams

PUBLIC COMMENTS

None.

NEW BUSINESS

1. Consider approving the Audited Financial Statements and various Audit Reports for Fiscal Year 2021-2022, audited by external auditors Hudson Henderson & Company, Inc. for the City's Annual Comprehensive Financial Report (ACFR), twelve (12) Community Facilities Districts (CFDs), Measure L, Single Audit, and various Joint Powers Agencies and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion accepting the Audited Financial Statements and various Audit Reports for Fiscal Year 2021-2022 audited by external auditors Hudson Henderson & Company, Inc. for the City's Annual Comprehensive Financial Report (ACFR), twelve (12) Community Facilities Districts (CFDs) and various Joint Powers Agencies (JPAs), and forwarding to Council for approval.
    - Motion accepting the audited Fiscal Year 2021-2022 Federal Single Audit report for the City of Modesto, and forwarding to Council for approval.
    - Motion accepting the Fiscal Year 2021-2022 Auditor's Report on compliance of the Measure L: Local Roads First Transportation Funding Measure, and forwarding to Council for approval.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

    ACTION: (Wright/Bavaro; 3/0) Motion accepting the Audited Financial Statements and various Audit Reports for Fiscal Year 2021-2022 audited by external auditors Hudson Henderson & Company, Inc. for the City's Annual Comprehensive Financial Report (ACFR), twelve (12) Community Facilities Districts (CFDs) and various Joint Powers Agencies (JPAs), and forwarding to Council for approval

    ACTION: (Wright/Bavaro; 3/0) Motion accepting the audited Fiscal Year 2021-2022 Federal Single Audit report for the City of Modesto, and forwarding to Council for approval.

ACTION: (Wright/Bavaro; 3/0) Motion accepting the Fiscal Year 2021-2022 Auditor's Report on compliance of the Measure L: Local Roads First Transportation Funding Measure, and forwarding to Council for approval.

2. Consider accepting an informational update for the Transient Occupancy Tax Audit and forwarding to Council for approval. (Funding Source: General Fund)
    - Motion approving the informational update for the Transient Occupancy Tax Audit and forwarding to Council for approval.

FINANCE DEPARTMENT; Gina Brown, 209-577-5381, gbrown@modestogov.com

ACTION: (Bavaro/Wright; 3/0) Motion approving the informational update for the Transient Occupancy Tax Audit and forwarding to Council for approval.

3. Consider approving the Citywide Risk Assessment prepared by Sjoberg Evashenk Consulting, Inc. and forwarding to Council. (Funding Source: General Fund)
    - Motion accepting the Citywide Risk Assessment Report completed by Sjoberg Evashenk Consulting and forwarding to Council for approval.

FINANCE DEPARTMENT; *DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com*

ACTION: (Bavaro/Wright; 3/0) Motion accepting the Citywide Risk Assessment Report completed by Sjoberg Evashenk Consulting and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 11:08 a.m.

Attest: _____
Diane Nayares-Perez, City Clerk

MINUTES

City of Modesto

FINANCE COMMITTEE / COUNCIL WORKSHOP

Held Via Teleconference

Monday, January 23, 2023 at 4:00 PM

Roll Call: Present: Councilmembers Bavaro, Williams (as alternate), Wright
Absent: Councilmember Escutia-Braaton

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEMS 1-5 (Bavaro/Williams;3/0)

CONSENT

Consent

1. Consider approving the recommended Budget Adjustments to Fiscal Year 2022-23 Annual Operating and Capital Improvement Program Budgets; and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion approving the recommended Budget Adjustments to Fiscal Year 2022-23 Annual Operating and Capital Improvement Program Budgets; and forwarding to Council for approval.

BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com

ACTION: (Bavaro/Williams; 3/0) Motion approving the recommended Budget Adjustments to Fiscal Year 2022-23 Annual Operating and Capital Improvement Program Budgets; and forwarding to Council for approval.

Consent

2. Consider accepting an Informational Report on the September and October 2022 Grant Applications and Awards and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion approving the acceptance of the September and October 2022 Grant Applications and Awards Report and forwarding to Council for approval.

FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

ACTION: (Bavaro/Williams; 3/0) Motion approving the acceptance of the September and October 2022 Grant Applications and Awards Report and forwarding to Council for approval.

Consent

3. Consider approving the Award of Proposal and Agreements to Public Financial Management (PFM) Financial Advisors LLC, San Francisco, California, for Municipal Advisory Services and PFM Swap Advisors LLC, San Francisco, California, for Annual Derivative Valuation Report for a total amount not to exceed $900,000 over the six years, rescinding Resolution 2022-335 and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion approving the Award of Proposal and Agreements to Public Financial Management (PFM) Financial Advisors LLC, San Francisco, California, for Municipal Advisory Services and PFM Swap Advisors LLC, San Francisco, California, for Annual Derivative Valuation Report for three years with three one-year extension options at a combined estimated annual amount of $150,000 and a total combined amount not to exceed $900,000 over the six years; rescinding Resolution 2022-335 and forwarding to Council for approval.

    FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

    ACTION: (Bavaro/Williams; 3/0) Motion approving the Award of Proposal and Agreements to Public Financial Management (PFM) Financial Advisors LLC, San Francisco, California, for Municipal Advisory Services and PFM Swap Advisors LLC, San Francisco, California, for Annual Derivative Valuation Report for three years with three one-year extension options at a combined estimated annual amount of $150,000 and a total combined amount not to exceed $900,000 over the six years; rescinding Resolution 2022-335 and forwarding to Council for approval.

Consent

4. Consider approving the purchase of a Cybersecurity Patch Management System with Telcion Communications Group, Modesto, CA for the total amount not to exceed $109,413 and forwarding to Council for approval. (Funding Source: American Rescue Plan Act Funding)
    - Motion approving the purchase of a Cybersecurity Patch Management System with Telcion Communications Group, Modesto, CA in the amount not to exceed $109,413 and forwarding to Council for approval.

    FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

    ACTION: (Bavaro/Williams; 3/0) Motion approving the purchase of a Cybersecurity Patch Management System with Telcion Communications Group, Modesto, CA in the amount not to exceed $109,413 and forwarding to Council for approval.

Consent

5. Consider authorizing the submittal of application(s) to the Department of Transportation Clean California Local Grant Program and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion authorizing the submittal of application(s) to the Department of Transportation Clean California Local Grant Program and forwarding to Council for approval.

PUBLIC WORKS; Rosene Salmo, 209-577-5453, rsalmo@modestogov.com

ACTION: (Bavaro/Williams; 3/0) Motion authorizing the submittal of application(s) to the Department of Transportation Clean California Local Grant Program and forwarding to Council for approval.

NEW BUSINESS

6. Consider approving an initial spending plan related to Measure H for Fiscal Year 2022-23 to address quality of life issues in the community. (Funding Source: General Fund)
    - Motion approving the initial spending plan related to Measure H for Fiscal Year 2022-23 to address quality of life issues in the community and forwarding to Council for approval.

BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com

ACTION: (Bavaro/Williams; 3/0) Motion approving the initial spending plan related to Measure H for Fiscal Year 2022-23 to address quality of life issues in the community and forwarding to Council for approval.

7. Consider approving a Third amendment to the Purchasing Agreement with Amazon Business for an Online Marketplace for Products to increase the annual estimated amount by $205,000, for a revised annual estimated cost of $380,000, for a total amount not to exceed $2,417,581 over eight years and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion approving a Third Amendment to the Purchasing Agreement with Amazon Business for an Online Marketplace for Products to increase the annual estimated amount by $205,000, for a revised annual estimated cost from $175,000 to $380,000, for a total amount not to exceed $2,417,581 over eight years and forwarding to Council for approval.

FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

ACTION: (Bavaro/Williams; 3/0) Motion approving a Third Amendment to the Purchasing Agreement with Amazon Business for an Online Marketplace for Products to increase the annual estimated amount by $205,000, for a revised annual estimated cost from $175,000 to $380,000, for a total amount not to exceed $2,417,581 over eight years and forwarding to Council for approval.

8. Consider approving the revisions and additions to the Modesto Police Department's Hiring and Recruiting Incentives Program, increasing the estimated annual allocated

amount by $365,000 to a new estimated annual total of $415,000, and forwarding to Council for approval. (Funding Source: General Fund)

- Motion approving the revisions and additions to the Modesto Police Department's Hiring and Recruiting Incentives Program and increasing the estimated annual allocated amount by $365,000 to a new estimated annual total of $415,000 and forwarding to Council for approval.

POLICE DEPARTMENT; Chris Adams, 209-572-9500, adamsc@modestopd.com

ACTION: (Bavaro/Williams; 3/0) Motion approving the revisions and additions to the Modesto Police Department's Hiring and Recruiting Incentives Program and increasing the estimated annual allocated amount by $365,000 to a new estimated annual total of $415,000 and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:59 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, January 24, 2023 at 5:30 PM

Roll Call - Present: Councilmembers Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

Absent: None

Pledge of Allegiance to the Flag

Invocation: Anthony Bargas, The Center Church

City Clerk's Announcements: None.

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Sanchez reported that no reportable action was taken on the Closed Session item.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation declaring February as National Black History Month. (Funding Source: Not Applicable)
   CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-559, aharbottle@modestogov.com

ACTION: Mayor Zwahlen presented the Proclamation declaring February as National Black History Month to: Rose Mitchell, NAACP Executive Committee Member; John Ervin, lll, Sankofa Theatre Co.; Ruby Kennedy, King-Kennedy Senior's Group; , Sterling Fountain, Board of Directors King Kennedy Center; Fallon, Ferris and Akia Walker, Stanislaus Youth Empowerment Program; Margie Lee, The Woman's Auxiliary Ron DeLoach, Chairman West Modesto People of Action Coalition; and Pastor Darius Crosby, Modesto Police Clergy Council.

2. Proclamation declaring February as National Cancer Prevention Month (Funding Source: Not Applicable)
   CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

ACTION: Mayor Zwahlen read the Proclamation declaring February as National Cancer Prevention Month into the record.

3. Presentation from the Municipal Information Systems Association of California (MISAC) to the City of Modesto for the MISAC Excellence Award for Best Practices in Information Technology. (Funding Source: Not Applicable)
IT; Scott Conn, 209-577-5229, sconn@modestogov.com

ACTION: Gaurav Garg, CIO for the City of Santa Clara and member of the State Board for the Municipal Information Systems Association of California presented the award to the City.

4. Presentation by StanCOG for Annual Unmet Transit Needs Process. (Funding Source: Not Applicable)
CITY MANAGER; Joseph Lopez, 209-577-5223, joelopez@modestogov.com

ACTION: Clarissa Hernlund, Senior Transit Planner at StanCOG presented the Annual Unmet Transit Needs Process.

MISCELLANEOUS

5. Consider reappointing Rhoda Yare and Sandra Wilson to the Housing Rehabilitation Loan Committee for a second term with a term expiration of December 31, 2026 (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution reappointing Rhoda Yare and Sandra Wilson to the Housing Rehabilitation Loan Committee for a second term with a term expiration of December 31, 2026.

CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Wright/Williams; 7/0) Resolution 2023-025 reappointing Rhoda Yare and Sandra Wilson to the Housing Rehabilitation Loan Committee for a second term with a term expiration of December 31, 2026.

6. Consider appointing Esparza Vargas, Paul Adams, and Julie Betts-Albert to the Modesto Downtown Improvement District Advisory Board for a four-year term from January 1, 2023 to December 31, 2026. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution appointing Esparza Vargas, Paul Adams, and Julie Betts-Albert to the Modesto Downtown Improvement District Advisory Board for a four-year term from January 1, 2023 to December 31, 2026.

PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Wright/Zwahlen; 7/0) Resolution 2023-026 appointing Esparza Vargas, Paul Adams, and Julie Betts-Albert to the Modesto Downtown Improvement District Advisory Board for a four-year term from January 1, 2023 to December 31, 2026.

7. Consider approving the appointments of Elena Martinez and Katherine Zagone to fill two Modesto Resident vacancies on the Culture Commission for a four-year term from January 1, 2023 through December 31, 2026. (Funding Source: Not Applicable)
Staff Recommendation:
    - Resolution approving the appointments of Elena Martinez and Katherine Zagone to fill two Modesto Resident vacancies on the Culture Commission for a four-year term from January 1, 2023 through December 31, 2026.

PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Ricci/Williams; 7/0) Resolution 2023-027 approving the appointments of Elena Martinez and Katherine Zagone to fill two Modesto Resident vacancies on the Culture Commission for a four-year term from January 1, 2023 through December 31, 2026.

8. Consider approving the reappointment of Ricardo Semeria of the Modesto Golf Club and the appointments of Arnold Fidalgo of the SIRS Golf Club, and Jeffrey Lambaren, Member-At-Large, to the Golf Courses Advisory Committee for a four-year term from January 1, 2023 through December 31, 2026. (Funding Source: Not Applicable)
Staff Recommendation:
    - Resolution approving the reappointment of Ricardo Semeria of the Modesto Golf Club and the appointments of Arnold Fidalgo of the SIRS Golf Club, and Jeffrey Lambaren, Member-At-Large, to the Golf Courses Advisory Committee for a four-year term from January 1, 2023 through December 31, 2026.

PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Williams/Alvarez; 7/0) Resolution 2023-028 approving the reappointment of Ricardo Semeria of the Modesto Golf Club and the appointments of Arnold Fidalgo of the SIRS Golf Club, and Jeffrey Lambaren, Member-At-Large, to the Golf Courses Advisory Committee for a four-year term from January 1, 2023 through December 31, 2026.

PUBLIC COMMENT PERIOD

- Jeana Woods stated she is a Marine Corps Veteran with a disabled son. She owns her home and is having an issue with a carport recently installed. It was professionally installed, and she was cited for it and is going through the appeal process.

- Jimmy Sharp spoke about City Municipal Code Section 10-4.106 Front and Streetside Setback. He commented that he is allowed to build a fence right on the property line. It's next to the sidewalk and the carport is in his driveway, in line with the fence. He is now being told he must tear it down.

- Alissa Hagar wished a happy Martin Luther King, Jr. week to everyone and thanked all of the fighters for freedom. She commented about the technology award the City received and also

commented on the Modesto Police Department and the shooting of Paul Chavez, Jr and Trevor Seever.

- Kim Millerdree spoke about the disability rights of Sebastian Jones.

- Ramon Rodriguez spoke about the Modesto Police Department and Officer Espinoza.

- Sharon Froba, Housing Chair for the NAACP spoke about housing needed and using the 54 acres on the municipal golf course for housing.

- Latricia, a representative of Faith in the Valley spoke about the needs for housing and the use of the municipal golf course for housing. She asked Council consider a local housing committee, that would be comprised of renters and private housing, public housing, manufactured housing, and subsidized housing representatives who are in the community to work with city planners for affordable housing.

- Sebastian Jones stated that he was the first minority on the Commission on Aging. He commented that he felt disrespected at a recent Martin Luther King, Jr. Event and that his disability rights were violated.

- Theresa Clutter spoke about a city tree on her property. She has been calling about the tree since 2020 and it is hanging. She also spoke about the shooting of Paul Chavez, Jr.

- Karla Davies stated she is a resident and a proud daughter of undocumented Mexican farm workers, who are the real heroes in our community. She is here in the capacity as an activist in this community and also as a bridge between the monolingual non-English-speaking immigrant communities, and people of color living in the community, in the most poverty, stricken Modesto neighborhoods, which is the Airport neighborhood and South Modesto. She asked Council to address the inequalities in those neighborhoods.

- Johnathan Williams mentioned the names of Paul Chavez's three sons, Paul III, Abraham and Josiah. He commented on the shooting of Paul Chavez, Jr.

- David Jameson, La Loma resident and business owner stated that he is a member of Councilmember Bavaro's citizen's advisory committee. He provided a report on the primary issues of the committee. Those issues are public safety, homelessness, crimes, city infrastructure issues and quality of life. One immediate serious issue is the homeless issue.

- Steven Allen spoke about public comment and the time allotted. He asked why it is not extended to five minutes. He also spoke in support of Sebastian Jones.

- Liz Garcia stated that she has known Sebastian Jones over 30 years. He helped with the Monterey Park Tract water issue. She spoke in support of Mr. Jones and thanked Councilmember Alvarez for standing up for Mr. Jones.

- Sarah Johnson stated she is here on behalf of Sebastian Jones. He is her caregiver and has known him over 30 years. He's a giving person with a good heart.

- Kimberly Edward stated that she is here in support of Mr. Jones and all he has done for the community. She asked why he was treated unfairly.

- Leslie West spoke about Sebastian Jones and what he has done for the community.

- Bob Holloway spoke in support of lifting the ban on cruising. He thanked the community leaders that spoke in support of lifting the ban. He and the Modesto Cruiser Council do not condone some actions and comments made at the last meeting by some members of the public. In addition, he wanted to personally thank Chief Gillespie who has helped them and given guidance.

- Emerson Drake, commented on Sebastian Jones and a time Mr. Jones wanted to serve on a city committee. He also stated that he wanted to thank City staff who worked on cutting down his City tree and removing the stumps and roots. The staff also repaired his cracked driveway. Mr. Drake further asked to remove items 9, 10, 13 and 17 from consent and asked about the status of safe parking.

- Patrick Thomas spoke about a recent encounter with the Modesto Police Department. He also spoke about the shooting of Paul Chavez, Jr.

Recessed: 7:29 pm
Reconvened: 7:37 pm

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 11-12, 14-16, 18-22 (Wright/Bavaro; 7/0)

CONSENT

Removed from Consent
Consent

9. Consider approving the minutes from the January 10, 2023 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the January 10, 2023 Council Meeting.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Bavaro/Wright; 7/0) Motion approving the minutes from the January 10, 2023 Council Meeting.

Removed from Consent
Consent

10. 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: (Ricci/Alvarez; 7/0) Resolution 2023-029 continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

Consent

11. Consider approving the 2023-2024 State and Federal Legislative Priorities. (Funding Source: Not Applicable)
    - Resolution approving the City of Modesto 2023-2024 State and Federal Legislative Priorities.

    CITY MANAGER; Andrew Gonzales, 209-571-5809, angonzales@modestogov.com

    ACTION: (Wright/Bavaro; 7/0) Resolution 2023-030 approving the City of Modesto 2023-2024 State and Federal Legislative Priorities.

Consent

12. Consider approving the First Amendment increasing the Agreement amount with Townsend Public Affairs, for State Advocacy Services to a new total amount of $215,000, and Van Scoyoc Associates for Federal Advocacy Services to $322,500 and extending the term of the Agreements from April 27, 2023, to November 28, 2023. (Funding Source: General Fund, Water Fund, and Surface Transportation Funds)
    - Resolution approving the First Amendment increasing the Agreement amount with Townsend Public Affairs, for State Advocacy Services by $35,000 from $180,000 to a new total amount of $215,000, and extending the term of the Agreements from April 27, 2023, to November 28, 2023 and authorizing the City Manager, or his designee to execute the Amendment.
    - Resolution to approve the First Amendment increasing the Agreement amount with Van Scoyoc Associates for Federal Advocacy Services by $52,500 from $270,000 to $322,500 and extending the term of the Agreements from April 27, 2023, to November 28, 2023 and authorizing the City Manager, or his designee to execute the Amendment.

    CITY MANAGER; Andrew Gonzales, 209-571-5809, angonzales@modestogov.com

    ACTION: (Wright/Bavaro; 7/0) Resolution 2023-031 approving the First Amendment increasing the Agreement amount with Townsend Public Affairs, for State Advocacy Services by $35,000 from $180,000 to a new total amount of $215,000, and extending the term of the Agreements from April 27, 2023, to November 28, 2023, and authorizing the City Manager, or his designee to execute the Amendment.

    ACTION: (Wright/Bavaro; 7/0) Resolution 2023-032 to approve the First Amendment increasing the Agreement amount with Van Scoyoc Associates for Federal Advocacy Services by $52,500 from $270,000 to $322,500 and extending the term of

the Agreements from April 27, 2023, to November 28, 2023 and authorizing the City Manager, or his designee to execute the Amendment.

Removed from Consent

Consent

13. Consider accepting an Informational Report for the November 2022 Accounts Payable Payment Register and Void Report. (Funding Source: Not Applicable)
    - Motion accepting an Informational Report for the November 2022 Accounts Payable Payment Register and Void Report.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

    ACTION: (Wright/Alvarez; 7/0) Motion accepting an Informational Report for the November 2022 Accounts Payable Payment Register and Void Report.

Consent

14. Consider accepting the Monthly Investment Report for October 2022. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for October 2022.

    FINANCE DEPARTMENT; Calogero Maniscalco, 209-577-5219, cmaniscalco@modestogov.com

    ACTION: (Wright/Bavaro; 7/0) Motion accepting the Monthly Investment Report for October 2022.

Consent

15. Consider accepting a report on Fiscal Year 2022-23 Vehicle Replacements and Additions planned for bidding or use of Cooperative Agreements to comply with bidding requirements. (Funding Source: Various Funds)
    - Motion accepting a report on Fiscal Year 2022-23 Vehicle Replacements and Additions planned for bidding or use of Cooperative Agreements to comply with bidding requirements.

    FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

    ACTION: (Wright/Bavaro; 7/0) Motion accepting a report on Fiscal Year 2022-23 Vehicle Replacements and Additions planned for bidding or use of Cooperative Agreements to comply with bidding requirements.

Consent

16. Consider approving the sale of 5.01 Acres of real property at 1500 Robertson Road jointly owned by the City of Modesto, the City of Ceres and Stanislaus County as part of the Tuolumne River Regional Park for $191,000 and approving the purchase of such property by the City of Modesto to be used for the Sutter Primary Treatment Facility Parking Lot/Security Project. (Funding Source: Wastewater Fund)
    - Resolution approving the sale of 5.01 Acres of real property at 1500 Robertson Road jointly owned by the City of Modesto, the City of Ceres and Stanislaus County as part of the Tuolumne River Regional Park for $191,000, and

approving the purchase of such property by the City of Modesto to be used for the Sutter Primary Treatment Facility Parking Lot/Security Project, and authorizing the City Manager, or his designee, to execute the Purchase and Sale Agreement, and all related documents required to complete the transaction and close of escrow.

PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Wright/Bavaro; 7/0) Resolution 2023-033 approving the sale of 5.01 Acres of real property at 1500 Robertson Road jointly owned by the City of Modesto, the City of Ceres and Stanislaus County as part of the Tuolumne River Regional Park for $191,000, and approving the purchase of such property by the City of Modesto to be used for the Sutter Primary Treatment Facility Parking Lot/Security Project, and authorizing the City Manager, or his designee, to execute the Purchase and Sale Agreement, and all related documents required to complete the transaction and close of escrow.

Removed from Consent

Consent

17. Consider approving a Land Exchange Agreement with E. J. Gallo Winery and Gallo Glass Company to acquire certain real property located along the Tuolumne River (a portion of APNs 035-016-010, 035-018-009, 035-018-013 and 035-024-007), in exchange for a portion of Beard Brook Park (APN 106-034-001); approving a Transfer Agreement with the State of California Department of Parks and Recreation. (Funding Source: Non-Motorized Local Transportation Fund and Parks & Air Quality Capital Facility Fees Fund)

    - Resolution approving a Land Exchange Agreement with E. J. Gallo Winery and Gallo Glass Company to acquire certain real property located along the Tuolumne River (a portion of APNs 035-016-010, 035-018-009, 035-018-013 and 035-024-007), in exchange for a portion of Beard Brook Park (APN 106-034-001); approving a Transfer Agreement with the State of California Department of Parks and Recreation and authorizing the City Manager, or his designee, to execute the Agreements.

PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Wright/Ricci; 7/0) Resolution 2023-034 approving a Land Exchange Agreement with E. J. Gallo Winery and Gallo Glass Company to acquire certain real property located along the Tuolumne River (a portion of APNs 035-016-010, 035-018-009, 035-018-013 and 035-024-007), in exchange for a portion of Beard Brook Park (APN 106-034-001); approving a Transfer Agreement with the State of California Department of Parks and Recreation and authorizing the City Manager, or his designee, to execute the Agreements.

Consent

18. Consider approving the Plans and Specifications for the Sutter Neighborhood Strengthen & Replace Water Mains Project; accepting the Bid and Awarding a Construction Contract to West Valley Construction Inc., of San Jose, CA, for a total

amount not to exceed $2,149,680 and approving a First Amendment increasing the Agreement amount with Black Water Consulting Engineers, Inc., Modesto, CA, for Engineering Design Services by $72,696 from $126,430, plus $12,643 in Additional Services (if needed) to a new total amount of $211,769. (Funding Source: Water Fund)

- Resolution approving Plans and Specifications for the Sutter Neighborhood Strengthen & Replace Water Mains Project, accepting the Bid, and approving a Construction Contract with West Valley Inc., of San Jose, CA, in the amount of $2,149,680, plus $214,968 in contingency (if needed), for a total amount not to exceed $2,364,648 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 Sutter Neighborhood Strengthen & Replace Water Mains Project from 8% ($171,974) to 10% ($214,968) of the Construction Contract amount of $2,149,680 with West Valley Construction Inc., of San Jose, CA.
- Resolution approving the First Amendment increasing the Agreement amount with Black Water Consulting Engineers, Inc., Modesto, CA, for Engineering Design Services for the Sutter Neighborhood Strengthen & Replace Water Mains Project by $72,696 from $126,430, plus $12,643 in Additional Services (if needed) to a new total amount of $211,769; and authorizing the City Manager, or his designee to execute the Amendment.
- Resolution amending the Fiscal Year 2022-23 Capital Improvement Program Budget in the amount of $1,850,500 to be transferred into the Project from Water Fund Reserves in order to fund the Construction Phase of the Sutter Neighborhood Strengthen & Replace Water Mains Project.

UTILITIES; Robert Davalos, 209-571-5869, rdavalos@modestogov.com

ACTION: (Wright/Bavaro; 7/0) Resolution 2023-035 approving Plans and Specifications for the Sutter Neighborhood Strengthen & Replace Water Mains Project, accepting the Bid, and approving a Construction Contract with West Valley Inc., of San Jose, CA, in the amount of $2,149,680, plus $214,968 in contingency (if needed), for a total amount not to exceed $2,364,648 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Wright/Bavaro; 7/0) Resolution 2023-036 authorizing an increase in the Director's Authority to issue Change Orders for the Sutter Neighborhood Strengthen & Replace Water Mains Project from 8% ($171,974) to 10% ($214,968) of the Construction Contract amount of $2,149,680 with West Valley Construction Inc., of San Jose, CA.

ACTION: (Wright/Bavaro; 7/0) Resolution 2023-037 approving the First Amendment increasing the Agreement amount with Black Water Consulting Engineers, Inc., Modesto, CA, for Engineering Design Services for the Sutter Neighborhood Strengthen & Replace Water Mains Project by $72,696 from $126,430, plus $12,643 in Additional Services (if needed) to a new total amount of $211,769; and authorizing the City Manager, or his designee to execute the Amendment.

ACTION: (Wright/Bavaro; 7/0) Resolution 2023-038 amending the Fiscal Year 2022-23 Capital Improvement Program Budget in the amount of $1,850,500 to be transferred into the Project from Water Fund Reserves in order to fund the Construction Phase of the Sutter Neighborhood Strengthen & Replace Water Mains Project.

Consent

19. Consider accepting the Crows Landing Road Pavement Rehabilitation, STPLCML-5059(208) project as complete, authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling $2,308,516 to United Pavement Maintenance, Inc. of Hughson, CA. (Funding Source: Federal RSTP, CMAQ, and Streets Capital Facility Fees)
    - Resolution accepting the Crows Landing Road Pavement Rehabilitation, STPLCML-5059(208) project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $2,308,516 to United Pavement Maintenance, Inc., Hughson, CA.

    UTILITIES; Pete Kambel, 209-577-5444, pkambel@modestogov.com

    ACTION: (Wright/Bavaro; 7/0) Resolution 2023-039 accepting the Crows Landing Road Pavement Rehabilitation, STPLCML-5059(208) project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $2,308,516 to United Pavement Maintenance, Inc., Hughson, CA.

Consent

20. Consider accepting the Fleet Maintenance Facility Heavy Bay Addition and Bus Maintenance Facility – Parts Storage Room project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $5,634,840 to Harris Builders, Inc., of Hilmar, CA (Funding Source: Fleet Fund 5400, Capital Grants – CIP Projects 3140)
    - Resolution accepting the Fleet Maintenance Facility Heavy Bay Addition and Bus Maintenance Facility Parts Storage Room project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $5,634,840 to Harris Builders Inc., Hilmar, CA.

    UTILITIES; Pete Kambel, 209-577-5444, pkambel@modestogov.com

    ACTION: (Wright/Bavaro; 7/0) Resolution 2023-040 accepting the Fleet Maintenance Facility Heavy Bay Addition and Bus Maintenance Facility Parts Storage Room project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $5,634,840 to Harris Builders Inc., Hilmar, CA.

COUNCIL COMMENTS & REPORTS

Councilmember Bavaro reported that on Friday, January 13th he held his first district advisory committee meeting with Chief Gillespie as their luncheon speaker. The advisory committee consists of 12 members representing neighborhoods in his District. He detailed the purpose and

priorities of the committee. One of the priorities being addressing homelessness, and neighborhood parks.

Councilmember Escutia-Braaton reported that she, along with other Councilmembers attended a Frito Lay business event. Frito Lay has one of the largest manufacturing plants in Modesto. They celebrated their $30 million investment into electrifying their fleet of trucks. It was a highly attended event. She also had the honor of advocating and promoting the beauty and the needs of Modesto with State Assembly Members and State Senators, as well as Congressional Representatives. She is bringing back to Modesto, a myriad of data and points that she will be following up with staff and fellow councilmembers.

Councilmember Ricci reported that he is looking forward to budget season and making a noticeable difference in homelessness. There is a need for safe camping, more temporary shelters, and workforce housing. He also commented on the American Legion Hall that burned down. He had discussions with community members about the option of replacing and/or rebuilding Legion Hall and almost everyone he has spoken to want it rebuilt. He further commented about how is pleased that staff is bringing to the Council the new multi-item unit bulky item pick-up program. He thinks it's going to reduce dumping and make a big difference in Modesto. He further commented on Measure H funds to support programs that are really making a difference.

Councilmember Williams reported on the Martin Luther King Day luncheon that he, along with other Councilmembers, attended at the King Kennedy Center and it was a special event. He also reported on attending the Martin Luther King Day service at Christian Love, Baptist Church. Fellow Councilmembers and the Police Chief, as well as other dignitaries attended. He also reported on attending the Martin Luther King Day march, along with Councilmembers Alvarez, Bavaro and Ricci. He further reported on attending the League of California Cities New Council Members three day workshop.

Mayor Zwahlen reported traveling to Washington, DC last week to attend the US Conference of Mayors. On January 16, Martin Luther King's actual birthday, she walked to the White House and passed St John's Church. This is a church that many Presidents attend the morning of the inauguration. Outside the church there was a sign that said "love thy neighbor." At the conference, she attended sessions on water, jobs, rail, mental illness, and many other topics. Hundreds of other mayors attended from all over the country. She was able to hear from many of the President's cabinet members and heard from the Surgeon General. In addition, she was in the White House with President Biden and interestingly he had this quote that he said, Lyndon Johnson one time said "When the burdens of the presidency seem unusually heavy, I always remind myself it could be worse. I could be a mayor."

CITY MANAGER COMMENTS & REPORTS

None

HEARINGS

Published in the Modesto Bee on January 13, 2023.

21. Public Hearing to consider approving the final adoption of Ordinances 3754-C.S., 3755-C.S., 3756-C.S., 3757-C.S., 3758-C.S., adopting Building, Plumbing, Electrical, and Mechanical Ordinances by reference of the 2022 California Building Codes and amending various sections of Chapters 1, 2, 3, 7, and 11 of Title 9 of the Modesto Municipal Code. (Funding Source: General Fund/Building Permit Fees)
    - Motion adopting Ordinance 3754-C.S. amending Articles 1, 2, and 16 of Chapter 1 of Title 9 of the Modesto Municipal Code relating to building regulations to adopt by reference, California Code of Regulations, Title 24 Part 2, Volumes 1 & 2.
    - Motion adopting Ordinance 3755-C.S. amending Chapter 3, Electrical Code of Title 9 of the Modesto Municipal Code relating to building regulations to adopt by reference, California Code of Regulations, Title 24 Part 3 "Electrical Code".
    - Motion adopting Ordinance 3756-C.S. adopting by reference, the Existing Building Code contained within the 2022 California Building Standards Code and amending Articles 1 and 2 of Chapter 11 of Title 9 of the Modesto Municipal Code.
    - Motion adopting Ordinance 3757-C.S. amending Chapter 7, "Mechanical Code" of Title 9 of the Modesto Municipal Code relating to building regulations to adopt by reference, California Code of Regulations, Title 24, Part 4 "Mechanical Code".
    - Motion adopting Ordinance 3758-C.S. adopting by reference the Plumbing Code contained within the 2022 California Building Standards Code and amending Articles 1 and 2 of Chapter 2 of Title 9 of the Modesto Municipal Code.

    CED; Oscar Diaz, 209-571-5885, odiaz@modestogov.com

    ACTION: (Williams/Wright; 7/0) Motion adopting **Ordinance 3754-C.S.** amending Articles 1, 2, and 16 of Chapter 1 of Title 9 of the Modesto Municipal Code relating to building regulations to adopt by reference, California Code of Regulations, Title 24 Part 2, Volumes 1 & 2.

    ACTION: (Ricci/Alvarez; 6/1; Wright No) Motion adopting **Ordinance 3755-C.S.** amending Chapter 3, Electrical Code of Title 9 of the Modesto Municipal Code relating to building regulations to adopt by reference, California Code of Regulations, Title 24 Part 3 "Electrical Code".

    ACTION: (Zwahlen/Ricci; 6/1; Wright No) Motion adopting **Ordinance 3756-C.S.** adopting by reference, the Existing Building Code contained within the 2022 California Building Standards Code and amending Articles 1 and 2 of Chapter 11 of Title 9 of the Modesto Municipal Code.

    ACTION: (Ricci/Williams; 6/1; Wright No) Motion adopting **Ordinance 3757-C.S.** amending Chapter 7, "Mechanical Code" of Title 9 of the Modesto Municipal Code relating to building regulations to adopt by reference, California Code of Regulations, Title 24, Part 4 "Mechanical Code".

ACTION: (Alvarez/Ricci; 6/1; Wright No) Motion adopting **Ordinance 3758-C.S.** adopting by reference the Plumbing Code contained within the 2022 California Building Standards Code and amending Articles 1 and 2 of Chapter 2 of Title 9 of the Modesto Municipal Code.

Published in the Modesto Bee on January 13, 2023.

22. Hearing to consider accepting the Public Health Goals Report (PHG) on the City of Modesto's Water System, in compliance with Title 22 of the California Health and Safety Code (Funding Source: Not Applicable)
    - Resolution accepting the 2022 Public Health Goals Report in compliance with Title 22 of the California Health and Safety Code.

    UTILITIES; William Wong, 209-571-5801, wwong@modestogov.com

    ACTION: (Wright/Alvarez; 7/0) Resolution 2023-041 accepting the 2022 Public Health Goals Report in compliance with Title 22 of the California Health and Safety Code.

NEW BUSINESS

23. Consider approving the Multifamily Dwelling Bulky Item Pickup Program as a pilot for a term of one year. (Funding Source: America Rescue Plan Act)
    - Resolution approving the Multifamily Dwelling Bulky Item Pickup Program as a pilot for a term of one year.

    PUBLIC WORKS; Rosene Salmo, 209-577-5453, rsalmo@modestogov.com

    ACTION: (Ricci/Escutia-Braaton) Resolution 2023-042 approving the Multifamily Dwelling Bulky Item Pickup Program as a pilot for a term of one year.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:51 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: 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

PUBLIC EMPLOYEE APPOINTMENT
(Pursuant to Section 54957 Government Code)
Title: 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: _____
Diane Nayares-Perez, City Clerk

MINUTES

City of Modesto

SPECIAL CITY COUNCIL MEETING

City Council Workshop Regarding Best Practices for Local Governance, Team Building and Communication

Pistache Room, Centre Plaza
Corner of K and 10th Streets
1001 K Street
Modesto, California
Friday, February 3, 2023 at 9:00 AM – 3:00 PM

Roll Call – Present: Councilmembers Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, 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 3:00 p.m.

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference
Modesto, California
Monday, February 06, 2023 at 4:00 PM

Roll Call: Present: Member Alvarez (Arrived 4:01pm), Vice-Chair Ricci, and Chair Zwahlen
Absent: None
Also Present: Members Escutia-Braaton, Williams (Arrived 4:06pm), and Wright

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEMS 1-3: (Ricci/Alvarez; 3/0)

CONSENT

Consent
1. Consider approving the First Amendment to the Agreement with Pacific Gas and Electric for Gas SmartMeter installation and forwarding to Council for approval. (Funding Source: Surface Transportation Fund)
    - Motion approving the First Amendment to the Agreement with Pacific Gas and Electric for Gas SmartMeter installation and forwarding to Council for approval.

PUBLIC WORKS; Mark Murphy, 209-577-5431, mmurphy@modestogov.com

ACTION: (Ricci/Alvarez; 3/0) Motion approving the First Amendment to the Agreement with Pacific Gas and Electric for Gas SmartMeter installation and forwarding to Council for approval.

Consent
2. Consider approving an Agreement with CentralSquare Technologies, LLC (CentralSquare) for the Annual Maintenance of Lucity, a Computerized Maintenance Management System (CMMS)Software for a total amount not to exceed $226,415 over five years. (Funding Source: Wastewater Fund, Water Fund, Storm Drain Fund, General Fund)
    - Motion approving the Sole Source Agreement with CentralSquare Technologies for the Annual Maintenance of Lucity, a Computerized Maintenance Management System for a five year Agreement with an estimated

annual amount of $43,075 to include an annual increase of 2.5%, for a total amount not to exceed $226,415; and forwarding to Council for approval.

UTILITIES; Jason Farnsworth, 209-577-6255, jfarnsworth@modestogov.com

ACTION: (Ricci/Alvarez; 3/0) Motion as amended approving the Sole Source Agreement with CentralSquare Technologies for the Annual Maintenance of Lucity, a Computerized Maintenance Management System for a five year Agreement with an estimated annual amount of $44,125 to include an annual increase of 5%, for a total amount not to exceed $243,819; and forwarding to Council for approval.

Consent

3. Consider approving an Agreement with Stanislaus County for Engineering Review and Construction Inspection Services relating to the West Modesto County Area 9 Sewer Infrastructure, in an amount not to exceed $225,000. (Funding Source: Capital Improvement Support Fund)
    - Motion approving an Agreement with Stanislaus County for Engineering Review and Construction Inspection Services for the West Modesto County Area 9 Sewer Infrastructure Project, in an amount not to exceed $225,000, authorizing the City Manager, or his designee, to execute the Agreement, and forwarding to Council for approval.

UTILITIES; Robert Davalos, 209-571-5869, rdavalos@modestogov.com

ACTION: (Ricci/Alvarez; 3/0) Motion approving an Agreement with Stanislaus County for Engineering Review and Construction Inspection Services for the West Modesto County Area 9 Sewer Infrastructure Project, in an amount not to exceed $225,000, authorizing the City Manager, or his designee, to execute the Agreement, and forwarding to Council for approval.

NEW BUSINESS

4. Consider approving a Revolving Loan Fund Program for Capital Facilities Fees, Water Connection and/or Wastewater Capacity Fees; and a Downtown Revolving Loan Fund Program for Construction Costs and Fees and forwarding to Council for approval. (Funding Source: American Rescue Plan Act)
    - Motion approving a Revolving Loan Fund Program for Capital Facilities Fees, Water Connection and/or Wastewater Capacity Fees; and a Downtown Revolving Loan Fund Program for Construction Costs and Fees and forwarding to Council for approval.

CED; Peter Ibrahim, 209-577-5211, pibrahim@modestogov.com

ACTION: (Alvarez/Ricci; 3/0) Motion approving a Revolving Loan Fund Program for Capital Facilities Fees, Water Connection and/or Wastewater Capacity Fees; and a Downtown Revolving Loan Fund Program for Construction Costs and Fees and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:12 p.m.

Attest: _____
Andrea Cook, Deputy City Clerk

MINUTES

City of Modesto

SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP

Held Via Teleconference

Monday, February 13, 2023 at 4:00 PM

Roll Call: Present: Councilmember Ricci, Escutia-Braaton, Williams (arrived at 4:04 P.M.)
Absent: None
Also Present: None

PUBLIC COMMENTS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:

ACTION CONSENT ITEMS 1-4 (Escutia-Braaton/Ricci; 3/0)

CONSENT

Consent

1. Consider adopting the 2022 Stanislaus County Multi-Jurisdictional Hazard Mitigation Plan (MJHMP) update that includes the City of Modesto Local Hazard Mitigation Plan (LHMP) Annex and forwarding to Council for approval. (Funding Source: General Fund)
    - Motion adopting the 2022 Stanislaus County Multi-Jurisdictional Hazard Mitigation Plan (MJHMP) update and City of Modesto Local Hazard Mitigation Plan (LHMP) Annex and forwarding to Council for approval.

FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

ACTION: (Escutia-Braaton/Ricci; 3/0) Motion adopting the 2022 Stanislaus County Multi-Jurisdictional Hazard Mitigation Plan (MJHMP) update and City of Modesto Local Hazard Mitigation Plan (LHMP) Annex and forwarding to Council for approval.

Consent

2. Consider an Ordinance repealing and replacing Chapter 1 of Title 3 of the Modesto Municipal Code amending the City's Fire Code to adopt the 2022 California Fire Code and forwarding to Council for approval. (Funding Source: Not Applicable)

- Motion considering an Ordinance repealing and replacing Chapter 1 of Title 3 of the Modesto Municipal Code amending the City's Fire Code to adopt the 2022 California Fire Code and forwarding to Council for approval.

FIRE DEPARTMENT; Darin Jesberg, 209-577-9139, djesberg@modestofire.com

ACTION: (Escutia-Braaton/Ricci; 3/0) Motion considering an Ordinance repealing and replacing Chapter 1 of Title 3 of the Modesto Municipal Code amending the City's Fire Code to adopt the 2022 California Fire Code and forwarding to Council for approval.

Consent

3. Consider approving an Agreement with Sherwood Design Engineers, LTD. to prepare construction documentation for the Tuolumne River Regional Park (TRRP) Riverwalk Trail - Gateway to Legion Project for a total amount not to exceed $495,689 and forwarding to Council for approval. (Funding Source: Parks and Air Quality Capital Facility Fee Fund, LTF – Non-Motorized Fund, TRRP CIP Fund)

   - Motion approving an Agreement with Sherwood Design Engineers, LTD. to prepare construction documentation for the Tuolumne River Regional Park (TRRP) Riverwalk Trail - Gateway to Legion Park Project for an amount of $450,626, plus $45,063 for additional services, if needed, for an Agreement total not to exceed $495,689 and forwarding to Council for approval.

PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Escutia-Braaton/Ricci; 3/0) Motion approving an Agreement with Sherwood Design Engineers, LTD. to prepare construction documentation for the Tuolumne River Regional Park (TRRP) Riverwalk Trail - Gateway to Legion Park Project for an amount of $450,626, plus $45,063 for additional services, if needed, for an Agreement total not to exceed $495,689 and forwarding to Council for approval.

Consent

4. Consider approving payment to W.C. Maloney, Stockton, CA, for Emergency Work related to the demolition of the Dryden Golf Course Clubhouse, for a total amount not to exceed $74,873; and forwarding to Council for approval. (Funding Source: Golf Fund)

   - Motion approving payment to W.C. Maloney, Stockton, CA, for the demolition of the Dryden Clubhouse, for a total amount not to exceed $74,873; and forwarding to Council for approval.

PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Escutia-Braaton/Ricci; 3/0) Motion approving payment to W.C. Maloney, Stockton, CA, for the demolition of the Dryden Clubhouse, for a total amount not to exceed $74,873; and forwarding to Council for approval.

NEW BUSINESS

5. Consider approving the purchase of a GippsAero GA8 airplane from CNC Technologies, Oak Park, CA for a total amount not to exceed $740,778, allocating $8,800 for costs related to the transportation of the airplane to Modesto by a separate vendor, and forwarding to Council for approval. (Funding Source: Traffic Safety Fund and State Law Enforcement Supplemental Fund)
    - Motion approving the purchase of a GippsAero GA8 airplane from CNC Technologies, Oak Park, CA for a total amount not to exceed $740,778, allocating $8,800 for costs related to the transportation of the airplane to Modesto by a separate vendor, and forwarding to Council for approval.

POLICE; Ivan Valencia, 209-572-9500, valenciai@modestopd.com

ACTION: (Escutia-Braaton/Williams; 3/0) Motion approving the purchase of a GippsAero GA8 airplane from CNC Technologies, Oak Park, CA for a total amount not to exceed $740,778, allocating $8,800 for costs related to the transportation of the airplane to Modesto by a separate vendor, and forwarding to Council for approval.

6. Consider approving the Application and Issuance of a Permit to Operate as a Non-Emergency Medical Transport Company to Heavenly Transport LLC in the City of Modesto, and forwarding to Council for approval. (Funding Source: General Fund)
    - Motion approving the Application and Issuance of a Permit to Operate as a Non-Emergency Medical Transport Company to Heavenly Transport LLC in the City of Modesto, and forwarding to Council for approval.

POLICE DEPARTMENT; Robert Reyna, 209-572-9500, reynar@modestopd.com

ACTION: (Williams/Escutia-Braaton; 3/0) Motion approving the Application and Issuance of a Permit to Operate as a Non-Emergency Medical Transport Company to Heavenly Transport LLC in the City of Modesto, and forwarding to Council for approval.

7. Consider approving a Lease Agreement for Golf Carts to Textron Specialized Vehicles, Inc. (dba E-Z-Go), Mira Loma, CA, for a total amount not to exceed $661,634 over four years. (Funding Source: Golf Fund)
    - Motion approving a Lease Agreement for Golf Carts to Textron Specialized Vehicles, Inc. (dba E-Z-Go), Mira Loma, CA, for a total amount not to exceed $661,634 over four years; and forwarding to Council for approval.

PRN; Laurie Smith, 209-577-5437, lsmith@modestogov.com

ACTION: (Escutia-Braaton/Williams; 3/0) Motion approving a Lease Agreement for Golf Carts to Textron Specialized Vehicles, Inc. (dba E-Z-Go), Mira Loma, CA, for a total amount not to exceed $661,634 over four years; and forwarding to Council for approval.

8. Presentation of the Blight Abatement Strategy Quarterly Update (Funding Source: Not Applicable)
PUBLIC WORKS; Rosene Salmo, 209-577-5453, rsalmo@modestogov.com

ACTION: No Action taken

ADJOURNMENT

This meeting adjourned at 5:26 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, February 14, 2023 at 5:30 PM

Roll Call – Present: Councilmembers Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

Absent: None

Pledge of Allegiance to the Flag

Invocation: Carlos Gonzalez, City Ministry Network

City Clerk's Announcements: City Clerk announced that item 16 was removed from the agenda to be considered at a future meeting. Correspondence was received for Item No. 27.

Declaration of Conflicts of Interest: Recusal from Council Member Wright – Item 27 out of abundance of caution.

Reports from Closed Session: Mayor Zwahlen reported that the City will begin the recruitment of the City Auditor. The City will be using the services of a Professional Recruiting Firm and the Human Resources Department. Applications will be accepted from private individuals and public sector consulting firms.

MISCELLANEOUS

1. Consider accepting the resignation of Janice Keating from the City of Modesto Citizens' Transportation Sales Tax Commission. (Funding Source: Not Applicable)
   Staff Recommendation:
   - Resolution accepting the resignation of Janice Keating from the City of Modesto's Citizens' Transportation Sales Tax Commission.

   CED; Toby Wells, 209-571-5442, twells@modestogov.com

   ACTION: (Wright/Alvarez; 7/0) Resolution 2023-043 accepting the resignation of Janice Keating from the City of Modesto's Citizens' Transportation Sales Tax Commission.

PUBLIC COMMENT PERIOD

- Patrick spoke about the shooting of Paul Chavez, Jr. He also commented about de-escalation and Officer Muncy.

- Raman Paul spoke about non-emergency medical transport companies operating without a business license or permission from MPD. She cited her concerns with patient safety.

- Paul Soto read a quote from Martin Luther King regarding non-violent attention to issues. He further commented about public safety and the shooting of Paul Chavez, Jr.

- Mark Serkanic commented on the bike trails. He addressed Moose Park and the closing of it due to flooding. He further spoke about the patch work on the bridge and the lack of down slopes on the curbs.

- Theresa Clutter spoke about the shooting of Paul Chavez. She further commented on Officers Muncy and Valencia and accountability. She further commented about the new district attorney and asked Council speak to him and ask him to look into the shooting of Paul Chavez, Jr.

- Janet spoke on behalf of her friend a StanRTA employee who was assaulted on February 2nd in the employee parking lot. She spoke about the need for employee safety.

- Brittney Chavez spoke about the shooting of Paul Chavez, Jr. She further commented about Officer Muncy and accountability.

- Sebastian Jones commented wished everyone a Happy Valentine's Day. He also commented on the shooting of Paul Chavez, Jr. He further commented about how he felt disrespected at a recent Martin Luther King event.

- Steve spoke in support of Sebastian Jones. He further commented about a recent Facebook post about the civilian police review board. He also commented on the rules posted on the City's website regarding City Council meetings and public comment. He asked for Council to consider changing the rules on the time allowed for public comment.

- Ramon Rodriguez spoke about the last Council meeting and Mr. Jones and his claims of discrimination. He also commented about housing at the municipal golf course site.

- Bianca Lopez, Valley Improvement Project notified the community that February is childhood Cancer Awareness Month and spoke about cancer awareness and referenced a report about pesticides causing childhood cancer.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 2-6, and 14-16, 18-22 (Alvarez/Williams; 7/0)

CONSENT

Consent

2. Consider approving the minutes from the January 24, 2023 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the January 24, 2023 Council Meeting.

CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

ACTION: (Alvarez/Williams; 7/0) Motion approving the minutes from the January 24, 2023 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 CLERK; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Alvarez/Williams; 7/0) Resolution 2023-044 continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

Removed from Consent – due to Motion to Reconsider

Consent

4. Consider approving a First Amendment to the Legal Services Agreement with Castillo, Moriarty, Tran & Robinson in the amount of $200,000, for a total Agreement amount not to exceed $245,000 for continued representation in Police Related Matters and a Fourth Amendment to the Legal Services Agreement with Bartkiewicz, Kronick & Shanahan P.C. to adjust rates for continued representation in Water Related Matters. (Funding Source: General Liability Insurance Fund and Water Funds)
    - Resolution approving a First Amendment to the Legal Services Agreement with Castillo, Moriarty, Tran & Robinson in the amount of $200,000, for a total Agreement amount not to exceed $245,000, for continued representation in Police Litigation Matters and authorizing the City Manager or his designee, to execute the Amendment.
    - Resolution approving a Fourth Amendment to the Legal Services Agreement for Bartkiewicz, Kronick & Shanahan P.C. to adjust hourly rates for continued representation and authorizing the City Manager or his designee, to execute the Agreement.

CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Escutia-Braaton/Bavaro; 7/0) Motion to reconsider original Motion approving Resolution Nos. 2023-045 and 2023-046 on the Consent Calendar to allow for comments.

ACTION: (Ricci/Alvarez; 7/0) Resolution 2023-045 approving a First Amendment to the Legal Services Agreement with Castillo, Moriarty, Tran & Robinson in the amount of $200,000, for a total Agreement amount not to exceed $245,000, for continued representation in Police Litigation Matters and authorizing the City Manager or his designee, to execute the Amendment.

ACTION: (Ricci/Alvarez; 7/0) Resolution 2023-046 approving a Fourth Amendment to the Legal Services Agreement for Bartkiewicz, Kronick & Shanahan P.C. to adjust

hourly rates for continued representation and authorizing the City Manager or his designee, to execute the Agreement.

Consent

5. Consider approving the recommended Budget adjustments to Fiscal Year 2022-23 Annual Operating and Capital Improvement Program Budgets. (Funding Source: Various Funds)
    - Resolution amending Fiscal Year 2022-23 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: (Alvarez/Williams; 7/0) Resolution 2023-047 amending Fiscal Year 2022-23 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 rejecting all proposals for Request for Proposal (RFP) No. 2122-44 for the Stanislaus Regional Transit Oriented Development Plan. (Funding Source: LEAP Grant)
    - Resolution rejecting all proposals for RFP No. 2122-44 for the Stanislaus Regional Transit Oriented Development Plan.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

    ACTION: (Alvarez/Williams; 7/0) Resolution 2023-048 rejecting all proposals for RFP No. 2122-44 for the Stanislaus Regional Transit Oriented Development Plan.

Removed from Consent

Consent

7. Consider approving a First Amendment to an Agreement with Management Advisory Services for Planning Consultation and Support, increasing the Agreement to a new total not to exceed $109,500. (Funding Source: General Fund)
    - Resolution approving the First Amendment to an Agreement with Management Advisory Services for Planning Consultation and Support, increasing the Agreement amount by $60,000 from $49,500 to a new total not to exceed $109,500 and authorizing the City Manager, or his designee, to execute the Amendment.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

    ACTION: (Wright/Ricci; 7/0) Resolution 2023-049 approving the First Amendment to an Agreement with Management Advisory Services for Planning Consultation and Support, increasing the Agreement amount by $60,000 from $49,500 to a new total not to exceed $109,500 and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

8. Consider approving a Resolution authorizing the execution of escrow documents to transfer fee title to approximately 2.61 acres of real property (APN 007-037-012) currently owned by the City ("City-Owned Remnant") to Hans Wagner III 2015 Trust consistent with a previously authorized settlement of an eminent domain action to acquire property for the State Route 132 West Freeway/Expressway – Phase I Project. (Funding Source: Streets Capital Facilities Fee and Regional Measure L funds)
    - Resolution authorizing the execution of escrow documents to transfer fee title to approximately 2.61 acres of real property (APN 007-037-012) currently owned by the City ("City-Owned Remnant") to Hans Wagner III 2015 Trust consistent with a previously authorized settlement of an eminent domain action to acquire property for the State Route 132 West Freeway/Expressway – Phase I Project.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

    ACTION: (Alvarez/Williams; 7/0) Resolution 2023-050 authorizing the execution of escrow documents to transfer fee title to approximately 2.61 acres of real property (APN 007-037-012) currently owned by the City ("City-Owned Remnant") to Hans Wagner III 2015 Trust consistent with a previously authorized settlement of an eminent domain action to acquire property for the State Route 132 West Freeway/Expressway – Phase I Project.

Consent

9. Consider approving the First Amendment increasing the Agreement amount with Ready to Work, for Litter Abatement Services by $872,500 from $450,000 to a revised total amount of $1,322,500 over a five year extension option. (Funding Source: Solid Waste Fund and CalTrans Delegated Maintenance Agreement)
    - Resolution approving the First Amendment with Ready to Work for Litter Abatement Services to extend for two years, with three one-year extension options; for an annual estimated cost $174,500 and increasing the overall agreement amount by $872,500 from $450,000 to a new revised total amount of

      $1,322,500; and authorizing the City Manager, or his designee to execute the Amendment.

    CED; Edgar Garcia, 209-571-5101, edgarcia@modestogov.com

    ACTION: (Alvarez/Williams; 7/0) Resolution 2023-051 approving the First Amendment with Ready to Work for Litter Abatement Services to extend for two years, with three one-year extension options; for an annual estimated cost $174,500 and increasing the overall agreement amount by $872,500 from $450,000 to a new revised total amount of $1,322,500; and authorizing the City Manager, or his designee to execute the Amendment.

Consent

10. Consider approving a Third Amendment to the Construction Management Services Agreement with WSP USA Inc. for the State Route 132 West Freeway/Expressway -

Phase 1 Project, for a total amount not to exceed $13,140,236. (Funding Source: Streets Capital Facility Fees)

- Resolution approving a Third 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 $629,311 plus $62,931 additional services, if needed, from $12,447,994 for a total amount not to exceed $13,140,236, and authorizing the City Manager, or his designee to execute the Third Amendment.

CED; Toby Wells, 209-577-5542, twells@modestogov.com

ACTION: (Alvarez/Williams; 7/0) Resolution 2023-052 approving a Third 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 $629,311 plus $62,931 additional services, if needed, from $12,447,994 for a total amount not to exceed $13,140,236, and authorizing the City Manager, or his designee to execute the Third Amendment.

Consent

11. Consider approving a Will Serve Letter and an Outside Service Agreement for Sewer connection for the property located at 4601 Yosemite Blvd. in unincorporated Stanislaus County just outside of the city limits of Modesto (APN: 133-001-019). (Funding Source: Sewer Fund, General Fund)

    - Resolution approving a Will Serve letter and an Outside Service Agreement between the City of Modesto and CVE Properties, LLC. A California Limited Liability Company, to connect to the City of Modesto's existing sewer system for the property located at 4601 Yosemite Blvd. (APN:133-001-019), and authorizing the City Manager, or his designee, to sign the Will Serve Letter and execute the Outside Service Agreement.

    CED; Toby Wells, 209-571-5542, twells@modestogov.com

    ACTION: (Alvarez/Williams; 7/0) Resolution2023-053 approving a Will Serve letter and an Outside Service Agreement between the City of Modesto and CVE Properties, LLC. A California Limited Liability Company, to connect to the City of Modesto's existing sewer system for the property located at 4601 Yosemite Blvd. (APN:133-001-019), and authorizing the City Manager, or his designee, to sign the Will Serve Letter and execute the Outside Service Agreement.

Consent

12. Consider approving Freeway Maintenance Agreement STA-132, PM-R11.3/R14.7 with the State of California, for the State Route 132 West Freeway/Expressway - Phase 1 Project. (Funding Source: Not Applicable)

    - Resolution approving Freeway Maintenance Agreement STA-132, PM-R11.3/R14.7 with the State of California, for the State Route 132 West Freeway/Expressway - Phase 1 Project, and authorizing the City Manager, or his designee to execute the Freeway Maintenance Agreement.

    CED; Toby Wells, 209-571-5542, twells@modestogov.com

ACTION: (Alvarez/Williams; 7/0) Resolution 2023-054 approving Freeway Maintenance Agreement STA-132, PM-R11.3/R14.7 with the State of California, for the State Route 132 West Freeway/Expressway - Phase 1 Project, and authorizing the City Manager, or his designee to execute the Freeway Maintenance Agreement.

Consent

13. Consider accepting an informational report for the December 2022 Accounts Payable Payment Register and Void Report. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the December 2022 Accounts Payable Payment Register and Void Report.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

    ACTION: (Alvarez/Williams; 7/0) Motion accepting an informational report for the December 2022 Accounts Payable Payment Register and Void Report.

Consent

14. Consider accepting an Informational Report on the September and October 2022 Grant Applications and Awards and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion accepting an Informational Report for the September and October 2022 Grant Applications and Awards.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

    ACTION: (Alvarez/Williams; 7/0) Motion accepting an Informational Report for the September and October 2022 Grant Applications and Awards.

Consent

15. Consider accepting an informational update on the Transient Occupancy Tax Audit. (Funding Source: General Fund)
    - Motion accepting the informational update on the Transient Occupancy Tax Audit.

    FINANCE DEPARTMENT; Gina Brown, 209-577-5381, gbrown@modestogov.com

    ACTION: (Alvarez/Williams; 7/0) Motion accepting the informational update on the Transient Occupancy Tax Audit.

Consent – ***Removed from the Agenda.***

16. Consider approving the purchase for one Fleet Replacement in the amount not to exceed $53,148; and approving updated pricing for three bid events for Fleet Replacement Vehicles by $110,217. (Funding Source: Fleet Replacement Fund)
    - Resolution approving the purchase with Towne Ford Sales, Redwood City, CA for one Ford Mustang for an amount not to exceed $53,148; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

- Resolution approving an increase to the amount for the purchase of One Low-Profile Dump Truck to Towne Ford Sales, Redwood City, CA by $16,552, increasing the Purchase Order from $99,797 to a new total amount not to exceed $116,349, and authorizing the Purchasing Manager, or her designee, to update the Purchase Order.
- Resolution approving an increase to the amount for the purchase of Seven One-Ton Stake Side Dump Trucks to Towne Ford Sales, Redwood City, CA by $64,194, increasing the Purchase Order from $602,868 to a new total amount not to exceed $667,062, and authorizing the Purchasing Manager, or her designee, to update the Purchase Order.
- Resolution approving an increase to the amount for the purchase of six One-Ton Trucks to Towne Ford Sales, Redwood City by $29,471, increasing the Purchase Order from $536,924 to a new total amount not to exceed $566,395, and authorizing the Purchasing Manager, or her designee, to update the Purchase Order.

FINANCE DEPARTMENT; Dianne Love, 209-571-5614, dlove@modestogov.com

ACTION: No action taken. Item was removed from the agenda.

Consent

17. Consider accepting the Monthly Investment Report for November 2022. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for November 2022.

    FINANCE DEPARTMENT; Calogero Maniscalco, 209-577-5219, cmaniscalco@modestogov.com,

    ACTION: (Alvarez/Williams; 7/0) Motion accepting the Monthly Investment Report for November 2022.

Consent

18. Consider approving the purchase of the 2019 Chevrolet Tahoe SUV to Salida Fire Protection District (SFPD), Salida, CA, for a total amount not to exceed $60,000 (Funding Source: General Fund)
    - Resolution approving the purchase of a 2019 Chevrolet Tahoe SUV from Salida Fire Protection District, Salida, CA, for a total amount not to exceed $60,000 and authorizing the Purchasing Manager, or her designee to issue the Purchase Order.

    FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

    ACTION: (Alvarez/Williams; 7/0) Resolution 2023-055 approving the purchase of a 2019 Chevrolet Tahoe SUV from Salida Fire Protection District, Salida, CA, for a total amount not to exceed $60,000 and authorizing the Purchasing Manager, or her designee to issue the Purchase Order.

Consent

19. Consider approving the revisions and additions to the Modesto Police Department's Hiring and Recruiting Incentive Program, increasing the estimated annual allocated amount by $365,000 to a new estimated annual total of $415,000; and rescinding Resolution Nos. 2014-467 and 2016-378. (Funding Source: General Fund)
    - Resolution approving the revisions and additions to the Modesto Police Department's Hiring and Recruitment Incentive Program and increasing the estimated annual allocated amount by $365,000 to a new estimated annual total of $415,000; and rescinding Resolution Nos. 2014-467 and 2016-378.

    POLICE DEPARTMENT; Chris Adams, 209-572-9500, adamsc@modestopd.com

    ACTION: (Alvarez/Williams; 7/0) Resolution 2023-056 approving the revisions and additions to the Modesto Police Department's Hiring and Recruitment Incentive Program and increasing the estimated annual allocated amount by $365,000 to a new estimated annual total of $415,000; and rescinding Resolution Nos. 2014-467 and 2016-378.

Consent

20. Consider approving an Agreement with Mark Thomas & Company, Inc. to prepare construction documentation for the Dry Creek Regional Park to Tuolumne River Regional Park (TRRP) Trail Connection Project for a total amount not to exceed $511,424. (Funding Source: Parks & Air Quality Capital Facility Fee Fund)
    - Resolution approving an Agreement with Mark Thomas & Company, Inc. to prepare construction documentation for the Dry Creek Regional Park to Tuolumne River Regional Park (TRRP) Trail Connection Project for an amount of $464,931, plus $46,493 for additional services, if needed, for an Agreement total not to exceed $511,424, and authorizing the City Manager, or his designee, to execute the Agreement.

    PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

    ACTION: (Alvarez/Williams; 7/0) Resolution 2023-057 approving an Agreement with Mark Thomas & Company, Inc. to prepare construction documentation for the Dry Creek Regional Park to Tuolumne River Regional Park (TRRP) Trail Connection Project for an amount of $464,931, plus $46,493 for additional services, if needed, for an Agreement total not to exceed $511,424, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

21. Consider an Ordinance amending Section 3-2.1401.1 of Article 14, Chapter 2, Title 3 of the Modesto Municipal Code relating to speed limits to determine and designate speed limit changes. (Funding Source: Surface Transportation Fund (Gas Tax))
    - Motion introducing and waiving the first reading of an Ordinance amending Section 3-2.1401.1 of Article 14, Chapter 2, Title 3 of the Modesto Municipal Code relating to speed limits.

    PUBLIC WORKS; Mark Murphy, 209-577-5431, mmurphy@modestogov.com

ACTION: (Alvarez/Williams; 7/0) Motion introducing and waiving the first reading of **Ordinance 3759-C.S**. amending Section 3-2.1401.1 of Article 14, Chapter 2, Title 3 of the Modesto Municipal Code relating to speed limits.

Consent

22. Consider authorizing the submittal of application(s) to the Department of Transportation Clean California Local Grant Program. (Funding Source: Not Applicable)
    - Resolution authorizing the submittal of application(s) to the Department of Transportation Clean California Local Grant Program, and authorizing the City Manager, or his designee, to sign Grant Applications and related forms.

    PUBLIC WORKS; Rosene Salmo, 209-577-5453, rsalmo@modestogov.com

    ACTION: (Alvarez/Williams; 7/0) Resolution 2023-058 authorizing the submittal of application(s) to the Department of Transportation Clean California Local Grant Program, and authorizing the City Manager, or his designee, to sign Grant Applications and related forms.

Consent

23. Consider approving a Right-of-Way Dedication by the City of Modesto on behalf of the public for the future Aria Way extension for Public Use and Right of Way. (Funding Source: Not Applicable)
    - Resolution approving a Right-of-Way Dedication by the City of Modesto on behalf of the public for the future Aria Way (APN 083-004-084) extension for Public Use and Right-of-Way.

    UTILITIES; Robert Davalos, 209-571-5869, rdavalos@modestogov.com

    ACTION: (Alvarez/Williams; 7/0) Resolution 2023-059 approving a Right-of-Way Dedication by the City of Modesto on behalf of the public for the future Aria Way (APN 083-004-084) extension for Public Use and Right-of-Way.

Consent

24. Consider approving the submission of a Grant Application to the California Department of Water Resources for the 2022 Urban Community Drought Relief Grant Program. (Funding Source: Water Fund and American Rescue Plan Act Fund)
    - A Resolution of the Modesto City Council authorizing the submittal of a Grant Application for the 2022 Urban Community Drought Relief program that authorizes the City Manager, or his designee as the City representative authorizing the Grant Application, acceptance, and execution of a Grant Agreement to fund the Empire Local Water Main Improvements Project, Empire Water Main Crossings Project, Modesto City Parks Turf Replacement Project, and Modesto Turf Replacement Customer Rebate Program.

    UTILITIES; Juan Ochoa, 209-577-5423, jochoa@modestogov.com

    ACTION: (Alvarez/Williams; 7/0) A **Resolution 2023-060** of the Modesto City Council authorizing the submittal of a Grant Application for the 2022 Urban

Community Drought Relief program that authorizes the City Manager, or his designee as the City representative authorizing the Grant Application, acceptance, and execution of a Grant Agreement to fund the Empire Local Water Main Improvements Project, Empire Water Main Crossings Project, Modesto City Parks Turf Replacement Project, and Modesto Turf Replacement Customer Rebate Program.

COUNCIL COMMENTS & REPORTS

Council Member Alvarez thanked everyone for being here this evening on Valentine's Day. He gave a special recognition to Operation 9.2.99 Cleanup Project for their work along Tuolumne River. The group offers a monthly opportunity to cleanup and restore along the River. He also thanked Phil McKay with DFW Natural Resource Volunteer Program, and the Parks Department for the trash bags. He thanked Duane Becker and volunteers for hauling away the shopping carts. Council Member Alvarez also highlighted his committee assignments.

Vice Mayor Ricci wished everyone a Happy Valentine's Day, especially his wife. He spoke about Modesto having a self-image problem, and some of that could be due to how they talk about themselves sometimes. But, the challenge right now is to inspire City government to make a change in vision. He also reported on the Stanislaus 2030 project and the community collaboration, that tried to create a strategy for regional economic growth and opportunity in the coming decade. He commented on homelessness, the CHAT team, park rangers and the programs in place. He further commented on housing needed Downtown and how the City needs to increase reasons for people to visit Modesto.

Council Member Escutia-Braaton wished everyone a Happy Valentine's Day and wished her husband Dr Braaton a Happy Valentine's Day. She also acknowledged her two sons at home, Dominic and Luke. She reported that she had the honor and privilege of judging a Hispanic leadership speech competition. It was amazing to see all these young men and women speaking on the subject of what is a leader. She was very impressed to see that effort. She also reported on the Modesto Youth Commission. This is a dynamic group of young leaders that serve in an advisory capacity to the City Council.

Council Member Williams reported that he attended a City event at Cesar Chavez Park and was accompanied by Council Member Alvarez and Mayor Zwahlen. The event was put on by the Recreation Department, and Bruce Lockard, an employee that has been with the City over 40 years. There were many vendors at the event with a lot of good information given out. There was also some cultural dances from all areas of the world. He also reported on attending Christian Love Baptist Church who bestowed him with a Trailblazer award. He further reported on the City Council Retreat held on February 3rd.

Mayor Zwahlen stated that she wanted to add a couple of thoughts to this evening's meeting. As was mentioned, the City does have a Youth Commission. This morning, she received a briefing on the City's General Plan update. This is what will guide the community regarding all the things that they've talked about this evening, and all the things the Council Members mentioned for the future into 2050. But one of the components of it that she was most impressed with after dozens of community meetings and input was that one of those meetings was held at a

local high school for the students. So, she really thinks that says how important young people are in the community. She further commented on the way she conducts meetings. She always tries to do the best job that she can at every meeting. She further commented on public comment period. While on the school board, she felt so strongly that, that's the public's time to speak and their time to listen. She also commented that the Fire Chief, Police Chief and Directors are at the meetings to address any of the issues that the public might have.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

25. Consider approving the Fourth Amendment to the Purchasing Agreement with Grover Landscape Services, Inc. of Modesto, CA for Landscape Maintenance Services to extend the term period for an additional three years and six months and increasing the amount of the Agreement by an amount not to exceed $10,745,509 for the extension period. (Funding Source: General Fund – Parks Operations, Community Facilities District Funds, Joint Powers Authority Tuolumne River Regional Park Fund, Various City and Enterprise Funds)
    - Resolution approving the Fourth Amendment to the Purchasing Agreement with Grover Landscape Services, Inc. of Modesto, CA for Landscaping Maintenance Services to extend the term period for an additional three years and six months and increasing the amount of the Agreement by an amount not to exceed $10,745,509 for the extension period; and authorizing the City Manager or his designee to execute the Amendment.

    PRN; Kelly Gallagher, 209-342-2270, kgallagher@modestogov.com

    ACTION: (Wright/Williams; 7/0) Resolution 2023-061 approving the Fourth Amendment to the Purchasing Agreement with Grover Landscape Services, Inc. of Modesto, CA for Landscaping Maintenance Services to extend the term period for an additional three years and six months and increasing the amount of the Agreement by an amount not to exceed $10,745,509 for the extension period; and authorizing the City Manager or his designee to execute the Amendment.

Recessed: 7:30 pm
Reconvened: 7:36 pm

NEW BUSINESS

26. Consider approving an initial spending plan related to Measure H for Fiscal Year 2022-23 to address quality of life issues in the community; and authorizing the City Manager to carry out the necessary steps to implement the initial spending plan related to Measure H. (Funding Source: Measure H General Fund)
    - Resolution approving an initial spending plan related to Measure H for Fiscal Year 2022-23 to address quality of life issues in the community; and

authorizing the City Manager to carry out the necessary steps to implement the initial spending plan related to Measure H.

- Resolution amending the Position Allocation for Fiscal Year 2022-23 as Adopted in the Operating Budget.
- Resolution amending the classification plan for the City of Modesto to create the classification of the Senior Outreach Specialist, create the classification of the Police Civilian Investigator, and to amend the title for Homeless Outreach Specialist to Outreach Specialist.

BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com

ACTION: (Escutia-Braaton/Ricci; 7/0) Resolution 2023-062 approving an initial spending plan related to Measure H for Fiscal Year 2022-23 to address quality of life issues in the community; and authorizing the City Manager to carry out the necessary steps to implement the initial spending plan related to Measure H.

ACTION: (Escutia-Braaton/Ricci; 7/0) Resolution 2023-063 amending the Position Allocation for Fiscal Year 2022-23 as Adopted in the Operating Budget.

ACTION: (Escutia-Braaton/Ricci; 7/0) Resolution 2023-064 amending the classification plan for the City of Modesto to create the classification of the Senior Outreach Specialist, create the classification of the Police Civilian Investigator, and to amend the title for Homeless Outreach Specialist to Outreach Specialist.

Councilmember Wright absent due to conflict of interest.

27. Consider adopting the Comprehensive Housing Plan that provides strategies and recommendations for increasing the supply and choice of housing in Modesto. (Funding Source: SB2 Planning Grant)
    - Resolution adopting the Housing Plan that provides strategies and recommendations for increasing the supply of housing in Modesto.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

    ACTION: (Williams/Escutia-Braaton; 6/0, Wright Recused; *Councilmember Wright absent due to conflict of interest***) Resolution 2023-065** adopting the Housing Plan that provides strategies and recommendations for increasing the supply of housing in Modesto.

28. Consider authorizing the services of Steve Mitchell on a part-time basis for a limited duration of up to six months for the purposes of providing work on special Planning projects to ensure high priority projects continue to completion. (Funding Source: General Fund)
    - Resolution authorizing the services of Steve Mitchell on a part-time basis for a limited duration of up to six months for the purposes of providing work on special projects to ensure high priority projects continue to completion; and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of the action.

    HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Alvarez/Wright; 7/0); Resolution 2023-066 authorizing the services of Steve Mitchell on a part-time basis for a limited duration of up to six months for the purposes of providing work on special projects to ensure high priority projects continue to completion; and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of the action.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:23 p.m.

All Closed Session matters heard prior to meeting.

CLOSED SESSION

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

Name of case(s): Kelly Mikolich v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ15250443, ADJ15250474

Steve Fischio v. City of Modesto
California Workers Compensation Appeals Board
Nos. Unassigned and ADJ12517812

PUBLIC EMPLOYEE APPOINTMENT
(Pursuant to Section 54957 Government Code)
Title: 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:_____
Diane Nayares-Perez, City Clerk

MINUTES

City of Modesto

SPECIAL APPOINTMENTS COMMITTEE / COUNCIL WORKSHOP

Held Via Teleconference

(To Access Meeting Please See Instructions Below)

Thursday, February 23, 2023 at 3:00 PM

*Roll Call Present: Rosa Escutia-Braaton, Chair
Chris Ricci, Vice-Chair
Jeremiah Williams, Member

Absent: None

Also Present: Council Member David Wright

PUBLIC COMMENTS

None.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: ACTION CONSENT ITEM 1 (Ricci/Williams; 3/0)

CONSENT

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

Consent

1. Consider approving the re-appointment of Shane Cooper and Jim McKay to the Modesto City-County Airport Advisory Committee for an additional four -year term and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion approving the re-appointment of Jim McKay to the Airport Advisory Committee for the position of Public-At-Large for an additional four-year term and forwarding to Council for approval.
    - Motion approving the re-appointment of Shane Cooper to the Airport Advisory Committee for the position of Business Owner/Service Provider for an additional four-year term and forwarding to Council for approval.

    PUBLIC WORKS; Gabe da Silva, 209-577-5319, gdasilva@modestogov.com

ACTION: (Ricci/Williams; 3/0) Motion approving the re-appointment of Jim McKay to the Airport Advisory Committee for the position of Public-At-Large for an additional four-year term and forwarding to Council for approval.

ACTION: (Ricci/Williams; 3/0) Motion approving the re-appointment of Shane Cooper to the Airport Advisory Committee for the position of Business Owner/Service Provider for an additional four-year term and forwarding to Council for approval

NEW BUSINESS

2. Consider accepting the resignation of Tim Fisher from the Modesto Convention and Visitors Bureau's Board of Directors and recommending the appointment of a replacement for the remainder of his two-year term; the reappointment of Rodney Cordova and Bert Tabriz for a third and final term; the appointment of new members to fill two additional vacancies for two-year terms; and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion accepting the resignation of Tim Fisher from the Modesto Convention and Visitors Bureau's Board of Directors and recommending the appointment of a replacement for the remainder of his two-year term through December 31, 2023; the reappointment of Rodney Cordova and Bert Tabriz for a third and final term from January 1, 2023 to December 31, 2024; the appointment of new members to fill two additional vacancies for two-year terms from January 1, 2023 to December 31, 2024; and forwarding to Council for approval.

    PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Escutia-Braaton/Williams; 3/0) Motion accepting the resignation of Tim Fisher from the Modesto Convention and Visitors Bureau's Board of Directors and recommending the appointment of a replacement for the remainder of his two-year term through December 31, 2023; the reappointment of Rodney Cordova and Bert Tabriz for a third and final term from January 1, 2023 to December 31, 2024; the appointment of new members to fill two additional vacancies for two-year terms from January 1, 2023 to December 31, 2024; and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 3:19 p.m.

Attest: _____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference
Monday, February 27, 2023 at 4:03 PM

Roll Call: Present: Member Bavaro, Vice-Chair Escutia-Braaton, Chair Wright
Absent: None
Also Present: None

PUBLIC COMMENTS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 1-5 (Escutia-Braaton/Bavaro; 3/0)

CONSENT

Consent

1. Consider approving the recommended budget adjustments to Fiscal Year 2022-23 Annual Operating and Capital Improvement Program Budgets; and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion approving the recommended budget adjustments to Fiscal Year 2022-23 Annual Operating and Capital Improvement Program Budgets; and forwarding to Council for approval.

BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com

ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion approving the recommended budget adjustments to Fiscal Year 2022-23 Annual Operating and Capital Improvement Program Budgets; and forwarding to Council for approval.

Consent

2. Consider approving an Agreement for low lead brass, PVC, galvanized fittings and valves to Ferguson Waterworks, Modesto CA, and Pace Supply, Stockton, CA for a total amount not to exceed $3,200,000 over five years and forwarding to Council for approval. (Funding Source: Water Fund)
    - Motion approving the Award of Bid and Agreement for low lead brass, PVC, galvanized fittings, and valves to two vendors with the overall lowest responsive and responsible bids to Ferguson Waterworks, Modesto, CA, and Pace Supply, Stockton for a (1) one–year Agreement with (4) four one-year

extension options, for a total estimated annual cost not to exceed $640,000, and $3,200,000 over five years and forwarding to Council for approval.

FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion approving the Award of Bid and Agreement for low lead brass, PVC, galvanized fittings, and valves to two vendors with the overall lowest responsive and responsible bids to Ferguson Waterworks, Modesto, CA, and Pace Supply, Stockton for a (1) one–year Agreement with (4) four one-year extension options, for a total estimated annual cost not to exceed $640,000, and $3,200,000 over five years and forwarding to Council for approval.

Consent

3. Consider approving the First Amendment to Agreement with United Pavement Maintenance, Inc..for Hot Patch Work to extend the term of the Agreement from May 21, 2023 to May 21, 2024. (Funding Source: Water Funds, Wastewater Fund, and Stormwater Fund)
    - Motion approving the First Amendment with United Pavement Maintenance, Hughson, CA., for Hot Patch Work to extend the term of the Agreement from May 21, 2023 to May 21, 2024 and forwarding to Council for approval.

FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion approving the First Amendment with United Pavement Maintenance, Hughson, CA., for Hot Patch Work to extend the term of the Agreement from May 21, 2023 to May 21, 2024 and forwarding to Council for approval.

Consent

4. Consider accepting an Informational Report on the November and December 2022 Grant Applications and Awards and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion approving the acceptance of the November and December 2022 Grant Applications and Awards Report and forwarding to Council for approval.

FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion approving the acceptance of the November and December 2022 Grant Applications and Awards Report and forwarding to Council for approval.

Consent

5. Consider approving an Agreement with Jade Global, Inc., for Professional Services for a term of two years with three 1-year extension options for the upgrade from our existing Discoverer Financial Reporting Application to Oracle Analytics Cloud for an amount not to exceed $863,080; and approving the purchase of Oracle Cloud Analytics subscription software to Mythics, Inc. of Virginia Beach, VA (using the Omnia Partners cooperative purchasing organization piggybacking on the Maricopa

County, CA Contract#180233-002) for a term of three-years with an option for two additional years which includes all software, licensing, and configuration for Oracle Analytics Cloud for an amount not to exceed $510,137 and forwarding to Council for approval. (Funding Source: Various)

- Motion approving an Agreement with Jade Global, Inc., for Professional Services for a term of two years with three 1-year extension options for the upgrade from our existing Discoverer Financial Reporting Application to Oracle Analytics Cloud for an amount not to exceed $863,080 and forwarding to Council for approval.
- Motion approving the Competitive Bidding Process from the Omnia Partners cooperative purchasing organization, Maricopa County, CA Contract#180233-002, with Mythics, Inc. of Virginia Beach, VA for purchase of Oracle Cloud Analytics subscription software for a total amount not to exceed $510,137 and forwarding to Council for approval.

IT; James Dotson, 209-571-5508, jadotson@modestogov.com

ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion approving an Agreement with Jade Global, Inc., for Professional Services for a term of two years with three 1-year extension options for the upgrade from our existing Discoverer Financial Reporting Application to Oracle Analytics Cloud for an amount not to exceed $863,080 and forwarding to Council for approval.

ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion approving the Competitive Bidding Process from the Omnia Partners cooperative purchasing organization, Maricopa County, CA Contract#180233-002, with Mythics, Inc. of Virginia Beach, VA for purchase of Oracle Cloud Analytics subscription software for a total amount not to exceed $510,137 and forwarding to Council for approval.

NEW BUSINESS

6. Consider approving a First Amendment to the Purchasing Agreement with VSS Emultech, Modesto, CA for slurry oil for a revised total amount $5,252,760 over five years and forwarding to Council for approval. (Funding Source: Surface Transportation, Water, Wastewater and Storm Drain Funds)

    - Motion approving the First Amendment increasing the Agreement amount with VSS Emultech, Modesto, CA for slurry oil by $3,213,920 from $2,038,840 to a new total amount of $5,252,760 over five years and forwarding to Council for approval.

    FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

    ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion approving the First Amendment increasing the Agreement amount with VSS Emultech, Modesto, CA for slurry oil by $3,213,920 from $2,038,840 to a new total amount of $5,252,760 over five years and forwarding to Council for approval.

7. Consider approving the Plans and Specifications for the Facultative Biosolids Removal Project, accepting the Bid, and awarding a contract to Synagro, of Baltimore, MD, for a total amount not to exceed $6,725,038, approving an Agreement with West Yost Associates for Engineering Support During Construction and Construction Management Services for a total amount not to exceed $2,246,522 and forwarding to Council for approval. (Funding Source: Wastewater Fund)
    - Motion approving Plans and Specifications for the Facultative Biosolids Removal Project, accepting the bid, and approving a construction contract with Synagro, of Baltimore, MD, in the amount of $5,173,106 plus $1,551,932 in contingency (if needed), for a total amount not to exceed $6,725,038 over five years and authorizing the City Manager, or his designee, to execute the Agreement and forwarding to Council for approval.
    - Motion authorizing an increase in the Director's authority to issue Change Orders for the Facultative Biosolids Removal Project from 8% ($413,849) to 30% ($1,551,932) of the construction contract amount of $5,173,106 with Synagro, of Baltimore, MD and forwarding to Council for approval.
    - Motion approving an Agreement with West Yost Associates, of Sacramento, CA, for Engineering Support during Construction and Construction Management Services for the Facultative Biosoilds Removal Project in the amount of $1,953,497 for the identified scope of services, plus $293,025 for additional services (if needed), for a total amount not to exceed $2,246,522 and authorizing the City Manager, or his designee to execute the Agreement and forwarding to Council for approval.
    - Motion amending the Fiscal Year 2022-23 Multi-Year Program Budget in the amount of $9,271,560 to be transferred into the Project from Wastewater Reserves to fund the construction phase of the Facultative Biosolids Removal Project and authorizing the City Manager, or his Designee, to implement the provisions of this resolution and forwarding to Council for approval.

UTILITIES; Cristian Ciotau, 209-577-5260, cciotau@modestogov.com

ACTION: (Bavaro/Escutia-Braaton; 3/0) Motion approving Plans and Specifications for the Facultative Biosolids Removal Project, accepting the bid, and approving a construction contract with Synagro, of Baltimore, MD, in the amount of $5,173,106 plus $1,551,932 in contingency (if needed), for a total amount not to exceed $6,725,038 over five years and authorizing the City Manager, or his designee, to execute the Agreement and forwarding to Council for approval.

ACTION: (Bavaro/Escutia-Braaton; 3/0) Motion authorizing an increase in the Director's authority to issue Change Orders for the Facultative Biosolids Removal Project from 8% ($413,849) to 30% ($1,551,932) of the construction contract amount of $5,173,106 with Synagro, of Baltimore, MD and forwarding to Council for approval.

ACTION: (Bavaro/Escutia-Braaton; 3/0) Motion approving an Agreement with West Yost Associates, of Sacramento, CA, for Engineering Support during Construction and Construction Management Services for the Facultative Biosoilds Removal Project in the amount of $1,953,497 for the identified scope of services, plus $293,025 for additional

services (if needed), for a total amount not to exceed $2,246,522 and authorizing the City Manager, or his designee to execute the Agreement and forwarding to Council for approval.

ACTION: (Bavaro/Escutia-Braaton; 3/0) Motion amending the Fiscal Year 2022-23 Multi-Year Program Budget in the amount of $9,271,560 to be transferred into the Project from Wastewater Reserves to fund the construction phase of the Facultative Biosolids Removal Project and authorizing the City Manager, or his Designee, to implement the provisions of this resolution and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:35 p.m.

Attest: _____
Andrea Cook, Deputy City Clerk

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, February 28, 2023 at 5:30 PM

Roll Call – Present: Councilmembers Alvarez, Bavaro, Escutia-Braaton, Ricci (arrived at 5:32 PM), Williams, Wright, Mayor Zwahlen

Absent: None

Pledge of Allegiance to the Flag

Invocation: Pat Nagle, Redeemer

City Clerk's Announcements: City Clerk announced that a request was received to remove item 11 from Consent.

Declaration of Conflicts of Interest: None

MISCELLANEOUS

1. Proclamation declaring March 17th through March 27th as CalTrans Community Days "Spring into Action" (Funding Source: Not Applicable)
   PUBLIC WORKS; Myriah Hill, 209-577-5495, mhill@modestogov.com

   ACTION: Mayor Zwahlen presented a Proclamation declaring March 17th through March 27th as CalTrans Community Days "Spring into Action"

PUBLIC COMMENT PERIOD

- Steve Allen commented about the rules on the website regarding public comment. He further commented about the Modesto Police Department and Paul Chavez, Jr and Officer Muncy.

- Ramon Rodriguez spoke about the Modesto Police Department, Officer Nunez and spoke about the comments on the Police Department's social media post about a recent traffic incident and arrest.

- Theresa Clutter asked for justice and accountability regarding the shooting Paul Chavez. She commented on the Modesto Police Department.

- Brittony Estrella Chavez spoke about Paul Chavez. She asked if the Council viewed the video of the shooting of Paul Chavez. She further commented about Officers Muncy and Valencia. She asked for accountability.

- PT spoke about the shooting of Paul Chavez by Officer Muncy. He also commented about the Modesto Police Department.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 2-10 and 12-18 (Wright/Williams; 7/0)

CONSENT

Consent
2. Consider approving the minutes from the February 14, 2023 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the February 14, 2023 Council Meeting.

CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

ACTION: (Wright/Williams; 7/0) Motion approving the minutes from the February 14, 2023 Council Meeting.

Consent
3. Consider approving final adoption of Ordinance 3759-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. (Funding Source: Not Applicable)
    - Motion approving final adoption of Ordinance 3759-C.S. amending Section 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to speed limits.

CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

ACTION: (Wright/Williams; 7/0) Motion approving final adoption of **Ordinance 3759-C.S.** amending Section 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to speed limits.

Consent
4. Consider terminating the Local Emergency in response to the Novel Coronavirus (COVID-19). (Funding Source: Not Applicable)
    - Resolution terminating the Local Emergency related to the Novel Coronavirus ("COVID-19").

CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Wright/Williams; 7/0) Resolution 2023-067 terminating the Local Emergency related to the Novel Coronavirus ("COVID-19").

Consent

5. Consider supporting a House of Representatives Bill to designate the facility of the United States Postal Service located at 2300 Sylvan Avenue in Modesto, California, as the ‘‘Corporal Michael D. Anderson Jr. Post Office Building”. (Funding Source: Not Applicable)
    - Resolution supporting a House of Representatives (H.R.) Bill that Congressman McClintock will be introducing to Congress to designate the facility of the United States Postal Service located at 2300 Sylvan Avenue in Modesto, California, as the ‘‘Corporal Michael D. Anderson Jr. Post Office Building”.

    CITY MANAGER; Andrew Gonzales, 209-571-5809, angonzales@modestogov.com

    ACTION: (Wright/Williams; 7/0) Resolution 2023-068 supporting a House of Representatives (H.R.) Bill that Congressman McClintock will be introducing to Congress to designate the facility of the United States Postal Service located at 2300 Sylvan Avenue in Modesto, California, as the ‘‘Corporal Michael D. Anderson Jr. Post Office Building”.

Consent

6. Consider approving the First Amendment for the Mayor’s appointments and formatting changes to the City of Modesto’s City Council Liaison Committees list for the 2023 calendar year. (Funding Source: Not Applicable)
    - Motion approving the changes to the City Council Liaison Committees.

    CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

    ACTION: (Wright/Williams; 7/0) Motion approving the changes to the City Council Liaison Committees.

Consent

7. Consider approving a Street Name Change from North Franklin Street to Kansas Avenue Extension to comply with Caltrans requirements and the project approval for State Route 132 Phase 1. (Funding Source: Various Funds)
    - Resolution approving a Street Name Change from North Franklin Street to Kansas Avenue Extension to comply with Caltrans requirements and the project approval for State Route 132 Phase 1.

    CED; Edwin Borquez, 209-571-5516, eborquez@modestogov.com

    ACTION: (Wright/Williams; 7/0) Resolution 2023-069 approving a Street Name Change from North Franklin Street to Kansas Avenue Extension to comply with Caltrans requirements and the project approval for State Route 132 Phase 1.

Consent

8. Consider directing staff to prepare and file the Fiscal Year 2023-24 Engineer’s Annual Report for City of Modesto 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 2023-24 Engineer's Annual Report for City of Modesto Landscape Maintenance Assessment District No. 1 (Dry Creek Meadows Subdivisions Nos. 1-6).

CED; Peter Ibrahim, 209-577-5211, pibrahim@modestogov.com

ACTION: (Wright/Williams; 7/0) Resolution 2023-070 directing staff to prepare and file the Fiscal Year 2023-24 Engineer's Annual Report for City of Modesto Landscape Maintenance Assessment District No. 1 (Dry Creek Meadows Subdivisions Nos. 1-6).

Consent

9. Consider directing staff to prepare and file the Fiscal Year 2023-24 Engineer's Annual Report for City of Modesto 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 2023-24 Engineer's Annual Report for City of Modesto 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; Peter Ibrahim, 209-577-5321, pibrahim@modestogov.com

    ACTION: (Wright/Williams; 7/0) Resolution 2023-071 directing staff to prepare and file the Fiscal Year 2023-24 Engineer's Annual Report for City of Modesto 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

10. Consider directing staff to prepare and file the Fiscal Year 2023-24 Engineer's Annual Report for City of Modesto Shackelford Landscape and Lighting District. (Funding Source: Shackelford Landscape and Lighting District)
    - Resolution directing staff to prepare and file the Fiscal Year 2023-24 Engineer's Annual Report for City of Modesto Shackelford Landscape and Lighting District.

    CED; Peter Ibrahim, 209-577-5321, pibrahim@modestogov.com,

    ACTION: (Wright/Williams; 7/0) Resolution 2023-072 directing staff to prepare and file the Fiscal Year 2023-24 Engineer's Annual Report for City of Modesto Shackelford Landscape and Lighting District.

Removed from Consent

Consent

11. Consider approving the Citywide Risk Assessment prepared by Sjoberg Evashenk Consulting, Inc.. (Funding Source: General Fund)

- Resolution approving the Citywide Risk Assessment prepared by Sjoberg Evashenk Consulting, Inc..

FINANCE DEPARTMENT; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-073 approving the Citywide Risk Assessment prepared by Sjoberg Evashenk Consulting, Inc.

Consent

12. Consider approving an increase for purchases from Amazon Business Marketplace pursuant to OMNIA Cooperative Contract with Prince William County Schools for an Online Marketplace for Products by the annual estimated amount of $205,000, for a revised annual estimated cost of $380,000, for a total revised amount not to exceed $2,417,581 over eight years. (Funding Source: Various Funds)
    - Resolution approving an increase for purchases from Amazon Business Marketplace pursuant to OMNIA Cooperative Contract with Prince William County Schools for an Online Marketplace for Products by the annual estimated amount of $205,000, for a revised annual estimated cost of $380,000, for a total revised amount not to exceed $2,417,581 over eight years; and authorizing the City Manager or his designee to execute the Participating Addendum.

FINANCE DEPARTMENT; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com

ACTION: (Wright/Williams; 7/0) Resolution 2023-074 approving an increase for purchases from Amazon Business Marketplace pursuant to OMNIA Cooperative Contract with Prince William County Schools for an Online Marketplace for Products by the annual estimated amount of $205,000, for a revised annual estimated cost of $380,000, for a total revised amount not to exceed $2,417,581 over eight years; and authorizing the City Manager or his designee to execute the Participating Addendum.

Consent

13. Consider approving the Award of Proposal and Agreements to Public Financial Management (PFM) Financial Advisors LLC, San Francisco, California, for Municipal Advisory Services and PFM Swap Advisors LLC, San Francisco, California, for Annual Derivative Valuation Report for a total amount not to exceed $900,000 over the six years, rescinding Resolution 2022-335. (Funding Source: Various Funds)
    - Resolution approving the Award of Proposal and Agreements to Public Financial Management (PFM) Financial Advisors LLC, San Francisco, California, for Municipal Advisory Services and PFM Swap Advisors LLC, San Francisco, California, for Annual Derivative Valuation Report for a total amount not to exceed $900,000 over the six years, rescinding Resolution 2022-335; and authorizing the City Manager or his designee to execute the Agreement.

FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

ACTION: (Wright/Williams; 7/0) Resolution 2023-075 approving the Award of Proposal and Agreements to Public Financial Management (PFM) Financial Advisors LLC, San Francisco, California, for Municipal Advisory Services and PFM Swap Advisors LLC, San Francisco, California, for Annual Derivative Valuation Report for a total amount not to exceed $900,000 over the six years, rescinding Resolution 2022-335; and authorizing the City Manager or his designee to execute the Agreement.

Consent

14. Consider approving updated pricing for three bid events for Fleet Replacement Vehicles by $110,217. (Funding Source: Fleet Replacement Fund)
    - Resolution approving an increase to the amount for the purchase of One Low-Profile Dump Truck to Towne Ford Sales, Redwood City, CA by $16,552, increasing the Purchase Order from $99,797 to a new total amount not to exceed $116,349, and authorizing the Purchasing Manager, or her designee, to update the Purchase Order.
    - Resolution approving an increase to the amount for the purchase of Seven One-Ton Stake Side Dump Trucks to Towne Ford Sales, Redwood City, CA by $64,194, increasing the Purchase Order from $602,868 to a new total amount not to exceed $667,062, and authorizing the Purchasing Manager, or her designee, to update the Purchase Order.
    - Resolution approving an increase to the amount for the purchase of six One-Ton Trucks to Towne Ford Sales, Redwood City by $29,471, increasing the Purchase Order from $536,924 to a new total amount not to exceed $566,395, and authorizing the Purchasing Manager, or her designee, to update the Purchase Order.

    FINANCE DEPARTMENT; Dianne Love, 209-571-5614, dlove@modestogov.com

    ACTION: (Wright/Williams; 7/0) Resolution 2023-076 approving an increase to the amount for the purchase of One Low-Profile Dump Truck to Towne Ford Sales, Redwood City, CA by $16,552, increasing the Purchase Order from $99,797 to a new total amount not to exceed $116,349, and authorizing the Purchasing Manager, or her designee, to update the Purchase Order.

    ACTION: (Wright/Williams; 7/0) Resolution 2023-077 approving an increase to the amount for the purchase of Seven One-Ton Stake Side Dump Trucks to Towne Ford Sales, Redwood City, CA by $64,194, increasing the Purchase Order from $602,868 to a new total amount not to exceed $667,062, and authorizing the Purchasing Manager, or her designee, to update the Purchase Order.

    ACTION: (Wright/Williams; 7/0) Resolution 2023-078 approving an increase to the amount for the purchase of six One-Ton Trucks to Towne Ford Sales, Redwood City by $29,471, increasing the Purchase Order from $536,924 to a new total amount not to exceed $566,395, and authorizing the Purchasing Manager, or her designee, to update the Purchase Order.

Consent

15. Consider approving the Audited Financial Statements and various audit reports for Fiscal Year 2021-2022, audited by external auditors Hudson Henderson & Company, Inc. for the City's Annual Comprehensive Financial Report (ACFR), twelve (12) Community Facilities Districts (CFDs), Measure L, Single Audit, and other Miscellaneous Programs and Joint Power Agencies. (Funding Source: Not Applicable)
    - Resolution approving the Audited Financial Statements and various audit reports for Fiscal Year 2021-2022 audited by external auditors Hudson Henderson & Company, Inc. for the City's Annual Comprehensive Financial Report (ACFR), twelve (12) Community Facilities Districts (CFDs) and other Miscellaneous Programs and Joint Power Agencies.
    - Resolution approving the audited Fiscal Year 2021-2022 Federal Single Audit report for the City of Modesto from external auditors Hudson Henderson & Company, Inc.
    - Resolution approving the Fiscal Year 2021-2022 Auditor's Report on compliance of the Measure L: Local Roads First Transportation Funding Measure.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

    ACTION: (Wright/Williams; 7/0) Resolution 2023-079 approving the Audited Financial Statements and various audit reports for Fiscal Year 2021-2022 audited by external auditors Hudson Henderson & Company, Inc. for the City's Annual Comprehensive Financial Report (ACFR), twelve (12) Community Facilities Districts (CFDs) and other Miscellaneous Programs and Joint Power Agencies.

    ACTION: (Wright/Williams; 7/0) Resolution 2023-080 approving the audited Fiscal Year 2021-2022 Federal Single Audit report for the City of Modesto from external auditors Hudson Henderson & Company, Inc.

    ACTION: (Wright/Williams; 7/0) Resolution 2023-081 approving the Fiscal Year 2021-2022 Auditor's Report on compliance of the Measure L: Local Roads First Transportation Funding Measure.

Consent

16. Consider approving an increase of the Director's Authority of contingency amount of $74,455 with Gruendel Inc. DBA Ray's Electric in an amount not to exceed $148,910 for the Rectangular Rapid Flashing Beacon Installation Project. (Funding Source: Measure L Road Tax Fund)
    - Resolution approving an increase in the Director's Authority to issue Change Orders for the Rectangular Rapid Flashing Beacon Installation Project from 10% ($74,455) to 20% ($148,910) of the construction contract price to Gruendel Inc. DBA Ray's Electric of Oakland, CA in an amount not to exceed $148,910.

    PUBLIC WORKS; James Ashby, 209-571-5116, jashby@modestogov.com

ACTION: (Wright/Williams; 7/0) Resolution 2023-082 approving an increase in the Director's Authority to issue Change Orders for the Rectangular Rapid Flashing Beacon Installation Project from 10% ($74,455) to 20% ($148,910) of the construction contract price to Gruendel Inc. DBA Ray's Electric of Oakland, CA in an amount not to exceed $148,910.

Consent

17. Consider approving the Plans and Specifications for the La Loma Phase 3A Strengthen & Replace Water Mains Project; accepting the Bid and Awarding a Construction Contract to United Pavement Maintenance, Inc., of Hughson, CA, in the amount of $6,229,282, plus $622,928 for contingency (if needed), for a total amount not to exceed $6,852,210; authorizing the increase in Director's Authority from 8% ($498,343) to 10% ($622,928) of the construction contract price of $6,229,282 to issue Change Orders; and amending the Fiscal Year 2022-23 Capital Improvement Program Budget in the amount of $2,379,021. (Funding Source: Water Fund)
    - Resolution approving Plans and Specifications for the La Loma Phase 3A Strengthen & Replace Water Mains Project, accepting the Bid, and approving a Construction Contract with United Pavement Maintenance Inc., of Hughson, CA, in the amount of $6,229,282, plus $622,928 in contingency (if needed), for a total amount not to exceed $6,852,210 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 La Loma Phase 3A Strengthen & Replace Water Mains Project from 8% ($498,343) to 10% ($622,928) of the construction contract amount of $6,229,282 with United Pavement Maintenance Inc., of Hughson, CA.
    - Resolution amending the Fiscal Year 2022-23 Capital Improvement Program Budget in the amount of $2,379,021 to be transferred into the Project from Water Fund Reserves in order to fund the Construction Phase of the La Loma Phase 3A Strengthen & Replace Water Mains Project.

    UTILITIES; Edgar Vargas, 209-577-5424, evargas@modestogov.com

    ACTION: (Wright/Williams; 7/0) Resolution 2023-083 approving Plans and Specifications for the La Loma Phase 3A Strengthen & Replace Water Mains Project, accepting the Bid, and approving a Construction Contract with United Pavement Maintenance Inc., of Hughson, CA, in the amount of $6,229,282, plus $622,928 in contingency (if needed), for a total amount not to exceed $6,852,210 and authorizing the City Manager, or his designee, to execute the Agreement.

    ACTION: (Wright/Williams; 7/0) Resolution 2023-084 authorizing an increase in the Director's Authority to issue Change Orders for the La Loma Phase 3A Strengthen & Replace Water Mains Project from 8% ($498,343) to 10% ($622,928) of the construction contract amount of $6,229,282 with United Pavement Maintenance Inc., of Hughson, CA.

ACTION: (Wright/Williams; 7/0) Resolution 2023-085 amending the Fiscal Year 2022-23 Capital Improvement Program Budget in the amount of $2,379,021 to be transferred into the Project from Water Fund Reserves in order to fund the Construction Phase of the La Loma Phase 3A Strengthen & Replace Water Mains Project.

Consent

18. Consider approving the increase of a Purchase Order (PO) for Bay City Electric Works, Poway, CA, for the Rental of a Standby Generator for an amount not to exceed $202,040. (Funding Source: Sewer Operation Fund)
    - Resolution approving the increase of a Purchase Order with Bay City Electric Works, Poway, CA, for the Rental of a Standby Generator by $162,126 from $39,914 for a revised total amount not to exceed $202,040, and authorizing the Purchasing Manager, or her designee to increase the Purchase Order.

    UTILITIES; Jason Farnsworth, 209-577-6255, jfarnsworth@modestogov.com

    ACTION: (Wright/Williams; 7/0) Resolution 2023-086 approving the increase of a Purchase Order with Bay City Electric Works, Poway, CA, for the Rental of a Standby Generator by $162,126 from $39,914 for a revised total amount not to exceed $202,040, and authorizing the Purchasing Manager, or her designee to increase the Purchase Order.

COUNCIL COMMENTS & REPORTS

Council Member Wright reported that he along with Council Members Bavaro, Ricci and Alvarez attended the mountain bike race at Tuolumne River Regional Park. There were many out of towners that attended and about 700 to 800 people were in attendance. It was a great event.

Vice Mayor Ricci reported that the Sun Dial on McHenry Avenue might become a mental health facility. Although he thinks the City needs more of these facilities, he does think they need to balance the location and try to come up with a more planned vision for the future. He also reported on some of the Measure H improvements coming into the City. Lastly, he wanted to comment about some of the comments about the Police Department and reported on the work that the City Council and the Police Department have done together such as the approval of Forward Together. He further reported on the other programs put into place such as an alternative response model, like CHAT and the parks ranger program. This Council is trying to help improve the community and improve the relationship with the Police Department.

Council Member Williams reported on events he attended over the weekend. This past Friday, he attended a Black History Month program at King Kennedy Center. Another event attended was a Change the Culture rally that was a positive rally. Council Members Wright, Alvarez and Bavaro also stopped by. It was a nice time to get together with the community and talk about positive things with the Modesto Police. Saturday evening, he attended a Martin Luther King, Jr. Commemoration event at the MJC, where Michael Baldwin, was their guest speaker. Mayor

Zwahlen, Council Member Escutia-Braaton and Vice Mayor Ricci was also in attendance. He also reported that applications for the Measure H Committee are being accepted.

Council Member Bavaro clarified his comments during the meeting. In addition, he is very proud of the Police Chief and members of the Modesto Police Department. They are honorable people who are protecting the community, neighborhoods, and it's a very difficult job to do. He's been on ride-alongs with the gang unit, the traffic patrol and with park rangers, and has seen nothing but respect and honor from them. He stands with the Modesto Police Department.

Council Member Alvarez reported that this past Saturday, he along with Mayor Zwahlen and Council Member Bavaro attended the Modesto Cruisers Council Classic Coffee and Cops event designed to build bridges to break down barriers between cultures. He also wanted to let his constituents and the public know that the City is still looking to accept applicants to serve on the Measure H Oversight Board. He encourages folks from District 2 to apply.

Mayor Zwahlen highlighted one of the many events she has recently participated in. She was invited to attend the birthday of Wesley Hall who turned 100. Mr. Hall is a World War II Veteran and served in Stanislaus County for 75 years. It was a delightful experience. He expressed to her how much he appreciated the Council's service, and how Modesto is improving. This morning, she along with many of the Council Members attended the memorial recognition of Larry Crom. He was a member of the Modesto Police Department that in 1971 while on duty was hit by a drunk driver. He suffered a traumatic brain injury and died many years later, but from the effects of that injury. She is grateful that they were able to recognize and honor officers that have given the ultimate sacrifice and is grateful for them.

CITY MANAGER COMMENTS & REPORTS

None

NEW BUSINESS

19. Consider accepting Mayor Sue Zwahlen's Budget Message per Charter Section 1302.1 for the upcoming Fiscal Year 2023-24 budget year. (Funding Source: Not Applicable)
    - Motion to accept Mayor Sue Zwahlen's Budget Message per Charter Section 1302.1 for the upcoming Fiscal Year 2023-24 budget year.

    BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com

    ACTION: (Wright/Williams; 7/0) Motion to accept Mayor Sue Zwahlen's Budget Message per Charter Section 1302.1 for the upcoming Fiscal Year 2023-24 budget year.

20. Consider approving the Purchase of a GippsAero GA8 airplane from CNC Technologies, Oak Park, CA for a total amount not to exceed $741,578. (Funding Source: Traffic Safety Fund and State Law Enforcement Supplemental Fund)
    - Resolution approving the Purchase of a GippsAero GA8 airplane from CNC Technologies, Oak Park, CA for a total amount not to exceed $741,578, and

authorizing the City Manager, or his designee, to execute the Agreement and other necessary documents.

POLICE; Ivan Valencia, 209-572-9500, valenciai@modestopd.com

ACTION: (Escutia-Braaton/Alvarez; 7/0) Resolution 2023-087 approving the Purchase of a GippsAero GA8 airplane from CNC Technologies, Oak Park, CA for a total amount not to exceed $741,578, and authorizing the City Manager, or his designee, to execute the Agreement and other necessary documents.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 7:52 p.m.

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES

City of Modesto

SPECIAL CITY COUNCIL MEETING

City Council Workshop Regarding Council Goals, Budget and Measure H Spending Priorities

Stanislaus Room, Centre Plaza
Corner of K and 10th Streets
1001 K Street
Modesto, California
Thursday, March 2, 2023 at 9:00 AM – 3:00 PM

Roll Call – Present: Councilmembers Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

Absent: Councilmember Alvarez

PUBLIC COMMENT PERIOD

- Jerry Thompson thanked the Council for their support of the Cruisers Council. He is also glad that Measure H passed. He referenced a bill that was recently introduced at the State Capitol to appeal a ban on lowrider cruising in California. Assembly Bill 436 would make it legal in cities across the state. He asked that the City Council consider being one of the first cities to lift the ban before AB 436 would go into effect (if passed).

NEW BUSINESS

1. City Council Workshop Regarding Council Goals, Budget and Measure H Spending Priorities (Funding Source: Not Applicable)
   CITY COUNCIL; Sue Zwahlen, 209-571-5597, szwahlen@modestogov.com

ACTION: No reportable action.

MATTERS TOO LATE FOR THE AGENDA.

None.

ADJOURNMENT

This meeting adjourned at 2:32 p.m.

Attest: _____
Diane Nayares-Perez, City Clerk

MINUNTES

City of Modesto

SPECIAL APPOINTMENTS COMMITTEE / COUNCIL WORKSHOP

Room 2001-40 Del Puerto Room

(To Access Meeting Please See Instructions Below)

Thursday, March 02, 2023 at 3:30 PM

Roll Call: Present: Rosa Escutia-Braaton, Chair, Chris Ricci, Vice-Chair and Jeremiah Williams, Member

Absent: None

PUBLIC COMMENTS

None.

UNFINISHED BUSINESS

1. 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)
    - Motion to interview and recommend the appointment for one vacancy on the City of Modesto Planning Commission and forwarding to Council for approval.

    CED; Jessica Hill, 209-577-5267, jhill@modestogov.com

ACTION: (Williams/Escutia-Braaton; 2/1 – Ricci No) recommending the appointment of Cecil Russel to serve on the Planning Commission and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:32 p.m.

Attest: _____
Diane Nayares-Perez, City Clerk

MINUTES

City of Modesto

ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP

Room 2001-40 Del Puerto Room

Monday, March 06, 2023 at 4:00 PM

Roll Call: Present: Councilmembers Alvarez, Ricci, Wright (arrived at 4:08 p.m. as alternate)
Absent: Mayor Zwahlen

PUBLIC COMMENTS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEMS: Items 1-6 (Alvarez/Ricci; 2/0; Wright Absent)

CONSENT

Consent

1. Consider accepting the Pre-Qualified List of Consultants for Engineering Plan Check, Map Check and Land Surveying Services for a period of three years, with two additional one-year renewal options and approving Standard Consultant Agreements and forwarding to Council for approval. (Funding Source: Developer Fees)
    - Motion accepting the Prequalified Consultant List, consisting of O'Dell Engineering Group; Harris and Associates, Inc.; Yamabe and Horn Engineering, Inc; and DF Engineering Inc. for Engineering Plan Check, Map Check and Land Surveying Services for a period of three years, with two additional one-year renewal options, authorizing the City Manager or his designee to execute the Agreements and forwarding to Council for approval.

   CED; Toby Wells, 209-571-5542, twells@modestogov.com

   ACTION: (Alvarez/Ricci; 2/0; Wright Absent) Motion accepting the Prequalified Consultant List, consisting of O'Dell Engineering Group; Harris and Associates, Inc.; Yamabe and Horn Engineering, Inc; and DF Engineering Inc. for Engineering Plan Check, Map Check and Land Surveying Services for a period of three years, with two additional one-year renewal options, authorizing the City Manager or his designee to execute the Agreements and forwarding to Council for approval.

Consent

2. Consider approving a Seventh Amendment to the Agreement with Dokken Engineering for the State Route 132 West Freeway/Expressway - Phase 1 Project to increase the existing Agreement to a total amount not to exceed $9,499,031 and forwarding to Council for approval. (Funding Source: Regional Measure L funds)
    - Motion approving a Seventh Amendment to the Agreement with Dokken Engineering for the State Route 132 West Freeway/Expressway - Phase 1 Project to increase the existing Agreement by $98,948, from $9,400,083 to a total amount not to exceed $9,499,031 and forwarding to Council for approval.

    CED; John Rawles, 209-577-5253, jrawles@modestogov.com

    ACTION: (Alvarez/Ricci; 2/0; Wright Absent) Motion approving a Seventh Amendment to the Agreement with Dokken Engineering for the State Route 132 West Freeway/Expressway - Phase 1 Project to increase the existing Agreement by $98,948, from $9,400,083 to a total amount not to exceed $9,499,031 and forwarding to Council for approval.

Consent

3. Consider approving a Seventh Amendment to the Agreement with Dokken Engineering for the State Route 99/Pelandale Avenue Interchange – Phase 2 project, to increase the existing Agreement for a total amount not to exceed $3,665,791 and forwarding to Council for approval. (Funding Source: Streets Capital Facility Fees)
    - Motion approving a Seventh Amendment to the Agreement with Dokken Engineering for the State Route 99/Pelandale Avenue Interchange – Phase 2 project, to increase the existing Agreement by $46,558, plus $20,000 additional services, if needed, from $3,599,233 for a total amount not to exceed $3,665,791 and forwarding to Council for approval.

    CED; Phillip Soares, 209-577-5258, psoares@modestogov.com

    ACTION: (Alvarez/Ricci; 2/0; Wright Absent) Motion approving a Seventh Amendment to the Agreement with Dokken Engineering for the State Route 99/Pelandale Avenue Interchange – Phase 2 project, to increase the existing Agreement by $46,558, plus $20,000 additional services, if needed, from $3,599,233 for a total amount not to exceed $3,665,791 and forwarding to Council for approval.

Consent

4. Consider accepting the Airport Layout Plan Grant as complete and authorizing all necessary steps to file with the County Clerk Recorder and forwarding to Council for approval. (Funding Source: Federal Aviation Administration Grant Funds 90%, with City Local Match of 10% Stanislaus County Aircraft Tax Funds)
    - Motion approving the completion of FAA Airport Layout Plan Grant No. 3-06-0153-041-2017; authorizing all necessary steps to file with the County Clerk Recorder and forwarding to Council for approval.

    PUBLIC WORKS; Gabe da Silva, 209-577-5319, gdasilva@modestogov.com

ACTION: (Alvarez/Ricci; 2/0; Wright Absent) Motion approving the completion of FAA Airport Layout Plan Grant No. 3-06-0153-041-2017; authorizing all necessary steps to file with the County Clerk Recorder and forwarding to Council for approval.

Consent

5. Consider accepting a report on the upcoming La Loma Sewer Replacement Phase 1 Project planned for bidding and construction. (Funding Source: Wastewater Fund)
    - Motion accepting a report on the upcoming La Loma Sewer Replacement Phase 1 Construction Project planned for bidding and construction.

UTILITIES; Cristian Ciotau, 209-577-5260, cciotau@modestogov.com

ACTION: (Alvarez/Ricci; 2/0; Wright Absent) Motion accepting a report on the upcoming La Loma Sewer Replacement Phase 1 Construction Project planned for bidding and construction.

Consent

6. Consider approving an Agreement with Larry Walker Associates (LWA) for the Monitoring and Management of the City of Modesto's Stormwater Permit, not to exceed $1,100,000 over five years, and forwarding to Council for approval. (Funding Source: Storm Drainage Fund)
    - Motion approving an Agreement with Larry Walker Associates, by utilizing the Competitive Bid Process with City of Stockton, for the Monitoring and Management of the City of Modesto's Stormwater Permit, for an annual estimated cost of $200,000 and a total amount not to exceed $1,100,000 over five years; and forwarding to Council for approval.

UTILITIES; Jason Farnsworth, 209-577-6255, jfarnsworth@modestogov.com

ACTION: (Alvarez/Ricci; 2/0; Wright Absent) Motion approving an Agreement with Larry Walker Associates, by utilizing the Competitive Bid Process with City of Stockton, for the Monitoring and Management of the City of Modesto's Stormwater Permit, for an annual estimated cost of $200,000 and a total amount not to exceed $1,100,000 over five years; and forwarding to Council for approval.

Councilmember Wright arrived at 4:08 p.m.

NEW BUSINESS

7. Consider approving the Award of Proposal and Professional Services Agreement to Seer World, Inc, Roswell, Georgia for Urban Planning and Project Management Support for a total amount not to exceed $542,000, including a 20% contingency, for a total amount not to exceed $650,400 and authorizing the City Manager, or his designee, to negotiate and finalize the terms of the Agreement, and forwarding to Council for approval. (Funding Source: American Rescue Plan Act)
    - Motion approving the Award of Proposal and Professional Services Agreement to Seer World, Inc, Roswell, Georgia for Urban Planning and Project Management Support for a $542,000, including a 20% contingency, for a total

amount not to exceed $650,400 and authorizing the City Manager, or his designee, to negotiate and finalize the terms of the Agreement, and forwarding to Council for approval.

CED; Edgar Garcia, 209-571-5101, edgarcia@modestogov.com

ACTION: (Alvarez/Wright; 3/0) Motion approving the Award of Proposal and Professional Services Agreement to Seer World, Inc, Roswell, Georgia for Urban Planning and Project Management Support for a $542,000, including a 20% contingency, for a total amount not to exceed $650,400 and authorizing the City Manager, or his designee, to negotiate and finalize the terms of the Agreement, and forwarding to Council for approval.

8. Consider approving a Design Services Agreement with WMH Corporation of San Jose, CA for the Standiford Avenue at State Route 99 Interchange Improvement Project in a total amount not to exceed $7,095,731 and forwarding to Council for approval. (Funding Source: Streets Capital Facility Fee and Regional Measure L funds)
    - Motion approving a Design Services Agreement with WMH Corporation of San Jose, CA for the Standiford Avenue at State Route 99 Interchange Improvement Project in the amount of $6,450,665, plus $645,066 for additional services, if needed, for a total amount not to exceed $7,095,731, and forwarding to Council for approval.

CED; Toby Wells, 209-571-5542, twells@modestogov.com

ACTION: (Alvarez/Wright; 3/0) Motion approving a Design Services Agreement with WMH Corporation of San Jose, CA for the Standiford Avenue at State Route 99 Interchange Improvement Project in the amount of $6,450,665, plus $645,066 for additional services, if needed, for a total amount not to exceed $7,095,731, and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:27 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, March 07, 2023 at 5:30 PM

Roll Call – Present: Councilmembers Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

Absent: None

Pledge of Allegiance to the Flag

Invocation: Stuart Welch, Life Connection Church

City Clerk's Announcements: City Clerk reported that Hearing Item No. 13 – Is being moved to future Council Meeting and will be re-noticed.

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Sanchez reported that no reportable action was taken on the Closed Session items.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation declaring March as National Disability Awareness Month. (Funding Source: Not Applicable)
   CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

ACTION: Mayor Zwahlen presented proclamation declaring March as National Disability Awareness Month.

2. Proclamation declaring March as National Women's History Month. (Funding Source: Not Applicable)
   CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

ACTION: Mayor Zwahlen presented proclamation declaring March as National Women's History Month.

3. Presentation on the Stanislaus Regional Transit Authority (SRTA) Route Changes by SRTA Chief Executive Officer Adam Barth. (Funding Source: Not Applicable)
CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

ACTION: Presentation on the Stanislaus Regional Transit Authority (SRTA) Route Changes by SRTA Chief Executive Officer Adam Barth.

MISCELLANEOUS

4. Consider accepting the resignation of Maya Ramirez from the City of Modesto's Equity Commission. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution accepting the resignation of Maya Ramirez from the City of Modesto's Equity Commission.

HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Alvarez/Ricci; 7/0) Resolution 2023-088 accepting the resignation of Maya Ramirez from the City of Modesto's Equity Commission.

PUBLIC COMMENT PERIOD

- Greg Miculinich asked that Council consider including hazard pay for former employees that worked during the pandemic.

- Ramon Rodriguez spoke about the COVID pay and asked that it be given to only the front-line pandemic workers. He also spoke about Treavor Also, spoke about Treavor Seever, Paul Chavez and the Modesto Police Department.

- Tina Perez Tateo asked Council to lift the ban on cruising. She also referenced AB 436 that was introduced in Sacramento to lift the ban on cruising.

- Respect Us (Zoom) spoke about respect and the Modesto Police Department. He further commented about comments at the last Council meeting.

- Nassan Sanchez spoke about a recent event - Classic Cars and Coffee event that was hosted by the Cruisers Council to build bridges and break down barriers between cultures and the cruising community. He is looking forward to a discussion about lifting the ban on cruising.

- John Williams asked for Justice of Paul Chavez and Treavor Seevor. He mentioned the three names of Paul Chavez's sons. He spoke about the shooting of Paul Chavez.

- Sebastian Jones spoke about a comment made at past Council meetings. He spoke about his disability and the time allowed for him to speak during public comment.

- Theresa Clutter spoke about justice for Paul Chavez. She asked for accountability and asked for closure, justice and accountability.

- DeAnna Garcia thanked Council for all they do for the City of Modesto. She is the owner of Modesto Cannabis Collective and thanked Council for bringing the cannabis equity program to the City of Modesto. She asked that the tax be lowered soon on cannabis.

- Brittony Chavez commented on the shooting of her husband Paul Chavez. She spoke about the officers and EMT on scene during the incident.

- Dr. Theresa Rojas Professor of English at Modesto Junior College, invited the Council and public to attend Latin Comics Art Festival on March 17-18 at the Modesto Junior College – West Campus.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 5-12: (Wright/Alvarez; 7/0)

CONSENT

Consent

5. Consider approving the minutes from the February 28, 2023 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the February 28, 2023 Council Meeting.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Wright/Alvarez; 7/0) Motion approving the minutes from the February 28, 2023 Council Meeting.

Consent

6. Consider approving the recommended Budget adjustments to Fiscal Year 2022-23 Annual Operating and Capital Improvement Program Budgets. (Funding Source: Various Funds)
    - Resolution amending Fiscal Year 2022-23 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/Alvarez; 7/0) Resolution 2023-089 amending Fiscal Year 2022-23 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

7. Consider accepting an Informational Report for the January 2023 Accounts Payable Payment Register and Void Report. (Funding Source: Not Applicable)
    - Motion accepting an Informational Report for the January 2023 Accounts Payable Payment Register and Void Report.

FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

ACTION: (Wright/Alvarez; 7/0) Motion accepting an Informational Report for the January 2023 Accounts Payable Payment Register and Void Report.

Consent

8. Consider an Ordinance repealing and replacing Chapter 1 of Title 3 of the Modesto Municipal Code amending the City's Fire Code to adopt the 2022 California Fire Code. (Funding Source: Not Applicable)
    - Motion introducing and waiving the first reading of an Ordinance repealing and replacing Chapter 1 of Title 3 of the Modesto Municipal Code amending the City's Fire Code to adopt the 2022 California Fire Code.

FIRE DEPARTMENT; Darin Jesberg, 209-577-9139, djesberg@modestofire.com

ACTION: (Wright/Alvarez; 7/0) Motion introducing and waiving the first reading of an **Ordinance 3760-C.S.** repealing and replacing Chapter 1 of Title 3 of the Modesto Municipal Code amending the City's Fire Code to adopt the 2022 California Fire Code.

Consent

9. Consider approving a Lease Agreement for Golf Carts to E-Z-Go a Division of Textron Inc., Mira Loma, CA, for a total amount not to exceed $661,634 over four years. (Funding Source: Golf Fund)
    - Resolution approving the Award of Bid and Agreement for Rental of Golf Carts to E-Z-Go a Division of Textron Inc., Mira Loma, CA, for four years, for an annual estimated amount of $165,408 and a total amount not to exceed $661,634 over four years; and authorizing the City Manager or his designee to execute the Agreement.

PRN; Laurie Smith, 209-577-5437, lsmith@modestogov.com

ACTION: (Wright/Alvarez; 7/0) Resolution 2023-090 approving the Award of Bid and Agreement for Rental of Golf Carts to E-Z-Go a Division of Textron Inc., Mira Loma, CA, for four years, for an annual estimated amount of $165,408 and a total amount not to exceed $661,634 over four years; and authorizing the City Manager or his designee to execute the Agreement.

Consent

10. Consider approving an Agreement with Sherwood Design Engineers, LTD. to prepare construction documentation for the Tuolumne River Regional Park (TRRP) Riverwalk Trail - Gateway to Legion Project for a total amount not to exceed $495,689. (Funding

Source: Parks and Air Quality Capital Facility Fee Fund, LTF – Non-Motorized Fund, TRRP CIP Fund)

- Resolution approving an Agreement with Sherwood Design Engineers, LTD. to prepare construction documentation for the Tuolumne River Regional Park (TRRP) Riverwalk Trail - Gateway to Legion Park Project for an amount of $450,626, plus $45,063 for additional services, if needed, for an Agreement total not to exceed $495,689 and authorizing the City Manager, or his designee, to execute the Agreement.
- Resolution amending the Fiscal Year 2022-23 annual Capital Improvement Program project 101232 budget in the amount of $210,241 to increase the project expenditure budget and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this Resolution.

PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Wright/Alvarez; 7/0) Resolution 2023-091 approving an Agreement with Sherwood Design Engineers, LTD. to prepare construction documentation for the Tuolumne River Regional Park (TRRP) Riverwalk Trail - Gateway to Legion Park Project for an amount of $450,626, plus $45,063 for additional services, if needed, for an Agreement total not to exceed $495,689 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Alvarez; 7/0) Resolution 2023-092 amending the Fiscal Year 2022-23 annual Capital Improvement Program project 101232 budget in the amount of $210,241 to increase the project expenditure budget and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this Resolution.

Consent

11. Consider approving payment to W.C. Maloney, Stockton, CA, for Emergency Work related to the demolition of the Dryden Golf Course Clubhouse, for a total amount not to exceed $74,873. (Funding Source: Golf Fund)

    - Resolution approving payment to W.C. Maloney, Stockton, CA, for the demolition of the Dryden Clubhouse, for a total amount not to exceed $74,873 and authorizing the Purchasing Manager, or her designee, to issue the payment.

    PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

    ACTION: (Wright/Alvarez; 7/0) Resolution 2023-093 approving payment to W.C. Maloney, Stockton, CA, for the demolition of the Dryden Clubhouse, for a total amount not to exceed $74,873 and authorizing the Purchasing Manager, or her designee, to issue the payment.

Consent

12. Consider approving an Agreement with Stanislaus County for City Staff to Perform Engineering Review and Construction Inspection Services relating to the West Modesto County Area 9 Sewer Infrastructure, for an amount not to exceed $225,000. (Funding Source: Capital Improvement Support Fund)

- Resolution approving an Agreement with Stanislaus County for City Staff to Perform Engineering Review and Construction Inspection Services for the West Modesto County Area 9 Sewer Infrastructure Project, for an amount not to exceed $225,000, and authorizing the City Manager, or his designee, to execute the Agreement.

UTILITIES; Miguel Alvarez, 209-577-5348, malvarez@modestogov.com

ACTION: (Wright/Alvarez; 7/0) Resolution 2023-094 approving an Agreement with Stanislaus County for City Staff to Perform Engineering Review and Construction Inspection Services for the West Modesto County Area 9 Sewer Infrastructure Project, for an amount not to exceed $225,000, and authorizing the City Manager, or his designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

Council Member Bavaro commented on his colleague and longtime friend Council Member Williams. He spoke about Council Member Williams strong character and impeccable integrity. He also made a statement about the inaccurate comments being made about what he said at a past Council Meeting. The video recording of the February 28, 2023, meeting is posted on the City's YouTube channel to verify exactly what was said.

Vice Mayor Ricci reported on the successful Council Workshop held last week. He spoke about the topics discussed at the workshop. He appreciated the opportunity to work on the City's strategic plan.

Council Member Williams thanked Councilmember Bavaro for his comments. He reported on events he attended over the weekend. One event attended was at the Sankofa Theatre Company. He also stated that he shares the same sentiments about a very thorough and enjoyable Council retreat. He thanked the Mayor and City Manager for putting the retreat together.

Council Member Alvarez reported that the City is still accepting applications for the Measure H Oversight Board. He encouraged residents from District 2 to apply. The deadline is March 13. He announced that the City has a homeowner repair assistance program. The program is possible with funding from ARPA. He reported on his budget priorities and encouraged the public apply to serve on City Commissions, Boards and Committees.

Mayor Zwahlen also reported on the Council Workshop and stated that the priorities and goals of the collective Council matched up. The priorities also matched with the communities Measure H priorities. She reported on attending the Sankofa Theatre Company event. She also spoke about meeting with retired educators and attending a Modesto Police Department Installation Dinner. This evening she returned from a Southern California StanCOG conference and has learned a lot.

CITY MANAGER COMMENTS & REPORTS

None

HEARINGS

Published in the Modesto Bee on February 24, 2023 - This item is being moved to future Council Meeting and will be renoticed.

13. Hearing to consider adopting an Ordinance repealing and replacing Section 10-4.115 and Section 10-4.116 of Chapter 4 (Accessory Dwelling Units), and Chapter 8 (Density Bonus) of Title 10, of the City of Modesto Municipal Code (Funding Source: General Fund)
    - Motion introducing and waiving the first reading of the Ordinance repealing and replacing Section 10-4.115 and Section 10-4.116 of Chapter 4 of Title 10 and Chapter 8 of Title 10 of the City of Modesto Municipal Code.

    CED; Diana Lowrance, 209-577-5302, dlowrance@modestogov.com

    NO ACTION TAKEN: This item is being moved to future Council Meeting and will be renoticed.

Published in the Modesto Bee on February 24, 2023

14. Hearing to consider approving the issuance of Bonds by the California Municipal Finance Authority (CMFA) for the benefit of Marple Manor RHF Partners, L.P., a California limited partnership (the "Borrower"), and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, to provide for the financing of the Project, for the purposes of satisfying the requirements of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), the Internal Revenue Code and California Government Code Section 6500, et seq. (Funding Source: Not Applicable)
    - Resolution of the City Council of the City of Modesto pursuant to Section 147(F) of the Internal Revenue Code of 1986 approving the issuance of Multifamily Housing Revenue Bonds by the California Municipal Finance Authority to finance or refinance the acquisition, rehabilitation, improvement and equipping of the Marple Manor Project and certain other matters relating thereto.

    FINANCE DEPARTMENT; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com

    ACTION: (Williams/Escutia-Braaton; 7/0) Resolution 2023-095 of the City Council of the City of Modesto pursuant to Section 147(F) of the Internal Revenue Code of 1986 approving the issuance of Multifamily Housing Revenue Bonds by the California Municipal Finance Authority to finance or refinance the acquisition, rehabilitation, improvement and equipping of the Marple Manor Project and certain other matters relating thereto.

Published in the Modesto Bee on February 24, 2023

15. Hearing to consider approving the issuance of Bonds by the California Municipal Finance Authority (CMFA) for the benefit of Ralston Tower RHF Partners, L.P., a California limited partnership (the "Borrower"), and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, to provide for the financing of the Project, for the purposes of satisfying the requirements of the Tax Equity and Fiscal

Responsibility Act of 1982 (TEFRA), the Internal Revenue Code and California Government Code Section 6500, et seq. (Funding Source: Not Applicable)

- Resolution of the City Council of the City of Modesto pursuant to Section 147(F) of the Internal Revenue Code of 1986 approving the issuance of Multifamily Housing Revenue Bonds by the California Municipal Finance Authority to finance or refinance the acquisition, rehabilitation, improvement and equipping of the Ralston Tower Project and certain other matters relating thereto.

FINANCE DEPARTMENT; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com

ACTION: (Ricci/Alvarez; 7/0) Resolution 2023-096 of the City Council of the City of Modesto pursuant to Section 147(F) of the Internal Revenue Code of 1986 approving the issuance of Multifamily Housing Revenue Bonds by the California Municipal Finance Authority to finance or refinance the acquisition, rehabilitation, improvement and equipping of the Ralston Tower Project and certain other matters relating thereto.

NEW BUSINESS

16. Consider approving the use of American Rescue Plan Act (ARPA) funds to provide funding for Hazard Pay to employees in the total amount of $6,705,000 and to amend the Fiscal Year 2022-23 Non-Capital Operating Budget to create a Non-Capital Project Budget in the American Rescue Grants Fund (Fund 1390). (Funding Source: ARPA Funds)

- Resolution approving the use of American Rescue Plan Act (ARPA) funds to provide funding for Hazard Pay to employees in the total amount of $6,705,000 and to amend the Fiscal Year 2022-23 Non-Capital Operating Budget to create a Non-Capital Project Budget in the American Rescue Grants Fund (Fund 1390); and authorizing the City Manager to carry out the necessary steps to implement the ARPA Funding for Hazard Pay for the intended use described above.

HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Zwahlen/Wright; 7/0) Resolution 2023-097 approving the use of American Rescue Plan Act (ARPA) funds to provide funding for Hazard Pay to employees in the total amount of $6,705,000 and to amend the Fiscal Year 2022-23 Non-Capital Operating Budget to create a Non-Capital Project Budget in the American Rescue Grants Fund (Fund 1390); and authorizing the City Manager to carry out the necessary steps to implement the ARPA Funding for Hazard Pay for the intended use described above.

ACTION: (Escutia-Braaton/Williams) Motion to have Council take the issue of providing hazard to the employees that worked during the time period specified and are no longer employed and retired employees for further discussion. (**Council Member Alvarez made a Motion to Amend**)

Motion to Amend - Alvarez
ACTION: (Alvarez/Bavaro;4/3; Escutia-Braaton, Williams and Zwahlen-No) Motion to amend the Motion made by Council Member Escutia-Braaton to have the discussion only include retirees.

Motion as Amended
ACTION: (Escutia-Braaton/Williams; 7/0) Motion to have Council take the issue of providing hazard to the employees that worked during the time for retired employees for further discussion.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 7:25 p.m.

Closed Session Matters Head Prior to the Meeting

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)
Superior Court of the State of California
Case No: CGC-98-999345 and CGC-98-999643

Seever et al. v. City of Modesto et al.
United States Eastern District
Case No.: 1:21-cv-01373

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:_____
Diane Nayares-Perez, City Clerk

MINUTES

City of Modesto

SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP

Room 2001-40 Del Puerto Room
1010 10th Street. Modesto, California

Monday, March 13, 2023 at 4:00 PM

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

PUBLIC COMMENTS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:

ACTION CONSENT ITEMS 1-2 (Escutia-Braaton/Williams; 3/0)

CONSENT

Consent

1. Consider approving a Purchasing Agreement with Life-Assist Inc, by utilizing the Competitive Bid Process with National Purchasing Partners (NPP), League of Oregon Cities for Emergency Medical Supplies for a total amount not to exceed $500,000 over five years; and forwarding to Council for approval. (Funding Source: General Fund)
    - Motion approving a Purchasing Agreement with Life-Assist Inc, by utilizing the Competitive Bid Process with National Purchasing Partners (NPP), League of Oregon Cities for Emergency Medical Supplies for a two-year Agreement with three one-year extension options, for an annual estimated amount $100,000, and a total amount not to exceed $500,000 over five years; and forwarding to Council for approval.

FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

ACTION: (Escutia-Braaton/Williams; 3/0) Motion approving a Purchasing Agreement with Life-Assist Inc, by utilizing the Competitive Bid Process with National Purchasing Partners (NPP), League of Oregon Cities for Emergency Medical Supplies for a two-year Agreement with three one-year extension options, for an annual estimated amount $100,000, and a total amount not to exceed $500,000 over five years; and forwarding to Council for approval

Consent

2. Consider approving a First Amendment to the Annual Agreement with West Coast Arborists, Inc., of Anaheim, CA for the furnishing of On-Call Vegetation Management

Services for the Parks, Recreation and Neighborhoods Department for a one-time increase of $350,000 to year two of the agreement, for a year two total of $600,000, and for a total revised estimated amount not to exceed $1,600,000 over the term of the agreement and forwarding to Council for approval. (Funding Source: Tuolumne River Regional Park Operations Fund, Measure H)

- Motion approving a First Amendment to the Annual Agreement with West Coast Arborists, Inc., of Anaheim, CA for the furnishing of On-Call Vegetation Management Services for the Parks, Recreation and Neighborhoods Department for a one-time increase of $350,000 to year two of the agreement for a year two total of $600,000, and for a total revised estimated amount not to exceed $1,600,000 over the term of the agreement and forwarding to Council for approval.

PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Escutia-Braaton/Williams; 3/0) Motion approving a First Amendment to the Annual Agreement with West Coast Arborists, Inc., of Anaheim, CA for the furnishing of On-Call Vegetation Management Services for the Parks, Recreation and Neighborhoods Department for a one-time increase of $350,000 to year two of the agreement for a year two total of $600,000, and for a total revised estimated amount not to exceed $1,600,000 over the term of the agreement and forwarding to Council for approval.

NEW BUSINESS

3. Consider approving the Purchase for one Fleet Replacement in the amount not to exceed $52,011 and approving the implementation of the Electric Vehicle Pilot Program for the Modesto Police Department and forwarding to Council for approval. (Funding Source: Fleet Replacement Fund and Supplemental Law Enforcement Services Fund)

   - Motion approving the implementation of the Electric Vehicle Pilot Program for the Modesto Police Department and forwarding to Council for approval.
   - Motion approving the purchase with Towne Ford Sales, Redwood City, CA for one Ford Mustang for an amount not to exceed $52,011; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order and forwarding to Council for approval.

FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestgov.com

ACTION: (Williams/Escutia-Braaton; 3/0) Motion approving the implementation of the Electric Vehicle Pilot Program for the Modesto Police Department and forwarding to Council for approval.

ACTION: (Williams/Escutia-Braaton; 3/0) Motion approving the purchase with Towne Ford Sales, Redwood City, CA for one Ford Mustang for an amount not to exceed $52,011; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 4:21 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, March 14, 2023 at 5:30 PM

Roll Call - Councilmembers Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

Pledge of Allegiance to the Flag

Invocation: Pat Nagle, Redeemer

City Clerk's Announcements: None

Declaration of Conflicts of Interest: Council Member Williams Item 20

Reports from Closed Session: City Attorney Sanchez reported that no reportable action was taken on the Closed Session items.

MISCELLANEOUS

(Council Member Escutia-Braaton Abstained)

1. Consider nominating Council Member Rosa Escutia-Braaton to the San Joaquin Valley Special City Selection Committee for appointment to the San Joaquin Valley Air Pollution Control District Governing Board. (Funding Source: Not Applicable)
   Staff Recommendation:
   - Resolution nominating Council Member Rosa Escutia-Braaton to the San Joaquin Valley Special City Selection Committee for appointment to the San Joaquin Valley Air Pollution Control District Governing Board.

   CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

   ACTION: (Wright/Williams; 6/0; Escutia-Braaton-Abstained) Resolution 2023-098 nominating Council Member Rosa Escutia-Braaton to the San Joaquin Valley Special City Selection Committee for appointment to the San Joaquin Valley Air Pollution Control District Governing Board.

PUBLIC COMMENT PERIOD

- Mary Santos spoke about the bill regarding lifting the ban on cruising. She provided an update on the progression of the bill.

- Ramon Rodriguez stated this year is the 50th anniversary of American Graffiti and he thinks Modesto should lift the ban on cruising. Lifting the ban will cut down on illegal activity and side shows.

- Jenny Kenoyer spoke about the ACE train and voiced her concerns that it will not be here until 2026. She thinks the City needs to find out why this happened. She was under the impression that they were waiting for the tracks to be put in and that project had started. She thinks the citizens of Modesto deserve to know why it went from 2023 to 2026.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 2-19: (Bavaro/Escutia-Braaton; 7/0)

CONSENT

Consent

2. Consider approving the minutes from the March 7, 2023 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the March 7, 2023 Council Meeting.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Bavaro/Escutia-Braaton; 7/0) Motion approving the minutes from the March 7, 2023 Council Meeting.

Consent

3. Consider accepting the 2022 General Plan Annual Progress Report and authorizing staff to submit it to the State of California. (Funding Source: General Fund)
    - Resolution accepting the 2022 General Plan Annual Progress Report and authorizing staff to submit it to the State of California.

    CED; Jessica Hill, 209-577-5211, jhill@modestogov.com

    ACTION: (Bavaro/Escutia-Braaton; 7/0) Resolution 2023-099 accepting the 2022 General Plan Annual Progress Report and authorizing staff to submit it to the State of California.

Consent

4. Consider approving the Award of Proposal and Professional Services Agreement to Seer World, Inc, Roswell, Georgia for Urban Planning and Project Management Support for $542,000, including a 20% contingency, for a total amount not to exceed $650,400. (Funding Source: American Rescue Plan Act)
    - Resolution approving the Award of Proposal and Professional Services Agreement to Seer World, LLC., Roswell, Georgia for Urban Planning and Project Management Support for $542,000, including a 20% contingency in the amount of $108,400, for a total amount not to exceed $650,400, and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution approving the use of American Rescue Plan Act funds to fund the Agreement with Seer World, LLC. for Urban Planning and Project Management Support in the amount of $542,000, including a 20% contingency

in the amount of $108,400, for a total amount not to exceed $650,400, and amending the Fiscal Year 2022-2023 non-capital budget in the American Rescue Grants Fund (Fund 390), and authorizing the City Manager to carry out the necessary steps to implement the adjustment described above.

CED; Edgar Garcia, 209-571-5101, edgarcia@modestogov.com

ACTION: (Bavaro/Escutia-Braaton; 7/0) Resolution 2023-100 approving the Award of Proposal and Professional Services Agreement to Seer World, LLC., Roswell, Georgia for Urban Planning and Project Management Support for $542,000, including a 20% contingency in the amount of $108,400, for a total amount not to exceed $650,400, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Bavaro/Escutia-Braaton; 7/0) Resolution 2023-101 approving the use of American Rescue Plan Act funds to fund the Agreement with Seer World, LLC. for Urban Planning and Project Management Support in the amount of $542,000, including a 20% contingency in the amount of $108,400, for a total amount not to exceed $650,400, and amending the Fiscal Year 2022-2023 non-capital budget in the American Rescue Grants Fund (Fund 390), and authorizing the City Manager to carry out the necessary steps to implement the adjustment described above.

Consent

5. Consider approving the vacation of two Sewer Easements located northwest of the Crows Landing Road/Pueblo Avenue Intersection and Land Exchange Agreement between The City of Modesto, Southwest Hide Co. and Modesto Holding Company for the disposition of approximately 65,776 square feet of City property in exchange for receipt of approximately 103,819 square feet of property both of which are located approximately adjacent to Crowns Landing Road between the CA-99 Freeway and Zeff Road. (Funding Source: Developer Application Fees)
    - Resolution approving the vacation of two Sewer Easements located northwest of the Crows Landing Road/Pueblo Avenue Intersection.
    - Resolution approving a Land Exchange Agreement between The City of Modesto, Southwest Hide Co. and Modesto Holding Company for the disposition of approximately 65,776 square feet of City property in exchange for receipt of approximately 103,819 square feet of property both of which are located approximately adjacent to Crows Landing Road between CA-99 Freeway and Zeff Road.

    CED; Katherine Martin, 209-577-5267, kamartin@modestogov.com

    ACTION: (Bavaro/Escutia-Braaton; 7/0) Resolution 2023-102 approving the vacation of two Sewer Easements located northwest of the Crows Landing Road/Pueblo Avenue Intersection.

    ACTION: (Bavaro/Escutia-Braaton; 7/0) Resolution 2023-103 approving a Land Exchange Agreement between The City of Modesto, Southwest Hide Co. and Modesto Holding Company for the disposition of approximately 65,776 square feet of City

property in exchange for receipt of approximately 103,819 square feet of property both of which are located approximately adjacent to Crows Landing Road between CA-99 Freeway and Zeff Road.

Consent

6. Consider approving a Seventh Amendment to the Agreement with Dokken Engineering for the State Route 99/Pelandale Avenue Interchange – Phase 2 Project, to increase the existing Agreement to a total amount not to exceed $3,665,791. (Funding Source: Streets Capital Facility Fees)
    - Resolution approving a Seventh Amendment to the Agreement with Dokken Engineering for the State Route 99/Pelandale Avenue Interchange – Phase 2 Project, to increase the existing Agreement by $46,558, plus $20,000 additional services, if needed, from $3,599,233 for a total amount not to exceed $3,665,791 and authorizing the City Manager, or his designee to execute the Seventh Amendment.

    CED; Phillip Soares, 209-577-5258, psoares@modestogov.com

    ACTION: (Bavaro/Escutia-Braaton; 7/0) Resolution 2023-104 approving a Seventh Amendment to the Agreement with Dokken Engineering for the State Route 99/Pelandale Avenue Interchange – Phase 2 Project, to increase the existing Agreement by $46,558, plus $20,000 additional services, if needed, from $3,599,233 for a total amount not to exceed $3,665,791 and authorizing the City Manager, or his designee to execute the Seventh Amendment.

Consent

7. Consider approving a Seventh Amendment to the Agreement with Dokken Engineering for the State Route 132 West Freeway/Expressway - Phase 1 Project to increase the existing Agreement to a total amount not to exceed $9,499,031. (Funding Source: Regional Measure L funds)
    - Resolution approving a Seventh Amendment to the Agreement with Dokken Engineering for the State Route 132 West Freeway/Expressway - Phase 1 Project to increase the existing Agreement by $98,948, from $9,400,083 to a total amount not to exceed $9,499,031 and authorizing the City Manager, or his designee to execute the Seventh Amendment.

    CED; John Rawles, 209-577-5253, jrawles@modestogov.com

    ACTION: (Bavaro/Escutia-Braaton; 7/0) Resolution 2023-105 approving a Seventh Amendment to the Agreement with Dokken Engineering for the State Route 132 West Freeway/Expressway - Phase 1 Project to increase the existing Agreement by $98,948, from $9,400,083 to a total amount not to exceed $9,499,031 and authorizing the City Manager, or his designee to execute the Seventh Amendment.

Consent

8. Consider approving the Prequalified Consultant List and Consultant Agreements consisting of O'Dell Engineering Group; Harris and Associates, Inc.; Yamabe and

Horn Engineering, Inc; and DF Engineering Inc. for Engineering Plan Check, Map Check and Land Surveying Services for a period of three years, with two additional one-year renewal options. (Funding Source: Developer Fees)

- Resolution approving the Prequalified Consultant List and Consultant Agreements consisting of O'Dell Engineering Group; Harris and Associates, Inc.; Yamabe and Horn Engineering, Inc; and DF Engineering Inc. for Engineering Plan Check, Map Check and Land Surveying Services for a period of three years, with two additional one-year extension options; for a combined annual estimated cost of $160,000 and a total amount not to exceed $800,000 over five years, and authorizing the City Manager or his designee to execute the Consultant Agreements.

CED; Toby Wells, 209-571-5542, twells@modestogov.com

ACTION: (Bavaro/Escutia-Braaton; 7/0) Resolution 2023-106 approving the Prequalified Consultant List and Consultant Agreements consisting of O'Dell Engineering Group; Harris and Associates, Inc.; Yamabe and Horn Engineering, Inc; and DF Engineering Inc. for Engineering Plan Check, Map Check and Land Surveying Services for a period of three years, with two additional one-year extension options; for a combined annual estimated cost of $160,000 and a total amount not to exceed $800,000 over five years, and authorizing the City Manager or his designee to execute the Consultant Agreements.

Consent

9. Consider accepting the Public Improvements of Icon at the Village Subdivision located south of Sharon Avenue between Yellowhammer Lane and Snowy Egret Street, west of Claus Road, and releasing securities upon expiration of statutory periods. (Funding Source: Not Applicable)

    - Resolution accepting the Public Improvements for Icon at the Village Subdivision, located south of Sharon Drive, south of Yellowhammer Lane, 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; Toby Wells, 209-571-5542, twells@modestogov.com

    ACTION: (Bavaro/Escutia-Braaton; 7/0) Resolution 2023-107 accepting the Public Improvements for Icon at the Village Subdivision, located south of Sharon Drive, south of Yellowhammer Lane, 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 Metro at the Village Subdivision located southeast of Floyd Avenue at Roselle Avenue and releasing securities upon expiration of statutory periods. (Funding Source: Not Applicable)

    - Resolution accepting the Public Improvements for Metro at the Village Subdivision, located southeast of Floyd Avenue at Roselle Avenue, 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; Toby Wells, 209-571-5542, twells@modestogov.com

ACTION: (Bavaro/Escutia-Braaton; 7/0) Resolution 2023-108 accepting the Public Improvements for Metro at the Village Subdivision, located southeast of Floyd Avenue at Roselle Avenue, 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 accepting the Public Improvements of Trails at Falling Leaf Subdivision located at the northwest corner of Floyd Avenue and Claus Road and releasing securities upon expiration of statutory periods. (Funding Source: Not Applicable)
    - Resolution accepting the Public Improvements for Trails at Falling Leaf Subdivision, located at the northwest corner of Floyd Avenue and Claus Road, 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; Toby Wells, 209-571-5542, twells@modestogov.com

    ACTION: (Bavaro/Escutia-Braaton; 7/0) Resolution 2023-109 accepting the Public Improvements for Trails at Falling Leaf Subdivision, located at the northwest corner of Floyd Avenue and Claus Road, 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

12. Considering accepting an award of $350,000 from the Governor's Office of Business and Economic Development (Go-Biz) for the Cannabis Equity Grants Program for Local Jurisdictions. (Funding Source: Cannabis Equity Grant Funds)
    - Resolution authorizing the Grant Agreement with the Governor's Office of Business and Economic Development (go-biz) for the award of $350,000 and authorizing the City Manager to execute by electronic signature on behalf of the City of Modesto, the Grant Agreement and, including any extensions or amendments thereof and any subsequent Grant Agreement with the Governor's office of Business and Economic Development in relation thereto.

    CED; Sean Rando, 209-577-5473, srando@modestogov.com

    ACTION: (Bavaro/Escutia-Braaton; 7/0) Resolution 2023-110 authorizing the Grant Agreement with the Governor's Office of Business and Economic Development (go-biz) for the award of $350,000 and authorizing the City Manager to execute by electronic signature on behalf of the City of Modesto, the Grant Agreement and, including any extensions or amendments thereof and any subsequent Grant Agreement with the Governor's office of Business and Economic Development in relation thereto.

Consent

13. Consider approving an Agreement for Low Lead Brass, PVC, Galvanized Fittings and Valves to Ferguson Waterworks, Modesto CA, and Pace Supply, Stockton, CA for a total amount not to exceed $3,200,000 over five years. (Funding Source: Water Fund)
    - Resolution approving the Award of Bid and Agreement for Low Lead Brass, PVC, Galvanized Fittings and Valves to two vendors with the overall lowest responsive and responsible bids to Ferguson Waterworks, Modesto, CA, and Pace Supply, Stockton, CA for a one–year Agreement with four, one-year extension options, for a total estimated annual amount of $640,000, and a total amount not to exceed $3,200,000 over five years, and authorizing the Director of Finance, or her designee, to execute the Agreements.

    FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

    ACTION: (Bavaro/Escutia-Braaton; 7/0) Resolution 2023-111 approving the Award of Bid and Agreement for Low Lead Brass, PVC, Galvanized Fittings and Valves to two vendors with the overall lowest responsive and responsible bids to Ferguson Waterworks, Modesto, CA, and Pace Supply, Stockton, CA for a one–year Agreement with four, one-year extension options, for a total estimated annual amount of $640,000, and a total amount not to exceed $3,200,000 over five years, and authorizing the Director of Finance, or her designee, to execute the Agreements.

Consent

14. Consider approving the Purchase for Fleet Replacement Vehicles which includes two Vacuum 3 Axle Trucks in the amount not to exceed $1,296,449 and rescinding Resolution 2023-013. (Funding Source: Replacement Fund)
    - Resolution approving the Competitive Bidding Process from Sourcewell with Vac-con Inc., Green Cove Springs, FL to purchase two Vacuum 3 Axle Trucks for an amount not to exceed $1,296,449 and rescinding Resolution 2023-13; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order; and authorizing the Purchasing Manager or her designee to execute any Change Orders not to exceed 15% of the total purchase price.

    FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

    ACTION: (Bavaro/Escutia-Braaton; 7/0) Resolution 2022-112 approving the Competitive Bidding Process from Sourcewell with Vac-con Inc., Green Cove Springs, FL to purchase two Vacuum 3 Axle Trucks for an amount not to exceed $1,296,449 and rescinding Resolution 2023-13; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order; and authorizing the Purchasing Manager or her designee to execute any Change Orders not to exceed 15% of the total purchase price.

Consent

15. Consider approving the Purchase of a Cybersecurity Patch Management System with Telcion Communications Group, Modesto, CA for the total amount not to exceed $109,413. (Funding Source: American Rescue Plan Act Funding)
    - Resolution approving the Purchase of a Cybersecurity Patch Management System with Telcion Communications Group, Modesto, CA for a total amount

not to exceed $109,413; and authorizing the Purchasing Manager or her designee to issue the Purchase Order.

FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

ACTION: (Bavaro/Escutia-Braaton; 7/0) Resolution 2023-113 approving the Purchase of a Cybersecurity Patch Management System with Telcion Communications Group, Modesto, CA for a total amount not to exceed $109,413; and authorizing the Purchasing Manager or her designee to issue the Purchase Order.

Consent

16. Consider adopting the 2022 Stanislaus County Multi-Jurisdictional Hazard Mitigation Plan (MJHMP) update that includes the City of Modesto Local Hazard Mitigation Plan (LHMP) Annex. (Funding Source: Not Applicable)
    - Resolution adopting the 2022 Stanislaus County Multi-Jurisdictional Hazard Mitigation Plan (MJHMP) update that includes the City of Modesto Local Hazard Mitigation Plan (LHMP) Annex.

FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

ACTION: (Bavaro/Escutia-Braaton; 7/0) Resolution 2023-114 adopting the 2022 Stanislaus County Multi-Jurisdictional Hazard Mitigation Plan (MJHMP) update that includes the City of Modesto Local Hazard Mitigation Plan (LHMP) Annex.

Consent

17. Consider approving the First Amendment to the Agreement with Pacific Gas and Electric for Gas SmartMeter installation. (Funding Source: Surface Transportation Fund)
    - Resolution approving the First Amendment to the Agreement with Pacific Gas and Electric for Gas SmartMeter installation adding 4776 Parker Road, and authorizing the City Manager, or his designee, to execute the Amendment.

PUBLIC WORKS; Mark Murphy, 209-577-5431, mmurphy@modestogov.com

ACTION: (Bavaro/Escutia-Braaton; 7/0) Resolution 2023-115 approving the First Amendment to the Agreement with Pacific Gas and Electric for Gas SmartMeter installation adding 4776 Parker Road, and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

18. Consider approving an Agreement with CentralSquare Technologies, LLC (CentralSquare) for the Annual Maintenance of Lucity, a Computerized Maintenance Management System (CMMS) Software for a total amount not to exceed $243,819 over five years. (Funding Source: Various)
    - Resolution approving the Agreement with CentralSquare Technologies for the Annual Maintenance of Lucity, a Computerized Maintenance Management System for five year Agreement with an estimated annual amount of $44,125 with an annual increase of 5%, for a total amount not to exceed $243,820; and authorizing the City Manager, or his designee, to execute the Agreement.

UTILITIES; Jason Farnsworth, 209-577-6255, jfarnsworth@modestogov.com

ACTION: (Bavaro/Escutia-Braaton; 7/0) Resolution 2023-116 approving the Agreement with CentralSquare Technologies for the Annual Maintenance of Lucity, a Computerized Maintenance Management System for five year Agreement with an estimated annual amount of $44,125 with an annual increase of 5%, for a total amount not to exceed $243,820; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

19. Consider approving the Plans and Specifications for the Facultative Biosolids Removal Project, accepting the Bid, and Awarding a Contract to Synagro, of Baltimore, MD, for a total amount not to exceed $6,725,038, and approving an Agreement with West Yost Associates for Engineering Support during construction, and Construction Management Services for a total amount not to exceed $2,246,522. (Funding Source: Wastewater Fund)
    - Resolution approving Plans and Specifications for the Facultative Biosolids Removal Project, accepting the Bid, and approving a Construction Contract with Synagro, of Baltimore, MD, in the amount of $5,173,106 plus $1,551,932 in contingency (if needed), for a total amount not to exceed $6,725,038 over five years 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 Facultative Biosolids Removal Project from 8% ($413,849) to 30% ($1,551,932) of the Construction Contract amount of $5,173,106 with Synagro, of Baltimore, MD.
    - Resolution approving an Agreement with West Yost Associates, of Sacramento, CA, for Engineering Support during construction, and Construction Management Services for the Facultative Biosolids Removal Project in the amount of $1,953,497 for the identified scope of services, plus $293,025 for additional services (if needed), for a total amount not to exceed $2,246,522 and authorizing the City Manager, or his designee to execute the Agreement.
    - Resolution amending the Fiscal Year 2022-23 Multi-Year Program Budget in the amount of $9,271,560 to be transferred into the Project from Wastewater Reserves to fund the Facultative Biosolids Removal 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: (Bavaro/Escutia-Braaton; 7/0) Resolution 2023-117 approving Plans and Specifications for the Facultative Biosolids Removal Project, accepting the Bid, and approving a Construction Contract with Synagro, of Baltimore, MD, in the amount of $5,173,106 plus $1,551,932 in contingency (if needed), for a total amount not to exceed $6,725,038 over five years and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Bavaro/Escutia-Braaton; 7/0) Resolution 2023-118 authorizing an increase in the Director's Authority to issue Change Orders for the Facultative Biosolids Removal Project from 8% ($413,849) to 30% ($1,551,932) of the Construction Contract amount of $5,173,106 with Synagro, of Baltimore, MD.

ACTION: (Bavaro/Escutia-Braaton; 7/0) Resolution 2023-119 approving an Agreement with West Yost Associates, of Sacramento, CA, for Engineering Support during construction, and Construction Management Services for the Facultative Biosolids Removal Project in the amount of $1,953,497 for the identified scope of services, plus $293,025 for additional services (if needed), for a total amount not to exceed $2,246,522 and authorizing the City Manager, or his designee to execute the Agreement.

ACTION: (Bavaro/Escutia-Braaton; 7/0) Resolution 2023-120 amending the Fiscal Year 2022-23 Multi-Year Program Budget in the amount of $9,271,560 to be transferred into the Project from Wastewater Reserves to fund the Facultative Biosolids Removal Project and authorizing the City Manager, or his Designee, to implement the provisions of this Resolution.

COUNCIL COMMENTS & REPORTS

Council Members Escutia-Braaton thanked all those employees and partners who have diligently been assisting with the storm events that is currently having an impact on everyone. There has been constant coordination with OES, and the various command centers. The communication that has been coming out of the City of Modesto, has been frequent, clear, and helpful. She greatly appreciates how staff has kept the community informed, but most important ensuring the safety of the public.

Council Member Bavaro reported on activities over the weekend. On Saturday, March 3rd he along with the Mayor attended the First Annual 10k Run with the Cop in Modesto, and over 800 students, participated in the run. This was the first of this kind of event coordinated under the leadership of Detective Shawn Dodge. Yesterday, he along with the Mayor and Council Member Eric Alvarez met new Congressman Duarte. It was a very productive meeting.

Vice Mayor Ricci spoke about the homeless crisis. He stated that Modesto is suffering under the weight of a homeless crisis and as a City they need to continue to tackle this problem from all sides. He commented about tools and programs that can help, such as safe parking, safe camping and a great program called Destiny Moves and other solutions.

Council Member Alvarez highlighted some upcoming events. The Modesto Drive Up & Drop Off Event on March 25th in District 2 at John Thurman Field from 8:00 am to 12:00 pm. The public can dispose of bulky items. He detailed the items that can be accepted. Also, the Latino Community Roundtable will be hosting, their 19th annual Cesar Chavez luncheon on March 16th from 11:30 am to 1 pm. Senator Marie Alvarado-Gil is the keynote speaker.

CITY MANAGER COMMENTS & REPORTS

None.

(Council Member Williams-Recusal due to Conflict of Interest)

HEARINGS

Published in the Modesto Bee on March 3, 2023

20. Hearing to consider approving a joint submission between the City of Modesto and Visionary Home Builders of California, Inc. for a State of California's Affordable Housing and Sustainability Grant in an amount not to exceed $50,000,000, a City funding commitment in a total amount not to exceed $7,000,000 plus $200,000 in activity delivery costs for a grand total of $7,200,000, and the deferral of Capital Facilities Fees in an amount $ 967,750 for the development of Seventh Street Village on the properties located on 7th street between J Street and I Street, contingent on the successful award of the Affordable Housing and Sustainable Communities Grant. (Funding Source: Community Development Block Grant, Permanent Local Housing Allocation, HOME Investment Partnership, and Capital Facility Fees)
    - Resolution approving a joint submission between the City of Modesto and Visionary Home Builders of California, Inc. for a State of California's Affordable Housing and Sustainability Grant in an amount not to exceed $50,000,000 for the development of Seventh Street Village on the properties located on 7th street between J Street and I Street as well as any grant required transportation improvements as outlined in the grant application and authorizing the City Manager or his designee to negotiate and execute an agreement with Visionary Home Builders, Inc. and any other documents related to the submission of the grant application.
    - Resolution approving a City funding commitment in a total amount not to exceed $7,000,000 and $200,000 in activity delivery costs for a grand total of $7,200,000 for the development of Seventh Street Village on the properties located on 7th street between J Street and I Street, contingent on the successful award of the State of California for the Affordable Housing and Sustainable Communities Grant.
    - Resolution approving the deferral of Capital Facilities Fees in an amount not to exceed $967,750 for the development of Seventh Street Village on the properties located on 7th street between J Street and I Street contingent on the successful award of the State of California for the Affordable Housing and Sustainable Communities Grant.

    CED; Jessica Hill, 209-577-5211, jhill@modestogov.com

    ACTION: (Escutia-Braaton/Ricci; 6/0; Williams Recusal) Resolution 2023-121 approving a joint submission between the City of Modesto and Visionary Home Builders of California, Inc. for a State of California's Affordable Housing and Sustainability Grant in an amount not to exceed $50,000,000 for the development of Seventh Street Village on the properties located on 7th street between J Street and I Street as well as any grant required transportation improvements as outlined in the grant application and authorizing the City Manager or his designee to negotiate and

execute an agreement with Visionary Home Builders, Inc. and any other documents related to the submission of the grant application.

ACTION: (Escutia-Braaton/Ricci; 6/0; Williams Recusal) Resolution 2023-122 approving a City funding commitment in a total amount not to exceed $7,000,000 and $200,000 in activity delivery costs for a grand total of $7,200,000 for the development of Seventh Street Village on the properties located on 7th street between J Street and I Street, contingent on the successful award of the State of California for the Affordable Housing and Sustainable Communities Grant.

ACTION: (Escutia-Braaton/Ricci; 6/0); Williams Recusal) Resolution 2023-123 approving the deferral of Capital Facilities Fees in an amount not to exceed $967,750 for the development of Seventh Street Village on the properties located on 7th street between J Street and I Street contingent on the successful award of the State of California for the Affordable Housing and Sustainable Communities Grant.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:51 p.m.

Closed Session Matters Heard Prior to the Meeting

CLOSED SESSION

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

Name of case(s): Kurt Anderson v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ13859808, ADJ763560

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:_____
Diane Nayares-Perez, City Clerk

MINUTES

City of Modesto

FINANCE COMMITTEE / COUNCIL WORKSHOP

Room 2001-40 Del Puerto Room
Tenth Street Place,
1010 10th Street
Modesto, California
Monday, March 20, 2023 at 4:00 PM

Roll Call: Present: Vice-Chair Escutia-Braaton, Chair Wright
Absent: Member Bavaro
Also Present: Member Alvarez (Alternate)

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:

ACTION CONSENT ITEM 1-6 (Alvarez/Escutia-Braaton; 3/0)

CONSENT

Consent

1. Consider approving an Agreement with Elavon, Inc., Atlanta, GA for Merchant Services for a total amount not to exceed $1,135,720 and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion approving an Agreement with Elavon, Inc., Atlanta, GA. for Merchant Services for a four-year Agreement with two (2) two-year extension options, for a total amount not to exceed $1,135,720; and forwarding to Council for approval.

FINANCE DEPARTMENT; Gina Brown, 209-577-5381, gbrown@modestogov.com

ACTION: (Alvarez/Escutia-Braaton; 3/0) Motion approving an Agreement with Elavon, Inc., Atlanta, GA. for Merchant Services for a four-year Agreement with two (2) two-year extension options, for a total amount not to exceed $1,135,720; and forwarding to Council for approval.

Consent

2. Consider the Renewal of the City's Microsoft "Enterprise Agreement" (MSEA) by utilizing the California Department of Technology Cooperative Agreement and Riverside County Cooperative Agreement, with Crayon Software Experts, LLC of Dallas, TX, for an annual estimated cost of $881,131 and a total amount not to exceed $2,640,392 over thirty-five months and forwarding to Council for approval. (Funding Source: Information Technology Fund)

- Motion authorizing the Renewal of the City's Microsoft "Enterprise Agreement" (MSEA) by utilizing the California Department of Technology Cooperative Agreement and Riverside County Cooperative Agreement, with Crayon Software Experts, LLC of Dallas, TX, for an annual estimated cost of $881,131 and a total amount not to exceed $2,640,392 over thirty-five months and forwarding to Council for approval.

IT; Kevin Harless, 209-571-5593, kharless@modestogov.com

ACTION: (Alvarez/Escutia-Braaton; 3/0) Motion authorizing the Renewal of the City's Microsoft "Enterprise Agreement" (MSEA) by utilizing the California Department of Technology Cooperative Agreement and Riverside County Cooperative Agreement, with Crayon Software Experts, LLC of Dallas, TX, for an annual estimated cost of $881,131 and a total amount not to exceed $2,640,392 over thirty-five months and forwarding to Council for approval.

Consent

3. Consider approving the submission of the City's Local Transportation Funds Fiscal Year 2022-2023 Claim for Non-Motorized and Other Purposes (bike lanes and pedestrian pathways) in the amount of $297,316 to the Stanislaus Council of Governments (StanCOG) and amending the Fiscal Year 2022-2023 Capital Improvement Program Budget to fund project 100813 – Virginia Corridor Phase VII in an amount not to exceed $666,382 and forwarding to Council for approval (Funding Source: Local Transportation Funds)
    - Motion approving the submission of the City's Local Transportation Funds Fiscal Year 2022-2023 Claim for Non-Motorized and Other Purposes (bike lanes and pedestrian pathways) in the amount of $297,316 to the Stanislaus Council of Governments (StanCOG) and amending the Fiscal Year 2022-2023 Capital Improvement Program Budget to fund project 100813 – Virginia Corridor Phase VII in an amount not to exceed $666,382 and forwarding to Council for approval.

PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Alvarez/Escutia-Braaton; 3/0) Motion approving the submission of the City's Local Transportation Funds Fiscal Year 2022-2023 Claim for Non-Motorized and Other Purposes (bike lanes and pedestrian pathways) in the amount of $297,316 to the Stanislaus Council of Governments (StanCOG) and amending the Fiscal Year 2022-2023 Capital Improvement Program Budget to fund project 100813 – Virginia Corridor Phase VII in an amount not to exceed $666,382 and forwarding to Council for approval.

Consent

4. Consider approving a list of projects to be funded with Road Repair and Accountability Act Tax Proceeds for Fiscal Year 2023-2024 and forwarding to Council for approval. (Funding Source: Senate Bill 1 Funds)
    - Motion approving the project list to be funded with Road Repair and Accountability Act Tax Proceeds in an amount up to $5,834,851 and forwarding to Council for approval.

PUBLIC WORKS; John Sphar, 209-342-2235, jsphar@modestogov.com

ACTION: (Alvarez/Escutia-Braaton; 3/0) Motion approving the project list to be funded with Road Repair and Accountability Act Tax Proceeds in an amount up to $5,834,851 and forwarding to Council for approval.

Consent

5. Consider authorizing the submittal of application(s) to CalRecyle for the Organics Grant, and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion authorizing the submittal of application(s) to the CalRecycle Organics Grant Program, and authorizing the City Manager, or his designee, to sign Grant Applications and related forms, and forwarding to Council for approval.

    PUBLIC WORKS; Rosene Salmo, 209-577-5453, rsalmo@modestogov.com

    ACTION: (Alvarez/Escutia-Braaton; 3/0) Motion authorizing the submittal of application(s) to the CalRecycle Organics Grant Program, and authorizing the City Manager, or his designee, to sign Grant Applications and related forms, and forwarding to Council for approval.

Consent

6. Consider authorizing the submittal of application(s) to the Environmental Protection Agency for the Climate Pollution Reduction Grant and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion authorizing the submittal of application(s) to the Environmental Protection Agency Climate Pollution Reduction Grant Program, and authorizing the City Manager, or his designee, to sign Grant Applications and related forms, and forwarding to Council for approval.

    PUBLIC WORKS; Rosene Salmo, 209-577-5453, rsalmo@modestogov.com

    ACTION: (Alvarez/Escutia-Braaton; 3/0) Motion authorizing the submittal of application(s) to the Environmental Protection Agency Climate Pollution Reduction Grant Program, and authorizing the City Manager, or his designee, to sign Grant Applications and related forms, and forwarding to Council for approval.

NEW BUSINESS

7. Consider approving a three-year Standby Certificate Purchase Agreement (SCPA) with BMO Harris Bank N.A. (formerly Bank of the West) supporting the Water Refunding Revenue Certificates of Participation, Series 2008A (Water Bonds) authorizing certain other related actions to substitute the Agreement for the existing Letter of Credit (LOC) and forwarding to Council for approval. (Funding Source: Water Fund)
    - Motion approving a three-year Standby Certificate Purchase Agreement with BMO Harris Bank N.A. (formerly Bank of the West) supporting the Water Refunding Revenue Certificates of Participation, Series 2008A (Water Bonds)

authorizing certain other related actions to complete substitution of the Agreement for the existing Letter of Credit and forwarding to Council for approval.

FINANCE DEPARTMENT; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com

ACTION: (Escutia-Braaton/Wright; 3/0) Motion approving a three-year Standby Certificate Purchase Agreement with BMO Harris Bank N.A. (formerly Bank of the West) supporting the Water Refunding Revenue Certificates of Participation, Series 2008A (Water Bonds) authorizing certain other related actions to complete substitution of the Agreement for the existing Letter of Credit and forwarding to Council for approval.

8. Consider approving a three-year extension of the irrevocable direct pay Letter of Credit (LOC) with BMO Harris Bank N.A. (formerly Bank of the West) supporting the Lease Revenue Bonds, Series 2008 (Bonds) authorizing the distribution of a Supplemental Official Statement, and authorizing certain other related actions to complete the three-year extension to the Lease Revenue Bonds LOC and forwarding to Council for approval. (Funding Source: General Fund, Redevelopment Successor Agency and Various Funds)
    - Motion approving a three-year extension of the irrevocable direct pay Letter of Credit (LOC with BMO Harris Bank N.A. (formerly Bank of the West) supporting the Lease Revenue Bonds, Series 2008 (Bonds) authorizing the distribution of a Supplemental Official Statement, and authorizing certain other related actions to complete the three-year extension to the Lease Revenue Bonds LOC and forwarding to Council for approval.

   FINANCE DEPARTMENT; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com

   ACTION: (Escutia-Braaton/Alvarez; 3/0) Motion approving a three-year extension of the irrevocable direct pay Letter of Credit (LOC with BMO Harris Bank N.A. (formerly Bank of the West) supporting the Lease Revenue Bonds, Series 2008 (Bonds) authorizing the distribution of a Supplemental Official Statement, and authorizing certain other related actions to complete the three-year extension to the Lease Revenue Bonds LOC and forwarding to Council for approval.

9. Consider accepting the informational Fiscal Year 2022-23 General Fund Mid-Year Update Report and forwarding the report and recommended adjustments to the major General Fund revenues and expenditures to Council for acceptance and approval. (Funding Source: General Fund)
    - Motion accepting the informational Fiscal Year 2022-23 General Fund Mid-Year Update Report and forwarding the report and recommended adjustments to the major General Fund revenues and expenditures to Council for acceptance and approval.

   BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com

ACTION: (Escutia-Braaton/Alvarez; 3/0) Motion accepting the informational Fiscal Year 2022-23 General Fund Mid-Year Update Report and forwarding the report and recommended adjustments to the major General Fund revenues and expenditures to Council for acceptance and approval.

ADJOURNMENT

This meeting adjourned at 5:04 p.m.

Attest: _____
Andrea Cook, Deputy City Clerk

MINUTES

City of Modesto

SPECIAL APPOINTMENTS COMMITTEE / COUNCIL WORKSHOP

2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California

Thursday, March 30, 2023 at 4:00 PM

Roll Call Present: Rosa Escutia-Braaton, Chair
Chris Ricci, Vice-Chair
Jeremiah Williams, Member

Absent: None

PUBLIC COMMENT

- Darlene Ruiz spoke about her concerns regarding an applicant being retired law enforcement.
- Steve voiced the same concern about retired law enforcement applying to serve on the Board.

NEW BUSINESS

1. Conduct first round of interviews of all eligible applicants for the Community Police Review Board. (Funding Source: Not Applicable)
   CITY MANAGER; Allison Van Guilder, 209-577-5228, avanguilder@modestogov.com

Recessed: 4:33 pm
Reconvened: 4:44 pm

Recessed: 4:54 pm
Reconvened: 4:58 pm

Recessed: 5:10 pm
Reconvened: 5:30 pm

Recessed: 5:44 pm
Reconvened: 6:30 pm

Recessed: 6:40 pm
Reconvened: 7:23 pm

Recessed: 7:24 pm
Reconvened: 7:30 pm

ACTION: Day 1 of interviews were held. No Reportable Action.

ADJOURNMENT

to Monday, April 3, 2023, 8:00 AM (Day 2 of Interviews)

This meeting adjourned at 7:35 p.m.

Attest: _____
Diane Nayares-Perez, City Clerk

MINUTES

City of Modesto

SPECIAL APPOINTMENTS COMMITTEE / COUNCIL WORKSHOP

2001-40 Del Puerto Room
Tenth Street Place
1010 10th Street, Modesto, California
Monday, April 03, 2023 at 9:00 AM

Roll Call Present: Rosa Escutia-Braaton, Chair
Chris Ricci, Vice-Chair
Jeremiah Williams, Member

Absent: None

PUBLIC COMMENTS

None

NEW BUSINESS

1. Conduct first round of interviews of all eligible applicants for the Community Police Review Board. (Funding Source: Not Applicable)
   CITY MANAGER; Allison Van Guilder, 209-577-5228, avanguilder@modestogov.com

Recessed: 11:27 pm
Reconvened: 12:09 pm

ACTION: Day 2 of interviews were held. No Reportable Action.

ADJOURNMENT

to Tuesday, April 11, 2023 (Day 3 of Interviews)

This meeting adjourned at 12:47 p.m.

Attest: _____
Diane Nayares-Perez, City Clerk

MINUTES

City of Modesto

ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP

Room 2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, April 03, 2023 at 4:00 PM

Roll Call: Present: Councilmember Ricci, Mayor Zwahlen,
Councilmember Bavaro (arrived at 4:04 p.m. as alternate)
Absent: Councilmember Alvarez

PUBLIC COMMENTS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEMS: Items 1-11 (Ricci/Bavaro; 3/0; Alvarez Absent)

CONSENT

Consent

1. Consider approving the Consultant Services Agreement with Precision Civil Engineering, Inc., Harris & Associates, Inc., and Environmental Science Associates (ESA) for Municipal Planning Services, for a total amount not to exceed $300,000 per consultant for an overall total not to exceed $900,000 and forwarding to Council for approval. (Funding Source: Developer Fees)
    - Motion approving the Consultant Services Agreement, with Precision Civil Engineering, Inc., Harris & Associates, Inc., and Environmental Science Associates (ESA) for Municipal Planning Services, for a period of three years, with two additional one-year renewal options, for an amount not to exceed $300,000 per consultant for an overall total not to exceed $900,000 and forwarding to Council for approval.

   CED; Peter Ibrahim, 209-577-5211, pibrahim@modestogov.com

   ACTION: (Ricci/Bavaro; 3/0; Alvarez Absent) Motion approving the Consultant Services Agreement, with Precision Civil Engineering, Inc., Harris & Associates, Inc., and Environmental Science Associates (ESA) for Municipal Planning Services, for a period of three years, with two additional one-year renewal options, for an amount not to exceed $300,000 per consultant for an overall total not to exceed $900,000 and forwarding to Council for approval.

Consent

2. Consider authorizing the City Manager, or authorized designee, to approve Agreements with various Public Utility Companies, including Union Pacific Railroad, AT&T, State Lands Commission, and other public agencies as necessary to facilitate the construction of the new 7th Street bridge over the Tuolumne River. (Funding Source: Capital Facilities Fees)
    - Motion approving authorizing the City Manager, or his designee to approve Agreements with various Public Utility Companies, including Union Pacific Railroad, State Lands Commission, and other public agencies as necessary to facilitate the construction of the new 7th Street bridge over the Tuolumne River and forwarding to Council for approval.

CED; Toby Wells, 209-571-5542, twells@modestogov.com

ACTION: (Ricci/Bavaro; 3/0; Alvarez Absent) Motion approving authorizing the City Manager, or his designee to approve Agreements with various Public Utility Companies, including Union Pacific Railroad, State Lands Commission, and other public agencies as necessary to facilitate the construction of the new 7th Street bridge over the Tuolumne River and forwarding to Council for approval.

Consent

3. Consider recommending adoption of the Bylaws for the Measure L Citizens' Transportation Sales Tax Commission and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending adoption of the Bylaws for the Measure L Citizens' Transportation Sales Tax Commission and forwarding to Council for approval.

CED; Toby Wells, 209-571-5542, twells@modestogov.com

ACTION: (Ricci/Bavaro; 3/0; Alvarez Absent) Motion recommending adoption of the Bylaws for the Measure L Citizens' Transportation Sales Tax Commission and forwarding to Council for approval.

Consent

4. Consider accepting the Install Video Detection Cameras Project as complete and forwarding to Council for approval. (Funding Source: Congestion Mitigation and Air Quality)
    - Motion accepting the Install Video Detection Cameras Project as complete and forwarding to Council for approval.

PUBLIC WORKS; Mark Murphy, 209-577-5431, mmurphy@modestogov.com

ACTION: (Ricci/Bavaro; 3/0; Alvarez Absent) Motion accepting the Install Video Detection Cameras Project as complete and forwarding to Council for approval.

Consent

5. Consider accepting Grant Funds for a Safe Streets and Roads for All Grant to create an Action Plan to Analyze Roadway Accidents and forwarding to Council for approval. (Funding Source: Safe Streets for All Grant and Local Measure L)

- Motion approving acceptance of the SS4A $1,000,000 Grant and using Measure L or Surface Transportation funds as the City's 20%, $200,000 match portion of the grant funds received for a project total of $1,200,000, and authorizing the City Manager, or his designee, to execute all related grant documents, and forwarding to Council for approval.

PUBLIC WORKS; Mark Murphy, 209-577-5431, mmurphy@modestogov.com

ACTION: (Ricci/Bavaro; 3/0; Alvarez Absent) Motion approving acceptance of the SS4A $1,000,000 Grant and using Measure L or Surface Transportation funds as the City's 20%, $200,000 match portion of the grant funds received for a project total of $1,200,000, and authorizing the City Manager, or his designee, to execute all related grant documents, and forwarding to Council for approval.

Consent

6. Consider approving a Sole Source Purchase Agreement with Envirogen Technologies, Inc., Rancho Cucamonga, CA, for a Dual MinX Regenerable Ion Exchange Treatment System for a total amount not to exceed $1,509,407, and forwarding to Council for approval. (Funding Source: Water Fund)
    - Motion approving a Sole Source Purchase Agreement with Envirogen Technologies, Inc., Rancho Cucamonga, CA, for a Dual MinX Regenerable Ion Exchange Treatment System for a total amount not to exceed $1,509,407, amending the Fiscal Year 2022/23 Capital Improvement Program Budget in the amount of $1,509,407, and forwarding to Council for approval.

UTILITIES; Jeff Daniels, 209-571-5869, jdaniels@modestogov.com

ACTION: (Ricci/Bavaro; 3/0; Alvarez Absent) Motion approving a Sole Source Purchase Agreement with Envirogen Technologies, Inc., Rancho Cucamonga, CA, for a Dual MinX Regenerable Ion Exchange Treatment System for a total amount not to exceed $1,509,407, amending the Fiscal Year 2022/23 Capital Improvement Program Budget in the amount of $1,509,407, and forwarding to Council for approval.

Consent

7. Consider approving an Agreement for Analytical Laboratory Testing Services to Alpha Analytical Laboratories, Livermore, CA, for a total amount not to exceed $1,837,587 over five years. (Funding Source: Water Fund)
    - Motion approving the Award of Bid and Agreement for Analytical Laboratory Testing Services to Alpha Analytical Laboratories, Livermore, CA for a two-year Agreement with three one-year extension options, for an annual estimated amount of $322,625 with an estimated 6% CPI increase applied for years three through five and for the Fifth Unregulated Contaminant Monitoring Rule (UCMR5) one-time project amount of $103,600 for a total amount not to exceed $1,837,587 over five years, and forwarding to Council for approval.

UTILITIES; Jeff Daniels, 209-342-4585, jdaniels@modestogov.com

ACTION: (Ricci/Bavaro; 3/0; Alvarez Absent) Motion approving the Award of Bid and Agreement for Analytical Laboratory Testing Services to Alpha Analytical

Laboratories, Livermore, CA for a two-year Agreement with three one-year extension options, for an annual estimated amount of $322,625 with an estimated 6% CPI increase applied for years three through five and for the Fifth Unregulated Contaminant Monitoring Rule (UCMR5) one-time project amount of $103,600 for a total amount not to exceed $1,837,587 over five years, and forwarding to Council for approval.

Consent

8. Consider approving an Agreement with Labworks, LLC, Lehi, Utah, for the Annual Maintenance and Support of Labworks LIMS Software, for a total amount not to exceed $96,864 over five years. (Funding Source: Sewer Operation Fund)
    - Motion approving the Sole Source Agreement with Labworks LLC, Lehi, Utah for the Annual Maintenance and Support of Labworks LIMS Software, for a five-year Agreement with an estimated annual amount of $18,048, to include an annual increase of 4%, for a total amount not to exceed $96,864; and forwarding to Council for approval.

    UTILITIES; Jason Farnsworth, 209-577-6255, jfarnsworth@modestogov.com

    ACTION: (Ricci/Bavaro; 3/0; Alvarez Absent) Motion approving the Sole Source Agreement with Labworks LLC, Lehi, Utah for the Annual Maintenance and Support of Labworks LIMS Software, for a five-year Agreement with an estimated annual amount of $18,048, to include an annual increase of 4%, for a total amount not to exceed $96,864; and forwarding to Council for approval.

Consent

9. Consider approving an Agreement for Analytical Laboratory Testing Services to Alpha Analytical Laboratories, Livermore, CA, for a total amount not to exceed $1,677,304 over five years. (Funding Source: Sewer Operation Fund and Storm Drain Fund)
    - Motion approving the Award of Bid and Agreement for Analytical Laboratory Testing Services to Alpha Analytical Laboratories, Livermore, CA, for a two-year Agreement with three one-year extension options, for an annual estimated amount $310,950 with a 6.3% CPI included in years three through five, and a total amount not to exceed $1,677,304 over five years and forwarding to Council for approval.

    UTILITIES; Jason Farnsworth, 209-577-6255, jfarnsworth@modestogov.com

    ACTION: (Ricci/Bavaro; 3/0; Alvarez Absent) Motion approving the Award of Bid and Agreement for Analytical Laboratory Testing Services to Alpha Analytical Laboratories, Livermore, CA, for a two-year Agreement with three one-year extension options, for an annual estimated amount $310,950 with a 6.3% CPI included in years three through five, and a total amount not to exceed $1,677,304 over five years and forwarding to Council for approval.

Consent

10. Consider approving an Engineering Services Agreement with West Yost, of Davis, CA, for the CV-SALTS Nitrate Control Program - Pathway A Compliance Analysis, in an amount not to exceed $243,524. (Funding Source: Wastewater and Compost Funds)

- Motion approving an Agreement with West Yost, of Davis, CA, for the CV-SALTS Nitrate Control Program – Pathway A Compliance Analysis in the amount of $221,385 for the identified scope of services, plus $22,139 in additional services (if needed), for a total amount not to exceed $243,524 and authorizing the City Manager, or his designee to execute the Agreement and forwarding to Council for approval.
- Motion amending the Fiscal Year 2022-23 Multi-Year Program Budget in the amount of $280,024 to be transferred into the Project from Wastewater Reserves to fund the CV-SALTS Nitrate Control Program - Pathway A Compliance Analysis Project and authorizing the City Manager, or his Designee, to implement the provisions of this resolution and forwarding to Council for approval.

UTILITIES; Juan Ochoa, 209-577-5423, jochoa@modestogov.com

ACTION: (Ricci/Bavaro; 3/0; Alvarez Absent) Motion approving an Agreement with West Yost, of Davis, CA, for the CV-SALTS Nitrate Control Program – Pathway A Compliance Analysis in the amount of $221,385 for the identified scope of services, plus $22,139 in additional services (if needed), for a total amount not to exceed $243,524 and authorizing the City Manager, or his designee to execute the Agreement and forwarding to Council for approval.

ACTION: (Ricci/Bavaro; 3/0; Alvarez Absent) Motion amending the Fiscal Year 2022-23 Multi-Year Program Budget in the amount of $280,024 to be transferred into the Project from Wastewater Reserves to fund the CV-SALTS Nitrate Control Program - Pathway A Compliance Analysis Project and authorizing the City Manager, or his Designee, to implement the provisions of this resolution and forwarding to Council for approval.

Consent

11. Consider approving three On-Call Agreements for Materials Testing and Special Inspection Services, with Krazan & Associates, Inc., BSK Associates, and Terracon Consultants, Inc., for a one-year Agreement with two one-year extension options, for an annual amount not to exceed $74,500 per consultant, and a total amount not to exceed $223,500 per consultant over three years. (Funding Source: Various Capital Improvement Program Projects)
    - Motion approving three On-Call Agreements for Materials Testing and Special Inspection Services, with Krazan & Associates, Inc., BSK Associates, and Terracon Consultants, Inc., for a one-year Agreement with two one-year extension options, for an annual amount not to exceed $74,500 per consultant, and a total amount not to exceed $223,500 per consultant over three years.

    UTILITIES; Pete Kambel, 209-577-5444, pkambel@modestogov.com

    ACTION: (Ricci/Bavaro; 3/0; Alvarez Absent) Motion approving three On-Call Agreements for Materials Testing and Special Inspection Services, with Krazan & Associates, Inc., BSK Associates, and Terracon Consultants, Inc., for a one-year Agreement with two one-year extension options, for an annual amount not to exceed

$74,500 per consultant, and a total amount not to exceed $223,500 per consultant over three years.

NEW BUSINESS

12. Consider accepting the General Plan Vision Statement and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion accepting the City of Modesto General Plan Vision Statement and forwarding to Council for approval.

CED; Edgar Garcia, 209-571-5101, edgarcia@modestogov.com

ACTION: (Ricci/Bavaro; 3/0; Alvarez Absent)) Motion accepting the City of Modesto General Plan Vision Statement and forwarding to Council for approval.

13. Consider approving a Design Services Agreement with AECOM of Sacramento CA for the Briggsmore Avenue at State Route 99 Interchange Improvement Project in the amount of $6,380,010, plus $638,001 for additional services, if needed, for a total amount not to exceed $7,018,011, and forwarding to Council for approval. (Funding Source: Regional Surface Transportation Funds (RSTP) and Regional Measure L funds)
    - Motion approving a Design Services Agreement with AECOM of Sacramento, CA for the Briggsmore Avenue at State Route 99 Interchange Improvement Project in the amount of $6,380,010, plus $638,001 for additional services, if needed, for a total amount not to exceed $7,018,011, and forwarding to Council for approval.

CED; Toby Wells, 209-571-5542, twells@modestogov.com

ACTION: (Bavaro/Ricci; 3/0; Alvarez Absent)) Motion approving a Design Services Agreement with AECOM of Sacramento, CA for the Briggsmore Avenue at State Route 99 Interchange Improvement Project in the amount of $6,380,010, plus $638,001 for additional services, if needed, for a total amount not to exceed $7,018,011, and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:19 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, April 04, 2023 at 5:30 PM

Roll Call - Councilmembers Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

Pledge of Allegiance to the Flag

Invocation: Jeff Pishney, LSC

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Sanchez reported on the Existing Litigation item under Closed Session (Seever et al v. City of Modesto, et al). The parties have agreed to settle the case for a global settlement, in the amount of $ 7,500,000. This will end the litigation in the consolidated civil lawsuits. The Council unanimously voted to move forward with this settlement.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation declaring April 9-15 as Emergency Dispatch Appreciation Week. (Funding Source: Not Applicable)
   CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

   ACTION: Mayor Zwahlen presented a Proclamation declaring April 9-15 as Emergency Dispatch Appreciation Week.

2. Proclamation declaring April as National Volunteer Month. (Funding Source: Not Applicable)
   CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

   ACTION: Mayor Zwahlen presented a Proclamation declaring April as National Volunteer Month.

3. Proclamation declaring April as Fair Housing Month. (Funding Source: Not Applicable)

CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

ACTION: Mayor Zwahlen presented a Proclamation declaring April as Fair Housing Month.

MISCELLANEOUS

4. Consider appointing Cecil Russell to the City of Modesto Planning Commission with a term expiration of January 1, 2027. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution appointing Cecil Russell to the City of Modesto Planning Commission with a term expiration of January 1, 2027.

CED; Jessica Hill, 209-577-5267, jhill@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-124 appointing Cecil Russell to the City of Modesto Planning Commission with a term expiration of January 1, 2027.

5. Consider appointing Jose Vazquez as the Planning Commission Representative to the Citizens Housing and Community Development Committee for 2023, with a term expiration of December 31, 2023. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution appointing Jose Vazquez as the 2023 Planning Commission Representative to the Citizens Housing and Community Development Committee (CH&CDC) with a term expiration of December 31, 2023.

CED; Jessica Hill, 209-577-5267, jhill@modestogov.com

ACTION: (Escutia-Braaton/Alvarez; 7/0) Resolution 2023-125 appointing Jose Vazquez as the 2023 Planning Commission Representative to the Citizens Housing and Community Development Committee (CH&CDC) with a term expiration of December 31, 2023.

6. Consider approving the reappointment of John Bergman to the Board of Building Appeals with a term expiration of January 1, 2027. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution approving the reappointment of John Bergman to the Board of Building Appeals to a second four-year term, with a term expiration of January 1, 2027.

CED; Oscar Diaz, 209-571-5885, odiaz@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-126 approving the reappointment of John Bergman to the Board of Building Appeals to a second four-year term, with a term expiration of January 1, 2027.

7. Consider approving the reappointments of Shane Cooper and Jim McKay to the Modesto City-County Airport Advisory Committee for an additional four-year term. (Funding Source: Not Applicable)

Staff Recommendation:

- Resolution approving the reappointments of Jim McKay and Shane Cooper to the Modesto City-County Airport Advisory Committee for an additional four-year term.

PUBLIC WORKS; Gabe da Silva, 209-577-5319, gdasilva@modestogov.com

ACTION: (Wright/Williams; 7/0) Resolution 2023-127 approving the reappointments of Jim McKay and Shane Cooper to the Modesto City-County Airport Advisory Committee for an additional four-year term.

PUBLIC COMMENT PERIOD

- Ron Cherrier voiced his concerns about safety at the corner of Stoddard and Terminal Avenue. There is currently a roadway project at that intersection, and he is worried about the lack of signing and other issues.

- Steve commented about Councilmember Bavaro and comments at a recent meeting.

- Kayla Inthavons asked Council to help celebrate the Cambodian New Year by attending the April 15, 2023, event they are planning on Grimes Ave. They asked Council to help promote cultural diversity by attending and asked for a proclamation.

- Frank Johnson commented about issues riding on Dial a Ride.

- Brittoni Chavez spoke about the shooting of her husband Paul Chavez, Jr. She also commented on Officers Muncy and Valencia. She asked for accountability and change.

- Nasson Sanchez, thanked Councilmembers Williams, Ricci, Alvarez, and Escutia-Braaton for joining them last Friday at the Cesar Chavez tribute. He also asked the Council to repeal the no cruising ordinance.

- Loretta Carhart spoke about buses and youth smoking and drinking on the buses. She also commented on the Police Officers rights.

- Emerson Drake commented on appointments made to committees and stated that effort is needed for new people to serve on City committees.

- Ramon Rodriguez spoke about homeless encampments in the airport neighborhood and stated something needs to be done for the homeless.

- Theresa Clutter spoke about the shooting of Paul Chavez and is seeking accountability. She inquired about an elderly person that attended Council meetings and further commented about housing issues and affordability in Modesto.

- Jerry Thompson reported that National City is lifting the ban on cruising. He provided an update on AB 436. He hopes an item about lifting the ban on cruising gets placed on the agenda soon.

Recessed: 6:43 pm
Reconvened: 6:48 pm

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 8-28: (Wright/Ricci; 7/0)

CONSENT

Consent

8. Consider approving the minutes from the March 14, 2023 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the March 14, 2023 Council Meeting.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Wright/Ricci; 7/0) Motion approving the minutes from the March 14, 2023 Council Meeting.

Consent

9. Consider approving a Design Services Agreement with WMH Corporation of San Jose, CA for the Standiford Avenue at State Route 99 Interchange Improvement Project in the amount of $6,450,665, plus $645,066 for additional services, if needed, for a total amount not to exceed $7,095,731, and authorizing the City Manager, or his designee to execute the Agreement; and amending the Fiscal Year 2022-23 Capital Improvement Program project 101182 budget in the amount of $3,500,000. (Funding Source: Streets Capital Facilities Fee and Regional Measure L Funds)
    - Resolution approving a Design Services Agreement with WMH Corporation of San Jose, CA for the Standiford Avenue at State Route 99 Interchange Improvement Project in the amount of $6,450,665, plus $645,066 for additional services, if needed, for a total amount not to exceed $7,095,731, and authorizing the City Manager, or his designee to execute the Agreement.
    - Resolution amending the Fiscal Year 2022-23 Capital Improvement Program project 101182 budget in the amount of $3,500,000 and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this Resolution.

    CED; Toby Wells, 209-571-5542, twells@modestogov.com

ACTION: (Wright/Ricci; 7/0) Resolution 2023-128 approving a Design Services Agreement with WMH Corporation of San Jose, CA for the Standiford Avenue at State Route 99 Interchange Improvement Project in the amount of $6,450,665, plus $645,066 for additional services, if needed, for a total amount not to exceed $7,095,731, and authorizing the City Manager, or his designee to execute the Agreement.

ACTION: (Wright/Ricci; 7/0) Resolution 2023-129 amending the Fiscal Year 2022-23 Capital Improvement Program project 101182 budget in the amount of $3,500,000 and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this Resolution.

Consent

10. Consider accepting the Monthly Investment Report for December 2022. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for December 2022.

    FINANCE DEPARTMENT; Calogero Maniscalco, 209-577-5219, cmaniscalco@modestogov.com

    ACTION: (Wright/Ricci; 7/0) Motion accepting the Monthly Investment Report for December 2022.

Consent

11. Consider accepting an Informational Report for the February 2023 Accounts Payable Payment Register and Void Report. (Funding Source: Not Applicable)
    - Motion accepting an Informational Report for the February 2023 Accounts Payable Payment Register and Void Report.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

    ACTION: (Wright/Ricci; 7/0) Motion accepting an Informational Report for the February 2023 Accounts Payable Payment Register and Void Report.

Consent

12. Consider accepting an Informational Report on the November and December 2022 Grant Applications and Awards. (Funding Source: Not Applicable)
    - Motion accepting an Informational Report for the November and December 2022 Grant Applications and Awards.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

    ACTION: (Wright/Ricci; 7/0) Motion accepting an Informational Report for the November and December 2022 Grant Applications and Awards.

Consent

13. Consider approving the Purchase for one Fleet Addition of a Thermoplastic Premelter Trailer in the amount not to exceed $94,925. (Funding Source: Surface Transportation Fund)
    - Resolution approving the Award of Bid for one Thermoplastic Premelter Trailer to Dispensing Technology Corporation, Oxnard, CA for a total amount not to exceed $94,925; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order; and authorizing the Purchasing Manager or her designee to execute any Change Orders not to exceed 2% of the total purchase price.

    FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

    ACTION: (Wright/Ricci; 7/0) Resolution 2023-130 approving the Award of Bid for one Thermoplastic Premelter Trailer to Dispensing Technology Corporation, Oxnard, CA for a total amount not to exceed $94,925; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order; and authorizing the Purchasing Manager or her designee to execute any Change Orders not to exceed 2% of the total purchase price.

Consent

14. Consider approving the Purchase for one Fleet Replacement in the amount not to exceed $52,493 and approving the implementation of the Electric Vehicle Pilot Program for the Modesto Police Department. (Funding Source: Fleet Replacement Fund and Supplemental Law Enforcement Services Fund)
    - Resolution approving the Purchase with Towne Ford Sales, Redwood City, CA for one Ford Mustang for an amount not to exceed $52,493; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

    FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

    ACTION: (Wright/Ricci; 7/0) Resolution 2023-131 approving the Purchase with Towne Ford Sales, Redwood City, CA for one Ford Mustang for an amount not to exceed $52,493; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

Consent

15. Consider approving a First Amendment to the Purchasing Agreement with VSS Emultech, Modesto, CA for slurry oil for a revised total amount $5,252,760 over five years. (Funding Source: Surface Transportation, Water, Wastewater and Storm Drain Funds)
    - Resolution approving the First Amendment increasing the Agreement amount with VSS Emultech, Modesto, CA for slurry oil by $3,213,920 from $2,038,840 to a new total amount of $5,252,760 over five years; and authorizing the Director of Finance or her designee to execute the Amendment.

    FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

    ACTION: (Wright/Ricci; 7/0) Resolution 2023-132 approving the First Amendment increasing the Agreement amount with VSS Emultech, Modesto, CA for slurry oil by

$3,213,920 from $2,038,840 to a new total amount of $5,252,760 over five years; and authorizing the Director of Finance or her designee to execute the Amendment.

Consent

16. Consider approving the First Amendment to Agreement with United Pavement Maintenance, Inc., for Hot Patch Work to amend the estimated annual amount from $200,000 to a revised estimated annual amount of $3,906,500 and extend the term of the Agreement from May 21, 2023, to May 21, 2024. (Funding Source: Water Funds, Wastewater Fund, and Stormwater Fund)
    - Resolution approving the First Amendment with United Pavement Maintenance, Hughson, CA., for Hot Patch Work to amend the estimated annual amount from $200,000 to a revised estimated annual amount of $3,906,500 and extend the term of the Agreement from May 21, 2023, to May 21, 2024, and authorizing the Director of Finance, or her designee to execute the First Amendment.

    FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

    ACTION: (Wright/Ricci; 7/0) Resolution 2023-133 approving the First Amendment with United Pavement Maintenance, Hughson, CA., for Hot Patch Work to amend the estimated annual amount from $200,000 to a revised estimated annual amount of $3,906,500 and extend the term of the Agreement from May 21, 2023, to May 21, 2024, and authorizing the Director of Finance, or her designee to execute the First Amendment.

Consent

17. Consider approving a Purchasing Agreement with Life-Assist Inc, by utilizing the Competitive Bid Process with National Purchasing Partners (NPP), League of Oregon Cities for Emergency Medical Supplies for a total amount not to exceed $500,000 over five years. (Funding Source: General Fund)
    - Resolution approving a Purchasing Agreement with Life-Assist Inc, by utilizing the Competitive Bid Process with National Purchasing Partners (NPP), League of Oregon Cities for Emergency Medical Supplies for a two-year Agreement with three one-year extension options, for an annual estimated amount of $100,000, and a total amount not to exceed $500,000 over five years; and authorizing the Purchasing Manager, or her designee, to authorize the Agreement.

    FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

    ACTION: (Wright/Ricci; 7/0) Resolution 2023-134 approving a Purchasing Agreement with Life-Assist Inc, by utilizing the Competitive Bid Process with National Purchasing Partners (NPP), League of Oregon Cities for Emergency Medical Supplies for a two-year Agreement with three one-year extension options, for an annual estimated amount of $100,000, and a total amount not to exceed $500,000 over five years; and authorizing the Purchasing Manager, or her designee, to authorize the Agreement.

Consent

18. Consider approving Memorandums of Understanding (MOUs) for Fire Apparatus Fleet Maintenance Services between the City of Modesto, Stanislaus Consolidated Fire Protection District (SCFPD), and the City of Turlock. (Funding Source: General Fund and Fleet Management Fund)
    - Resolution approving a Memorandums of Understanding (MOUs) for Fire Apparatus Fleet Maintenance Services between the City of Modesto, Stanislaus Consolidated Fire Protection District (SCFPD), and the City of Turlock; and authorizing the City Manager, or his designee, to execute the Agreement.

    FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

    ACTION: (Wright/Ricci; 7/0) Resolution 2023-135 approving a Memorandums of Understanding (MOUs) for Fire Apparatus Fleet Maintenance Services between the City of Modesto, Stanislaus Consolidated Fire Protection District (SCFPD), and the City of Turlock; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

19. Consider approving the Purchase of Oracle Cloud Analytics Subscription Software to Mythics, Inc. of Virginia Beach, VA for a term of three-years with an option for two additional years which includes all Software, Licensing, and Configuration for Oracle Analytics Cloud for an amount not to exceed $510,137 and approving an Agreement with Jade Global, Inc., for Professional Services for a term of two years with three 1-year extension options an amount not to exceed $863,080. (Funding Source: Various Funds)
    - Resolution approving the Competitive Bidding Process from the Omnia Partners Cooperative Purchasing Organization, Maricopa County, CA Contract#180233-002, with Mythics, Inc. of Virginia Beach, VA for Purchase of Oracle Cloud Analytics Subscription Software for a total amount not to exceed $510,137 over five years; and authorizing the City Manager, or his designee to execute the Agreement.
    - Resolution approving an Agreement with Jade Global, Inc., for Professional Services for a term of two years with three 1-year extension options for the upgrade from our existing Discoverer Financial Reporting Application to Oracle Analytics Cloud for an amount not to exceed $863,080 over five years; and authorizing the City Manager, or his designee to execute the Agreement.

    IT; James Dotson, 209-571-5508, jadotson@modestogov.com

    ACTION: (Wright/Ricci; 7/0) Resolution 2023-136 approving the Competitive Bidding Process from the Omnia Partners Cooperative Purchasing Organization, Maricopa County, CA Contract#180233-002, with Mythics, Inc. of Virginia Beach, VA for Purchase of Oracle Cloud Analytics Subscription Software for a total amount not to exceed $510,137 over five years; and authorizing the City Manager, or his designee to execute the Agreement.

ACTION: (Wright/Ricci; 7/0) Resolution 2023-137 approving an Agreement with Jade Global, Inc., for Professional Services for a term of two years with three 1-year extension options for the upgrade from our existing Discoverer Financial Reporting Application to Oracle Analytics Cloud for an amount not to exceed $863,080 over five years; and authorizing the City Manager, or his designee to execute the Agreement.

Consent

20. Consider approving a five-year Lease Agreement with Suzanne McElroy for the Modesto Police Department Property and Evidence Facility located at 1124 F Street, Modesto, CA, for an annual estimated amount of $39,600 and a total amount not to exceed $200,000 over five years. (Funding Source: General Fund)
    - Resolution approving a five-year Lease Agreement with Suzanne McElroy for the Modesto Police Department Property and Evidence Facility located at 1124 F Street, Modesto, CA, for an annual estimated amount of $39,600 and a total amount not to exceed $200,000 over five years, and authorizing the City Manager, or his designee, to execute the Agreement.

    PD; Jessica Smart, 209-572-9500, smartj@modestopd.com

    ACTION: (Wright/Ricci; 7/0) Resolution 2023-138 approving a five-year Lease Agreement with Suzanne McElroy for the Modesto Police Department Property and Evidence Facility located at 1124 F Street, Modesto, CA, for an annual estimated amount of $39,600 and a total amount not to exceed $200,000 over five years, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

21. Consider accepting the Airport Layout Plan Grant as complete and authorizing all necessary steps to file with the County Clerk Recorder. (Funding Source: Federal Aviation Administration Grant Funds 90%, with City Local Match of 10% Stanislaus County Aircraft Tax Funds)
    - Resolution accepting the Airport Layout Plan Grant as complete and authorizing all necessary steps to file with the County Clerk Recorder.

    PUBLIC WORKS; Gabe daSilva, 209-577-5319, gdasilva@modestogov.com

    ACTION: (Wright/Ricci; 7/0) Resolution 2023-139 accepting the Airport Layout Plan Grant as complete and authorizing all necessary steps to file with the County Clerk Recorder.

Consent

22. Consider accepting the Tank 5 and 12 Recoat and Repairs Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $1,692,500 to Cal Sierra Construction, Inc., of Carmichael, CA. (Funding Source: Water Fund)
    - Resolution accepting the Tank 5 and 12 Recoat and Repairs Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $1,692,500 to Cal Sierra Construction, Inc., of Carmichael, CA.

UTILITIES; Pete Kambel, 209-577-5444, pkambel@modestogov.com

ACTION: (Wright/Ricci; 7/0) Resolution 2023-140 accepting the Tank 5 and 12 Recoat and Repairs Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $1,692,500 to Cal Sierra Construction, Inc., of Carmichael, CA.

Consent

23. Consider accepting the Dry Creek Trail Maintenance and Orville Wright Elementary Traffic Flow and Safety Improvements Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $878,469 to McFadden Construction, Inc., of Stockton, CA. (Funding Source: Measure L Traffic Management and Bike and Pedestrian Funds)
    - Resolution accepting the Dry Creek Trail Maintenance and Orville Wright Elementary Traffic Flow and Safety Improvements Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $878,469 to McFadden Construction, Inc., Stockton, CA.

    UTILITIES; Pete Kambel, 209-577-5444, pkambel@modestogov.com

    ACTION: (Wright/Ricci; 7/0) Resolution 2023-141 accepting the Dry Creek Trail Maintenance and Orville Wright Elementary Traffic Flow and Safety Improvements Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $878,469 to McFadden Construction, Inc., Stockton, CA.

Consent

24. Consider accepting the Paradise Road Pavement Rehabilitation, STPL-5059(219) Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $1,791,408 to Dirt Dynasty, Inc., of Valley Springs, CA. (Funding Source: Federal Regional Surface Transportation Program (RSTP), Local Measure L Funds)
    - Resolution accepting the Paradise Road Pavement Rehabilitation, STPL-5059(219) Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $1,791,408 to Dirt Dynasty, Inc., of Valley Springs, CA.

    UTILITIES; Pete Kambel, 209-577-5444, pkambel@modestogov.com

    ACTION: (Wright/Ricci; 7/0) Resolution 2023-142 accepting the Paradise Road Pavement Rehabilitation, STPL-5059(219) Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $1,791,408 to Dirt Dynasty, Inc., of Valley Springs, CA.

Consent

25. Consider accepting the Plans and Specifications for the Sutter Trunk Rehabilitation Phase 2 Project and awarding a Construction Contract to A. Teichert & Son, Inc. dba

Teichert Construction, of Roseville, CA, in a total amount not to exceed $5,372,415; approving an Agreement with West Yost Associates, of Sacramento, CA, for Construction Management Services for a total amount not to exceed $660,000; and approving an Agreement with O'Dell Engineering for Engineering Support During Construction Services for a total amount not to exceed $59,783. (Funding Source: Wastewater Fund)

- Resolution approving Plans and Specifications for the Sutter Trunk Rehabilitation Phase 2 Project, accepting the bid, and approving a Construction Contract with A. Teichert & Son, Inc. dba Teichert Construction, of Roseville, CA, in the amount of $4,671,665 plus $700,750 in contingency (if needed), for a total amount not to exceed $5,372,415 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 Sutter Trunk Rehabilitation Phase 2 Project from 8% ($373,734) to 15% ($700,750) of the construction contract price of $4,671,665 with A. Teichert & Son, Inc. dba Teichert Construction, of Roseville, CA.
- Resolution approving an Agreement with West Yost Associates, of Sacramento, CA, for Construction Management Services for the Sutter Trunk Rehabilitation Phase 2 Project in an amount not to exceed $600,000 for the identified scope of services, plus $60,000 in additional services (if needed), for a total amount not to exceed $660,000 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 Services for the Sutter Trunk Rehabilitation Phase 2 Project, in the amount of $54,348 for the identified scope of services, plus $5,435 in additional services (if needed), for a total amount not to exceed $59,783 and authorizing the City Manager, or his designee, to execute the Agreement.
- Resolution amending the Fiscal Year 2022-23 Capital Improvement Program Budget in the amount of $1,455,000 to be transferred into the project from Wastewater Fund Reserves to fund the construction phase of the Sutter Trunk Rehabilitation Phase 2 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: (Wright/Ricci; 7/0) Resolution 2023-143 approving Plans and Specifications for the Sutter Trunk Rehabilitation Phase 2 Project, accepting the bid, and approving a Construction Contract with A. Teichert & Son, Inc. dba Teichert Construction, of Roseville, CA, in the amount of $4,671,665 plus $700,750 in contingency (if needed), for a total amount not to exceed $5,372,415 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Wright/Ricci; 7/0) Resolution 2023-144 authorizing an increase in the Director's authority to issue Change Orders for the Sutter Trunk Rehabilitation Phase 2 Project from 8% ($373,734) to 15% ($700,750) of the construction contract price of $4,671,665 with A. Teichert & Son, Inc. dba Teichert Construction, of Roseville, CA.

ACTION: (Wright/Ricci; 7/0) Resolution 2023-145 approving an Agreement with West Yost Associates, of Sacramento, CA, for Construction Management Services for the Sutter Trunk Rehabilitation Phase 2 Project in an amount not to exceed $600,000 for the identified scope of services, plus $60,000 in additional services (if needed), for a total amount not to exceed $660,000 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Wright/Ricci; 7/0) Resolution 2023-146 approving an Agreement with O'Dell Engineering, of Modesto, CA, for Engineering Support during Construction Services for the Sutter Trunk Rehabilitation Phase 2 Project, in the amount of $54,348 for the identified scope of services, plus $5,435 in additional services (if needed), for a total amount not to exceed $59,783 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Wright/Ricci; 7/0) Resolution 2023-147 amending the Fiscal Year 2022-23 Capital Improvement Program Budget in the amount of $1,455,000 to be transferred into the project from Wastewater Fund Reserves to fund the construction phase of the Sutter Trunk Rehabilitation Phase 2 Project and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

Consent

26. Consider increasing the Director of Utilities authority to issue Change Orders on the Transit Center Improvements and Transit Center Addition Project from eight percent (8%) ($418,686) to ten percent (10%) ($523,358) of the original construction contract price of $5,233,576 with Simile Construction Services, Inc., of Modesto, CA, for a total amount not to exceed $5,756,934. (Funding Source: Federal Transit Administration, Local Transportation Funds, State – SB1 State of Good Repair and Low Carbon Transit Operations Program)
    - Resolution Increasing the Director of Utilities Authority to issue Change Orders for the Transit Center Improvements and Transit Center Addition project from 8% ($418,686) to 10% ($523,358) of the construction contract price of $5,233,576 with Simile Construction Services Inc., of Modesto, CA.

UTILITIES; Cristian Ciotau, 209-577-5260, cciotau@modestogov.com

ACTION: (Wright/Ricci; 7/0) Resolution 2023-148 increasing the Director of Utilities Authority to issue Change Orders for the Transit Center Improvements and Transit Center Addition project from 8% ($418,686) to 10% ($523,358) of the construction contract price of $5,233,576 with Simile Construction Services Inc., of Modesto, CA.

Consent

27. Consider approving the Plans and Specifications for the Re-Bid La Loma - Phase 2C Strengthen & Replace Water Mains Project, accepting the Bid and awarding a Construction Contract to Mozingo Construction Inc., of Oakdale, CA, for a total amount not to exceed $8,531,407 and approving an Agreement with TRC Engineers,

Inc. of Tracy, CA, for Construction Management and Inspection Services for a total amount not to exceed $916,128. (Funding Source: Water Fund)

- Resolution approving plans and specifications for the Re-Bid La Loma - Phase 2C Strengthen & Replace Water Mains Project, accepting the Bid, and approving a Construction Contract with Mozingo Construction Inc., of Oakdale, CA, in the amount of $7,755,824, plus $775,583 in contingency (if needed) for a total amount not to exceed $8,531,407 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 Re-Bid La Loma - Phase 2C Strengthen & Replace Water Mains Project from 8% ($620,466) to 10% ($775,583) of the construction contract amount of $7,755,824 with Mozingo Construction Inc., of Oakdale, CA.
- Resolution approving an Agreement with TRC Engineers, Inc. of Tracy, CA, for Construction Management and Inspection Services for the Re-Bid La Loma - Phase 2C Strengthen & Replace Water Mains Project in the amount of $832,843 plus $83,285 in additional services (if needed) for a total amount not to exceed $916,128 and authorizing the City Manager, or his designee, to execute the Agreement.
- Resolution amending the Fiscal Year 2022-23 Capital Improvement Program Budget in the amount of $7,905,000 to be transferred into the project from the Water Fund in order to fund the construction phase of the Re-Bid La Loma - Phase 2C Strengthen & Replace Water Mains Project and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

UTILITIES; David Felix, 209-577-5488, dfelix@modestogov.com

ACTION: (Wright/Ricci; 7/0) Resolution 2023-149 approving plans and specifications for the Re-Bid La Loma - Phase 2C Strengthen & Replace Water Mains Project, accepting the Bid, and approving a Construction Contract with Mozingo Construction Inc., of Oakdale, CA, in the amount of $7,755,824, plus $775,583 in contingency (if needed) for a total amount not to exceed $8,531,407 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Wright/Ricci; 7/0) Resolution 2023-150 authorizing an increase in the Director's Authority to issue Change Orders for the Re-Bid La Loma - Phase 2C Strengthen & Replace Water Mains Project from 8% ($620,466) to 10% ($775,583) of the construction contract amount of $7,755,824 with Mozingo Construction Inc., of Oakdale, CA.

ACTION: (Wright/Ricci; 7/0) Resolution 2023-151 approving an Agreement with TRC Engineers, Inc. of Tracy, CA, for Construction Management and Inspection Services for the Re-Bid La Loma - Phase 2C Strengthen & Replace Water Mains Project in the amount of $832,843 plus $83,285 in additional services (if needed) for a total amount not to exceed $916,128 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Wright/Ricci; 7/0) Resolution 2023-152 amending the Fiscal Year 2022-23 Capital Improvement Program Budget in the amount of $7,905,000 to be transferred into the project from the Water Fund in order to fund the construction phase of the Re-Bid La Loma - Phase 2C Strengthen & Replace Water Mains Project and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

Consent

28. Consider approving an Agreement with Larry Walker Associates (LWA) for the Monitoring and Management of the City of Modesto's Stormwater Program and Regulatory Compliance, for a total amount not to exceed $1,100,000 over five years. (Funding Source: Storm Drainage Fund)
    - Resolution approving an Agreement with Larry Walker Associates for the Monitoring and Management of the City of Modesto's Stormwater Program and Regulatory Compliance Services, for an annual estimated amount of $200,000 plus $100,000 in additional services (if needed), and a total amount not to exceed $1,100,000 over five years; and authorizing the City Manager, or his designee, to execute the Agreement.

    UTILITIES; Jason Farnsworth, 209-577-6255, jfarnsworth@modestogov.com

    ACTION: (Wright/Ricci; 7/0) Resolution 2023-153 approving an Agreement with Larry Walker Associates for the Monitoring and Management of the City of Modesto's Stormwater Program and Regulatory Compliance Services, for an annual estimated amount of $200,000 plus $100,000 in additional services (if needed), and a total amount not to exceed $1,100,000 over five years; and authorizing the City Manager, or his designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

Councilmember Bavaro reported that Fire Captain Doug McCullough passed away this past weekend. A Celebration of Life service will be held, Tuesday, April 11th at 11:00 a.m. at The House, located at 1601 Coffee Road. He asked for a moment of silence in honor of Captain McCullough.

Councilmember Alvarez reported on recent activities. On March 25, 2023, he, and Councilmember Escutia-Braaton attended the first Latino Leadership Summit in Ceres. On Sunday March 26, he and Councilmember Williams attended a Cambodian Community meeting in District 2. This past Friday, he marched alongside the United Farm Workers Union with Ceres Mayor Lopez, and Senator Marie Alvarado-Gil, to honor the life and legacy of Cesar Chavez. Attended the Stanislaus Latino Chamber of Commerce, Government Relations Committee on April 2. Participated as a panelist at MJC Latin Comic Arts Festival to discuss the importance of literature that reflects the Latino experience. He also reported on being briefed on a development in the Robertson Road area.

Vice Mayor Ricci reported that he is pleased with the results they are seeing on everything from housing to Chat Workers and Rangers. He likes the direction that the City is headed. He hears about a lot of issues every day and he wanted to mention a few things that they are working on.

Some of the things being worked on are abandoned commercial buildings. He acknowledges the complaints about green cans and the weekly pickup is not working for people and wanted to acknowledge that they hear the complaints. He is hopeful that in the next few months adjustments can be made. He is also interested in seeing improvements in Graceada Park, especially in terms of the restrooms and the Gazebo.

Councilmember Escutia-Braaton thanked Council Member Bavaro for his comments and the moment of silence for Fire Captain Doug McCullough. She also reported that she serves as the Chair of the Appointments Committee and wanted to provide an update on recent activities of the Committee. The Committee is currently in the middle of the interviews for the Community Police Review Board. Over 70 applications were received. The applications were vetted very thoroughly and out of those applications approximately 45 individuals were invited to come before the Committee for an interview. She also reported that the Appointments Committee is embarking on the review of applications to the Measure H Oversight Board and the Audit Committee. She further reported on the responsibilities of the Appointments Committee and encouraged the public to apply to serve on the various City Boards, Commissions and Committees. Applications are available online on the City's website.

Mayor Zwahlen reported on activities this past week. She was invited to participate in the Modesto Junior College Women in Leadership Forum. She also attended the Downey High School Construction Education Showcase. In addition, she, and Council Member Escutia-Braaton attended the Stanislaus Union Elementary School Suicide Prevention Program. She also attended Career Day at Bret Harte Elementary and toured the Connecting Waters Charter School on Briggsmore. Lastly, she attended the Latina Leadership Scholarship reception at Modesto Junior College and was also invited to meet with the Gregory High School Future Business Leaders of America.

Councilmember Williams stated that it is wonderful to hear all the things going on in Modesto and that his colleagues are involved with moving Modesto forward. He appreciates the collaboration between them to make a difference in the community. He reported on recently attending the Stanislaus Chinese Association Annual Spring Festival & Year of the Rabbit Celebration at the Centre Plaza. He also attended the BSU of California event. He also reported that Love Modesto is coming up. He has been a part of it for several years now. Persons interested in participating can sign up online at https://lovemodesto.com/. This past Friday, he attended the Stanislaus County Cesar Chavez event on Cornucopia Way at the Harvest Hall. Followed by an event at Cesar Chavez Park and after that the March. He was happy to see a few fellow Council Members participating in the walk. Lastly, he wished everyone a Happy Easter.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on March 24, 2023

29. Hearing to consider adopting an Ordinance amending Section 27-3-9 of the Zoning Map to rezone property from Low-Density Residential, R-1, to Medium-High Density Residential, R-3, located 1505 and 1513 Scenic Drive. (Funding Source: Applicant Fees)
    - Motion introducing and waiving the first reading of an Ordinance amending Section 27-3-9 of the Zoning Map of the City of Modesto to rezone from Low-Density Residential, R-1, to Medium-High Density Residential, R-3, properties located at 1505 and 1513 Scenic Drive.
    - 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 from Low-Density Residential (R-1) Zone to Medium-High Density Residential (R-3) Zone, properties located at 1505 and 1513 Scenic Drive.

    CED; Michael Arroyo, 209-577-5272, marroyo@modestogov.com

    ACTION: (Bavaro/Ricci; 7/0) Motion introducing and waiving the first reading of Ordinance 376-C.S. amending Section 27-3-9 of the Zoning Map of the City of Modesto to rezone from Low-Density Residential, R-1, to Medium-High Density Residential, R-3, properties located at 1505 and 1513 Scenic Drive.

    ACTION: (Bavaro/Williams; 7/0) Resolution 2023-154 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 from Low-Density Residential (R-1) Zone to Medium-High Density Residential (R-3) Zone, properties located at 1505 and 1513 Scenic Drive.

Published in the Modesto Bee on March 24, 2023

30. Hearing to consider an Ordinance amending Section 10-4.102 of Title 10, Chapter 4 (Development Standards), Article 1 (Residential Zones); repealing Section 10-4.115 and Section 10-4.116 of Title 10, Chapter 4 (Development Standards), Article 1 (Residential Zones); adding Article 5 regarding Accessory Dwelling Units to Title 10, Chapter 4 (Development Standards); and repealing and replacing Chapter 8 of Title 10 regarding Density Bonus and Affordable Housing. (Funding Source: General Fund)
    - Motion introducing and waiving the first reading of an Ordinance amending Section 10-4.102 of Title 10, Chapter 4 (Development Standards), Article 1 (Residential Zones); repealing Section 10-4.115 and Section 10-4.116 of Title 10, Chapter 4 (Development Standards), Article 1 (Residential Zones); adding Article 5 regarding Accessory Dwelling Units to Title 10, Chapter 4 (Development Standards); and repealing and replacing Chapter 8 of Title 10 regarding Density Bonus and Affordable Housing.

    CED; Diana Lowrance, 209-577-5302, dlowrance@modestogov.com

    ACTION: (Ricci/Alvarez; 7/0) Motion introducing and waiving the first reading of an Ordinance 3762-C.S. amending Section 10-4.102 of Title 10, Chapter 4 (Development Standards), Article 1 (Residential Zones); repealing Section 10-4.115 and Section 10-4.116 of Title 10, Chapter 4 (Development Standards), Article 1 (Residential Zones);

adding Article 5 regarding Accessory Dwelling Units to Title 10, Chapter 4 (Development Standards); and repealing and replacing Chapter 8 of Title 10 regarding Density Bonus and Affordable Housing.

Published in the Modesto Bee on March 24, 2023

31. Hearing to consider final adoption of Ordinance 3760-C.S. repealing and replacing Chapter 1 of Title 3 of the Modesto Municipal Code amending the City's Fire Code to adopt the 2022 California Fire Code. (Funding Source: Not Applicable)
    - Motion adopting Ordinance 3760-C.S. repealing and replacing Chapter 1 of Title 3 of the Modesto Municipal Code amending the City's Fire Code to adopt the 2022 California Fire Code.

    FIRE DEPARTMENT; Darin Jesberg, 209-577-9139, djesberg@modestofire.com

    ACTION: (Escutia-Braaton/Williams; 7/0) Motion adopting Ordinance 3760-C.S. repealing and replacing Chapter 1 of Title 3 of the Modesto Municipal Code amending the City's Fire Code to adopt the 2022 California Fire Code.

Published in the Modesto Bee on March 24, 2023

32. Hearing to consider approving the application of Heavenly Transport, LLC, and authorizing the issuance of 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 Heavenly Transport, LLC and authorizing the issuance of a Permit to operate as a Non-Emergency Medical Transport Company in the City of Modesto.

    PD; Robert Reyna, 209-572-9500, reynar@modestopd.com

    ACTION: (Alvarez/Wright; 7/0) Resolution 2023-155 approving the application of Heavenly Transport, LLC and authorizing the issuance of a Permit to operate as a Non-Emergency Medical Transport Company in the City of Modesto.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:41 pm

All Closed Session Matters heard prior to meeting.

CLOSED SESSION

1. Consider appointing Real Property Negotiators Travis Weeks, Right of Way Consultant and Jose M. Sanchez, City Attorney for Property: APN: 037-050-018.

- Motion appointing Real Property Negotiators Travis Weeks, Right of Way Consultant

and Jose M. Sanchez, City Attorney for Property: APN: 037-050-018.
City Attorney, Jose M. Sanchez, 577-5284, jsanchez@modestogov.com

ACTION: (Wright/Escutia-Braaton; 6/0) Motion appointing Real Property Negotiators Travis Weeks, Right of Way Consultant and Jose M. Sanchez, City Attorney for Property: APN: 037-050-018.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Two Cases
(Pursuant to Section 54956.9(d)(1) of the Government Code)
Name of Case: **Seever et al. v. City of Modesto et al**.
United States Eastern District
Case No.: 1:21-cv-01373

Stephanie Lopez v. City of Modesto, et al.
Superior Court of California, County of Stanislaus
Stanislaus County Case No.: CV-21

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

Property: Paradise Road and Chicago, Modesto CA 95351 – APN 037-050-018

Property Owners: Northern Suncrest Apartments LLC, (Joe Wu and Gloria Wu)

Negotiating Parties:
For City: Travis Weeks, Right of Way Consultant
Jose M. Sanchez, City Attorney

For Owner: Joe Wu

Under Negotiation: Price and Terms

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:_____
Diane Nayares-Perez, City Clerk

MINUTES

City of Modesto

SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP

Room 2001-40 Del Puerto Room
Tenth Street Place
1010 10th Street. Modesto, California

Monday, April 10, 2023 at 4:00 PM

Roll Call: Present: Councilmembers Williams, Bavaro (alternate), Chair Ricci
Absent: Councilmember Escutia-Braaton

PUBLIC COMMENTS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEMS 1-4 (Bavaro/Williams; 3/0; Escutia-Braaton Absent)

CONSENT

Consent

1. Consider approving the submission of an Application for the Fiscal Year 2023-2024 Cal Fire Volunteer Fire Capacity (VFC) 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 forwarding to Council for approval. (Funding Source: General Fund)
    - Motion approving the submission of an Application for the Fiscal Year 2023-2024 Cal Fire Volunteer Fire Capacity (VFC) 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 forwarding to Council for approval.

FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

ACTION: (Bavaro/Williams; 3/0; Escutia-Braaton Absent) Motion approving the submission of an Application for the Fiscal Year 2023-2024 Cal Fire Volunteer Fire Capacity (VFC) 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 forwarding to Council for approval

Consent

2. Consider approving an Agreement with Callander Associates Landscape Architecture Inc. to prepare construction documentation for the Dr. Martin Luther King Jr. Park

Renovation Project for a total amount not to exceed $753,419 and forwarding to Council for approval. (Funding Source: Proposition 68 – California Statewide Park Program)

- Motion approving an Agreement with Callander Associates Landscape Architecture Inc. to prepare construction documentation for the Dr. Martin Luther King Jr. Park Renovation Project for a total amount of $684,927, plus $68,492 for additional services, if needed, for an agreement total not to exceed $753,419, and forwarding to Council for approval.

PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Bavaro/Williams; 3/0; Escutia-Braaton Absent) Motion approving an Agreement with Callander Associates Landscape Architecture Inc. to prepare construction documentation for the Dr. Martin Luther King Jr. Park Renovation Project for a total amount of $684,927, plus $68,492 for additional services, if needed, for an agreement total not to exceed $753,419, and forwarding to Council for approval.

Consent

3. Consider approving the sale of 3.948 Acres of real property at 1500 Robertson Road jointly owned by the City of Modesto, the City of Ceres and the County of Stanislaus as part of the Tuolumne River Regional Park for $470,000 to the Stanislaus Regional Housing Authority to be used for construction of Parque Rio, a 92-unit multi-family affordable housing development and forwarding to Council for approval. (Funding Source: TRRP Operating Fund)

   - Motion approving the sale of 3.948 Acres of real property at 1500 Robertson Road jointly owned by the City of Modesto, the City of Ceres and the County of Stanislaus as part of the Tuolumne River Regional Park for $470,000, to the Stanislaus Regional Housing Authority to be used for construction of Parque Rio, a 92-unit multi-family affordable housing development; authorizing the City Manager, or his designee, to execute the Purchase and Sale Agreement, and all related documents required to complete the transaction and close of escrow and forwarding to Council for approval.

PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Bavaro/Williams; 3/0; Escutia-Braaton Absent) Motion approving the sale of 3.948 Acres of real property at 1500 Robertson Road jointly owned by the City of Modesto, the City of Ceres and the County of Stanislaus as part of the Tuolumne River Regional Park for $470,000, to the Stanislaus Regional Housing Authority to be used for construction of Parque Rio, a 92-unit multi-family affordable housing development; authorizing the City Manager, or his designee, to execute the Purchase and Sale Agreement, and all related documents required to complete the transaction and close of escrow and forwarding to Council for approval.

Consent

4. Consider approving a First Amendment to the Cell Tower Site Lease Agreement at Robertson Road Park with MetroPCS California, LLC, (MetroPCS) to extend the maximum term of the Agreement through July 31, 2052, and forwarding to Council for approval. (Funding Source: Cell Tower Facility Rental Revenue)
    - Motion approving a First Amendment to the Cell Tower Site Lease Agreement at Robertson Road Park with MetroPCS California, LLC, (MetroPCS) to extend the maximum term of the Agreement through July 31, 2052, and forwarding to Council for approval.

PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Bavaro/Williams; 3/0; Escutia-Braaton Absent) Motion approving a First Amendment to the Cell Tower Site Lease Agreement at Robertson Road Park with MetroPCS California, LLC, (MetroPCS) to extend the maximum term of the Agreement through July 31, 2052, and forwarding to Council for approval.

NEW BUSINESS

5. Consider accepting the Modesto Police Department's annual Military Equipment report, renewing Ordinance No. 3745-C.S. which authorizes the department's Military Equipment Use Policy (Policy 710), authorizing the purchase of additional equipment that qualifies as "military equipment", and forwarding to Council for approval. (Funding Source: General Fund, Supplemental Law Enforcement Services Fund, Asset Forfeiture Funds, and/or Police Grant Funds)
    - Motion accepting the Modesto Police Department's annual Military Equipment report, renewing Ordinance No. 3745-C.S. which authorizes the department's Military Equipment Use Policy (Policy 710), authorizing the purchase of additional equipment that qualifies as "military equipment", and forwarding to Council for approval.

POLICE; Jason Grogan, 209-572-9500, groganj@modestopd.com

ACTION: (Bavaro/Williams; 3/0; Escutia-Braaton Absent) Motion accepting the Modesto Police Department's annual Military Equipment report, renewing Ordinance No. 3745-C.S. which authorizes the department's Military Equipment Use Policy (Policy 710), authorizing the purchase of additional equipment that qualifies as "military equipment", and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:14 PM.

Attest: _____
Dana Sanchez, Assistant City Clerk

MINUTES

City of Modesto

SPECIAL APPOINTMENTS COMMITTEE / COUNCIL WORKSHOP

2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, April 11, 2023 at 8:00 AM – 10:30 AM *(Interviews)*

Tuesday, April 11, 2023 at 4:00 PM

Roll Call Present: Rosa Escutia-Braaton, Chair
Chris Ricci, Vice-Chair
Jeremiah Williams, Member

Tuesday, April 11, 2023 at 8:00 AM – 10:30 AM

PUBLIC COMMENTS

None.

UNFINISHED BUSINESS

1. Conduct first round of interviews of all eligible applicants for the Community Police Review Board. (Funding Source: Not Applicable)
   CITY MANAGER; Allison Van Guilder, 209-577-5228, avanguilder@modestogov.com

Recessed: 9:12 am
Reconvened: 10:31 am

ACTION: Day 3 of interviews were held. No Reportable Action.

ADJOURNMENT TO 4:00 PM

Tuesday, April 11, 2023 at 4:00 PM

PUBLIC COMMENTS

None.

NEW BUSINESS

2. Discuss and Deliberate Community Police Review Board applicants with the highest-ranking scores invited to a second interview. (Funding Source: Not Applicable)
   - Motion selecting applicants invited to a second interview.

   CITY MANAGER; Allison Van Guilder, 209-577-5228, avanguilder@modestogov.com

ACTION: **(Williams/Ricci; 3/0)** Motion directing staff to invite the fifteen (15) highest-ranking CPRB applicants for a second interview with the Appointments Committee.

The fifteen (15) applicants invited to a second interview are as follows:

	Applicant Name
1	Wendy Byrd
2	Sandra Lucas
3	Trish Christensen
4	Nancy Smith
5	Julie Nelson
6	Brad Hawn
7	Latricia Janeen Beasley
8	Kenneth S Bryant
9	Austin Grant
10	Eileen VerHulst
11	Nico Solorio
12	Frank Damrell
13	Nicolas C. Sottero
14	Steven Finch
15	Douglas K Highiet

ADJOURNMENT

This meeting adjourned at 4:13 p.m.

Attest: _____
Diane Nayares-Perez, City Clerk

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, April 11, 2023 at 5:30 PM

Roll Call – Present: Councilmembers Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

Pledge of Allegiance to the Flag

Invocation: Edward Eissabake, St. John's Assyrian Evangelical Presbyterian Church

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Sanchez reported that the City Council met in closed session on one item related to litigation, related to the national prescription, opioid litigation. (6/1 vote with Vice Mayor, Ricci voting No). City Council directed the City Manager and the City Attorney to take the necessary actions to participate in this round of settlements that will allow additional funds to be delivered to the City to be used for combating the negative impacts of opioids.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation declaring April 22, 2023 as Earth Day. (Funding Source: Not Applicable)
   CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

   ACTION: Mayor Zwahlen presented a Proclamation declaring April 22, 2023 as Earth Day.

2. Proclamation declaring April as Genocide Awareness Month (Funding Source: Not Applicable)
   CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

   ACTION: Mayor Zwahlen presented a Proclamation declaring April as Genocide Awareness Month

3. Proclamation declaring the week of April 10 -14, 2023 as Community Development Week. (Funding Source: Not Applicable)
CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: Mayor Zwahlen presented a Proclamation declaring the week of April 10 - 15 as Community Development Week.

MISCELLANEOUS

4. Consider accepting the resignation of Hank Pollard from the City of Modesto Planning Commission. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution accepting the resignation of Hank Pollard from the City of Modesto Planning Commission.

CED; Jessica Hill, 209-577-5267, jhill@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-156 accepting the resignation of Hank Pollard from the City of Modesto Planning Commission.

5. Consider accepting the resignation of Tim Fisher from the Modesto Convention and Visitors Bureau Board of Directors. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution accepting the resignation of Tim Fisher from the Modesto Convention and Visitors Bureau Board of Directors,

PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Williams/Ricci; 7/0) Resolution 2023-157 accepting the resignation of Tim Fisher from the Modesto Convention and Visitors Bureau Board of Directors,

6. Consider appointing Chad Hilligus and Amber Lingley and reappointing Bert Tabrizi and Rodney Cordova, to the Modesto Convention and Visitors Bureau Board of Directors, for a two-year term retroactive to January 1, 2023 through December 31, 2024 (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution appointing Chad Hilligus and Amber Lingley to the Modesto Convention and Visitors Bureau Board of Directors for a two-year term retroactive to January 1, 2023 through December 31, 2024.
- Resolution reappointing Bert Tabrizi and Rodney Cordova to the Modesto Convention and Visitors Bureau Board of Directors for a two-year term retroactive to January 1, 2023 through December 31, 2024.

PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Escutia-Braaton/Alvarez; 7/0) Resolution 2023-158 appointing Chad Hilligus and Amber Lingley to the Modesto Convention and Visitors Bureau Board of Directors for a two-year term retroactive to January 1, 2023 through December 31, 2024.

ACTION: (Escutia-Braaton/Alvarez; 7/0) Resolution 2023-159 reappointing Bert Tabrizi and Rodney Cordova to the Modesto Convention and Visitors Bureau Board of Directors for a two-year term retroactive to January 1, 2023 through December 31, 2024.

PUBLIC COMMENT PERIOD

- Susan Mendieta-Beasley, executive Director of the Parent Resource Center invited the Council and public to attend the 30th Anniversary of the Parent Resource Center on April 27, 2023. On April 28th they will recognize Child Remembrance Day, and Child Abuse Prevention month. They will be observing Child Remembrance Day at 10 a.m. with a moment of silence to remember those children that have experienced child abuse.

- Ramon Rodriguez spoke about exit 26 B on HWY 132 and issues with that exit. He also commented that the traffic lights were not aligned well with the exit. He also commented on genocide awareness and asked the Council to take a stand against hate.

- Tina Perez Tateo asked the Council to place an item on the agenda to discuss lifting the ban on cruising. She also spoke about the City of Nation lifting the ban on cruising and how the Modesto Cruisers volunteered by having a few classic cars at the Awesome Spot.

- Adrian Harrell, New Bridge Management presented the Modesto City Cities International Report. She also invited the Council to attend a reception for the Ukrainian Mayors that will be visiting within the next couple of weeks.

- Bethany Hunt stated she is speaking on behalf of part time employees and spoke about hazard pay. She spoke in support of Covid-19 hazard pay for retirees.

- Patricia spoke about her employment at Stanislaus County, Child Welfare, and issues with the County.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 7-15; 17-30: (Bavaro/Wright; 7/0)

CONSENT

Consent

7. Consider approving the minutes from the April 4, 2023 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the April 4, 2023 Council Meeting.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Bavaro/Wright; 7/0) Motion approving the minutes from the April 4, 2023 Council Meeting.

Consent

8. Consider approving Final Adoption of Ordinance 3761-C.S. amending Section 27-3-9 of the Zoning Map of the City of Modesto to Rezone from Low-Density Residential, r-1, to Medium-High Density Residential, r-3, properties located 1505 and 1513 Scenic Drive (City of Modesto). (Funding Source: Not Applicable)
    - Motion approving Final Adoption of Ordinance 3761-C.S. amending Section 27-3-9 of the Zoning Map of the City of Modesto to Rezone from Low-Density Residential, r-1, to Medium-High Density Residential, r-3, properties located 1505 and 1513 Scenic Drive (City of Modesto).

CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

ACTION: (Bavaro/Wright; 7/0) Motion approving Final Adoption of **Ordinance 3761-C.S**. amending Section 27-3-9 of the Zoning Map of the City of Modesto to Rezone from Low-Density Residential, r-1, to Medium-High Density Residential, r-3, properties located 1505 and 1513 Scenic Drive (City of Modesto).

Consent

9. Consider approving Final Adoption of Ordinance 3762-C.S. amending Section 10-4.102 of Title 10, Chapter 4 (Development Standards), Article 1 (Residential Zones); repealing Section 10-4.115 and Section 10-4.116 of Title 10, Chapter 4 (Development Standards), Article 1 (Residential Zones); adding Article 5 regarding Accessory Dwelling Units to Title 10, Chapter 4 (Development Standards); and repealing and replacing Chapter 8 of Title 10 regarding Density Bonus and Affordable Housing. (Funding Source: Not Applicable)
    - Motion approving Final Adoption of Ordinance 3762-C.S. amending Section 10-4.102 of Title 10, Chapter 4 (Development Standards), Article 1 (Residential Zones); repealing Section 10-4.115 and Section 10-4.116 of Title 10, Chapter 4 (Development Standards), Article 1 (Residential Zones); adding Article 5 regarding Accessory Dwelling Units to Title 10, Chapter 4 (Development Standards); and repealing and replacing Chapter 8 of Title 10 regarding Density Bonus and Affordable Housing.

CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

ACTION: (Bavaro/Wright; 7/0) Motion approving Final Adoption of **Ordinance 3762-C.S.** amending Section 10-4.102 of Title 10, Chapter 4 (Development Standards), Article 1 (Residential Zones); repealing Section 10-4.115 and Section 10-4.116 of Title 10, Chapter 4 (Development Standards), Article 1 (Residential Zones); adding Article 5 regarding Accessory Dwelling Units to Title 10, Chapter 4 (Development Standards); and repealing and replacing Chapter 8 of Title 10 regarding Density Bonus and Affordable Housing.

Consent

10. Consider accepting the Informational Fiscal Year 2022-23 General Fund Mid-Year Update Report and approving the recommended budget adjustments to the major General Fund Revenues and Expenditures in the Fiscal Year 2022-23 Annual Operating Budget. . (Funding Source: General Fund)

- Resolution accepting the Informational Fiscal Year 2022-23 General Fund Mid-Year Update Report and approving the recommended budget adjustments to the major General Fund Revenues and Expenditures in the Fiscal Year 2022-23 Annual Operating Budget.

BUDGET; Steve Christensen, 209-577-5390, schristensen@modestgov.com

ACTION: (Bavaro/Wright; 7/0) Resolution 2023-160 accepting the Informational Fiscal Year 2022-23 General Fund Mid-Year Update Report and approving the recommended budget adjustments to the major General Fund Revenues and Expenditures in the Fiscal Year 2022-23 Annual Operating Budget.

Consent

11. Consider accepting Fiscal Year 2023-24 Engineer's Annual 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 27, 2023, to Consider the Fiscal Year 2023-24 Levy and Collection of Assessments Within Landscape Maintenance Assessment District No. 1. (Funding Source: Landscape Maintenance District No. 1)

    - Resolution accepting Fiscal Year 2023-24 Engineer's Annual 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 27, 2023 to Consider the Fiscal Year 2023-24 Levy and Collection of Assessments Within Landscape Maintenance Assessment District No. 1.

CED; Peter Ibrahim, 209-577-5211, pibrahim@modestogov.com

ACTION: (Bavaro/Wright; 7/0) Resolution 2023-161 accepting Fiscal Year 2023-24 Engineer's Annual 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 27, 2023 to Consider the Fiscal Year 2023-24 Levy and Collection of Assessments Within Landscape Maintenance Assessment District No. 1.

Consent

12. Consider accepting the Fiscal Year 2023-24 Engineer's Annual Report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 and 2; 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 Subdivisions Units 1 and 2; and setting a Public Hearing on June 27, 2023 to Consider the Fiscal Year 2023-24 Levy and Collection of Assessments Within Landscape Maintenance Assessment District No. 2. (Funding Source: Landscape Maintenance District No. 2)

- Resolution accepting the Fiscal Year 2023-24 Engineer's Annual Report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 and 2; 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 Subdivisions Units 1 and 2; and setting a Public Hearing on June 27, 2023 to Consider the Fiscal Year 2023-24 Levy and Collection of Assessments Within Landscape Maintenance Assessment District No. 2.

CED; Peter Ibrahim, 209-577-5211, pibrahim@modestogov.com

ACTION: (Bavaro/Wright; 7/0) Resolution 2023-162 accepting the Fiscal Year 2023-24 Engineer's Annual Report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 and 2; 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 Subdivisions Units 1 and 2; and setting a Public Hearing on June 27, 2023 to Consider the Fiscal Year 2023-24 Levy and Collection of Assessments Within Landscape Maintenance Assessment District No. 2.

Consent

13. Consider accepting the Fiscal Year 2023-24 Engineer's Annual 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 June 27, 2023, to Consider the Fiscal Year 2023-24 Levy and Collection of Assessments Within the Shackelford Landscape and Lighting District. (Funding Source: Shackelford Landscape and Lighting District)

    - Resolution approving the Fiscal Year 2023-24 Engineer's Annual 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 June 27, 2023 to Consider the Fiscal Year 2023-24 Levy and Collection of Assessments Within the Shackelford Landscape and Lighting District.

CED; Peter Ibrahim, 209-577-5211, pibrahim@modestogov.com

ACTION: (Bavaro/Wright; 7/0) Resolution 2023-163 approving the Fiscal Year 2023-24 Engineer's Annual 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 June 27, 2023 to Consider the Fiscal Year 2023-24 Levy and Collection of Assessments Within the Shackelford Landscape and Lighting District.

Consent

14. Consider approving a Revolving Loan Fund Program for Capital Facilities Fees, Water Connection and/or Wastewater Capacity Fees; and a Downtown Revolving Loan Fund Program for Construction Costs and Fees. (Funding Source: American Rescue Plan Act)
    - Resolution approving a Revolving Loan Fund Program for Capital Facilities Fees, Water Connection and/or Wastewater Capacity Fees; and a Downtown Revolving Loan Fund Program for Construction Costs and Fees

    CED; Peter Ibrahim, 209-577-5211, pibrahim@modestogov.com

    ACTION: (Bavaro/Wright; 7/0) Resolution 2023-164 approving a Revolving Loan Fund Program for Capital Facilities Fees, Water Connection and/or Wastewater Capacity Fees; and a Downtown Revolving Loan Fund Program for Construction Costs and Fees

Consent

15. Consider approving the City of Modesto's Permanent Local Housing Allocation (PLHA) Program Year Three Award. (Funding Source: Permanent Local Housing Allocation Funds)
    - Resolution approving the City of Modesto's Permanent Local Housing Allocation (PLHA) Program Year Three Award, 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 to take the necessary steps to implement the provision of this Resolution.
    - Resolution amending the Fiscal Year 2022-2023 Multi-Year Fund Budget to a project for the Fiscal Year 2022-2023 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; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

    ACTION: (Bavaro/Wright; 7/0) Resolution 2023-165 approving the City of Modesto's Permanent Local Housing Allocation (PLHA) Program Year Three Award, 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 to take the necessary steps to implement the provision of this Resolution.

    ACTION: (Bavaro/Wright; 7/0) Resolution 2023-166 amending the Fiscal Year 2022-2023 Multi-Year Fund Budget to a project for the Fiscal Year 2022-2023 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.

(Removed from Consent)

Consent

16. Consider approving the Encampment Resolution Funding Program Application. (Funding Source: Encampment Resolution Funding)
    - Resolution approving the Encampment Resolution Funding Program Application, and authorizing the City Manager, or his designee, to submit the Encampment Resolution Funding (ERF) Application, and applicable documentation, as required by California Interagency Council on Homelessness (Cal-ICH), and to take the necessary steps to implement the provision of this Resolution.

    CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

    ACTION: (Wright/Ricci; 7/0) Resolution 2023-167 approving the Encampment Resolution Funding Program Application, and authorizing the City Manager, or his designee, to submit the Encampment Resolution Funding (ERF) Application, and applicable documentation, as required by California Interagency Council on Homelessness (Cal-ICH), and to take the necessary steps to implement the provision of this Resolution.

Consent

17. Consider authorizing the City Manager, or designee, to negotiate and enter into Agreements to relocate utilities with various Public Utility Companies, including Union Pacific Railroad, AT&T, State Lands Commission, and other Public Agencies as necessary to facilitate the construction of the new 7th Street Bridge over the Tuolumne River. (Funding Source: Capital Facility Fees)
    - Resolution authorizing the City Manager, or designee to negotiate and enter into Agreements to relocate utilities with Various Public Utility Companies, including Union Pacific Railroad, AT&T, State Lands Commission, and other Public Agencies as necessary to facilitate the construction of the new 7th Street Bridge over the Tuolumne River.

    CED; Toby Wells, 209-571-5542, twells@modestogov.com

    ACTION: (Bavaro/Wright; 7/0) Resolution 2023-168 authorizing the City Manager, or designee to negotiate and enter into Agreements to relocate utilities with Various Public Utility Companies, including Union Pacific Railroad, AT&T, State Lands Commission, and other Public Agencies as necessary to facilitate the construction of the new 7th Street Bridge over the Tuolumne River.

Consent

18. Consider adopting the Bylaws for the Measure L Citizens' Transportation Sales Tax Commission. (Funding Source: Not Applicable)
    - Resolution adopting the Bylaws for the Measure L Citizens' Transportation Sales Tax Commission.

    CED; Toby Wells, 209-571-5542, twells@modestogov.com

    ACTION: (Bavaro/Wright; 7/0) Resolution 2023-169 adopting the Bylaws for the Measure L Citizens' Transportation Sales Tax Commission.

Consent

19. Consider accepting the Monthly Investment Report for January 2023. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for January 2023.

FINANCE DEPARTMENT; Calogero Maniscalco, 209-577-5219, cmaniscalco@modestogov.com

ACTION: (Bavaro/Wright; 7/0) Motion accepting the Monthly Investment Report for January 2023.

Consent

20. Consider approving an Agreement with Elavon, Inc., Atlanta, GA for Merchant Services for an annual estimated amount of $141,965 and a total amount not to exceed $1,135,720 over eight years. (Funding Source: Various Funds)
    - Resolution approving an Agreement with Elavon, Inc., Atlanta, GA, by utilizing the State of California's Merchant Service Agreement, for Merchant Services for a four-year Agreement with two two-year extension options, for an annual estimated amount of $141,965 and a total amount not to exceed $1,135,720 over eight years; and authorizing the City Manager, or his designee, to execute the Agreement.

FINANCE DEPARTMENT; Gina Brown, 209-577-5381, gbrown@modestogov.com

ACTION: (Bavaro/Wright; 7/0) Resolution 2023-170 approving an Agreement with Elavon, Inc., Atlanta, GA, by utilizing the State of California's Merchant Service Agreement, for Merchant Services for a four-year Agreement with two two-year extension options, for an annual estimated amount of $141,965 and a total amount not to exceed $1,135,720 over eight years; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

21. Consider approving a Purchasing Agreement with the California Department of Technology and Crayon Software Experts, LLC of Dallas, TX, for the City's Microsoft "Enterprise Agreement" (MSEA) and Licensing, for a total amount not to exceed $2,640,392, over thirty-five months. (Funding Source: Information Technology Fund)
    - Resolution approving a Purchase Agreement with the California Department of Technology and Crayon Software Experts, LLC of Dallas, TX, by utilizing the Competitive Bid Process with the California Department of Technology and Riverside County, (Government Agencies who completed the bid) for a total amount not to exceed $2,640,392, over thirty-five months and authorizing the City Manager, or his designee, to execute the Agreement.

IT; Kevin Harless, 209-571-5593, kharless@modestogov.com

ACTION: (Bavaro/Wright; 7/0) Resolution 2023-171 approving a Purchase Agreement with the California Department of Technology and Crayon Software Experts, LLC of Dallas, TX, by utilizing the Competitive Bid Process with the California Department of Technology and Riverside County, (Government Agencies

who completed the bid) for a total amount not to exceed $2,640,392, over thirty-five months and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

22. Consider approving a First Amendment to the Annual Agreement with West Coast Arborists, Inc., of Anaheim, CA for the furnishing of On-Call Vegetation Management Services for the Parks, Recreation and Neighborhoods Department for a one-time increase of $350,000 to year two of the Agreement, for a year two total of $600,000, and for a total revised estimated amount not to exceed $1,600,000 over the term of the Agreement. (Funding Source: Tuolumne River Regional Park Operations Fund, Measure H)
    - Resolution approving a First Amendment to the Annual Agreement with West Coast Arborists, Inc., of Anaheim, CA for the furnishing of On-Call Vegetation Management Services for the Parks, Recreation and Neighborhoods Department for a one-time increase of $350,000 to year two of the Agreement, for a year two total of $600,000, and for a total revised amount not to exceed $1,600,000 over the term of the Agreement and authorizing the City Manager, or his designee, to execute the Amendment.

    PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

    ACTION: (Bavaro/Wright; 7/0) Resolution 2023-172 approving a First Amendment to the Annual Agreement with West Coast Arborists, Inc., of Anaheim, CA for the furnishing of On-Call Vegetation Management Services for the Parks, Recreation and Neighborhoods Department for a one-time increase of $350,000 to year two of the Agreement, for a year two total of $600,000, and for a total revised amount not to exceed $1,600,000 over the term of the Agreement and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

23. Consider approving the submission of the City's Local Transportation Funds Fiscal Year 2022-2023 Claim for Non-Motorized and Other Purposes (bike lanes and pedestrian pathways) in the amount of $297,316 to the Stanislaus Council of Governments (StanCOG) to be used for Virginia Corridor Phase VII. (Funding Source: Local Transportation Funds)
    - Resolution approving the submission of the City's Local Transportation Funds Fiscal Year 2022-2023 Claim for Non-Motorized and Other Purposes (bike lanes and pedestrian pathways) in the amount of $297,316 to the Stanislaus Council of Governments (StanCOG) and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this Resolution.
    - Resolution amending the Fiscal Year 2022-2023 Capital Improvement Program Budget to fund Project 100813 (Virginia Corridor Phase VII) in an amount not to exceed $666,382 in transfers, revenue, and to budget expenditures to fund the project and authorizing the City Manager or his designee, to implement the provisions of this Resolution.

    PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Bavaro/Wright; 7/0) Resolution 2023-173 approving the submission of the City's Local Transportation Funds Fiscal Year 2022-2023 Claim for Non-Motorized and Other Purposes (bike lanes and pedestrian pathways) in the amount of $297,316 to the Stanislaus Council of Governments (StanCOG) and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this Resolution.

ACTION: (Bavaro/Wright; 7/0) Resolution 2023-174 amending the Fiscal Year 2022-2023 Capital Improvement Program Budget to fund Project 100813 (Virginia Corridor Phase VII) in an amount not to exceed $666,382 in transfers, revenue, and to budget expenditures to fund the project and authorizing the City Manager or his designee, to implement the provisions of this Resolution.

Consent

24. Consider approving a list of projects to be funded with Road Repair and Accountability Act Tax Proceeds for Fiscal Year 2023-2024. (Funding Source: Senate Bill 1 Funds)
    - Resolution approving a list of projects to be funded with Road Repair and Accountability Act Tax Proceeds in Fiscal Year 2023-24 in an amount up to $5,834,851.

    PUBLIC WORKS; John Sphar, 209-342-2235, jsphar@modestogov.com

    ACTION: (Bavaro/Wright; 7/0) Resolution 2023-175 approving a list of projects to be funded with Road Repair and Accountability Act Tax Proceeds in Fiscal Year 2023-24 in an amount up to $5,834,851.

Consent

25. Consider authorizing the submittal of application(s) to CalRecycle for the Organics Grant Program. (Funding Source: Not Applicable)
    - Resolution authorizing the submittal of application(s) to the CalRecycle Organics Grant Program, and authorizing the City Manager, or his designee, to sign Grant Applications and related forms.

    PUBLIC WORKS; Rosene Salmo, 209-577-5453, rsalmo@modestogov.com

    ACTION: (Bavaro/Wright; 7/0) Resolution 2023-176 authorizing the submittal of application(s) to the CalRecycle Organics Grant Program, and authorizing the City Manager, or his designee, to sign Grant Applications and related forms.

Consent

26. Consider authorizing the submittal of application(s) to the Environmental Protection Agency for the Climate Pollution Reduction Grant program. (Funding Source: Not Applicable)
    - Resolution authorizing the submittal of application(s) to the Environmental Protection Agency Climate Pollution Reduction Grant Program, and authorizing the City Manager, or his designee, to sign Grant Applications and related forms.

PUBLIC WORKS; Nathan Gorth, 209-577-5453, ngorth@modestogov.com

ACTION: (Bavaro/Wright; 7/0) Resolution 2023-177 authorizing the submittal of application(s) to the Environmental Protection Agency Climate Pollution Reduction Grant Program, and authorizing the City Manager, or his designee, to sign Grant Applications and related forms.

Consent

27. Consider approving the Plans and Specifications for the Grayson Community Strengthen & Replace Water Mains Project; accepting the Bid and Awarding a Construction Contract to D.A. Wood Construction, Inc., of Oakdale, CA, for a total amount not to exceed $2,966,217. (Funding Source: Water Fund)
    - Resolution approving Plans and Specifications for the Grayson Community Strengthen & Replace Water Mains Project, accepting the Bid, and approving a Construction Contract with D.A. Wood Construction, Inc., of Oakdale, CA, in the amount of $2,696,561, plus $269,656 in contingency (if needed), for a total amount not to exceed $2,966,217 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 Grayson Community Strengthen & Replace Water Mains Project from 8% ($215,725) to 10% ($269,656) of the Construction Contract amount of $2,696,561 with D.A. Wood Construction, Inc., of Oakdale, CA.
    - Resolution amending the Fiscal Year 2022-23 Capital Improvement Program Budget in the amount of $1,163,000 to be transferred into the Project from Water Fund Reserves in order to fund the Construction Phase of the Grayson Community Strengthen & Replace Water Mains Project.

    UTILITIES; Edgar Vargas, 209-577-5424, evargas@modestogov.com

    ACTION: (Bavaro/Wright; 7/0) Resolution 2023-178 approving Plans and Specifications for the Grayson Community Strengthen & Replace Water Mains Project, accepting the Bid, and approving a Construction Contract with D.A. Wood Construction, Inc., of Oakdale, CA, in the amount of $2,696,561, plus $269,656 in contingency (if needed), for a total amount not to exceed $2,966,217 and authorizing the City Manager, or his designee, to execute the Contract.

    ACTION: (Bavaro/Wright; 7/0) Resolution 2023-179 authorizing an increase in the Director's Authority to issue Change Orders for the Grayson Community Strengthen & Replace Water Mains Project from 8% ($215,725) to 10% ($269,656) of the Construction Contract amount of $2,696,561 with D.A. Wood Construction, Inc., of Oakdale, CA.

    ACTION: (Bavaro/Wright; 7/0) Resolution 2023-180 amending the Fiscal Year 2022-23 Capital Improvement Program Budget in the amount of $1,163,000 to be transferred into the Project from Water Fund Reserves in order to fund the Construction Phase of the Grayson Community Strengthen & Replace Water Mains Project.

Consent

28. Consider accepting the Department of Water Resources 2021 Urban and Multibenefit Drought Relief Grant Program Award of $1,000,000 for the Well 312 Treatment System & Flush Line Project; authorizing the City Manager, or his designee, to enter into a Local Project Sponsor Agreement with Contra Costa Water District and execute all grant-related documents. (Funding Source: Water Fund)
    - Resolution accepting the Department of Water Resources 2021 Urban and Multibenefit Drought Relief Grant Program Award of $1,000,000 for the Well 312 Treatment System and Flush Line Project; authorizing the City Manager, or his designee, to enter into a Local Project Sponsor Agreement with Contra Costa Water District and to execute all grant-related documents and authorizing the Director of Finance to be the signatory of Grant Invoice Forms during requests for reimbursements.
    - Resolution amending the Fiscal Year 2022-23 Capital Improvement Program Budget in the amount of $1,306,000 in order to accept a Grant Award from the Department of Water Resources and fund the Well 312 Treatment System and Flush Line Project.

    UTILITIES; Edgar Vargas, 209-577-5424, evargas@modestogov.com

    ACTION: (Bavaro/Wright; 7/0) Resolution 2023-181 accepting the Department of Water Resources 2021 Urban and Multibenefit Drought Relief Grant Program Award of $1,000,000 for the Well 312 Treatment System and Flush Line Project; authorizing the City Manager, or his designee, to enter into a Local Project Sponsor Agreement with Contra Costa Water District and to execute all grant-related documents and authorizing the Director of Finance to be the signatory of Grant Invoice Forms during requests for reimbursements.

    ACTION: (Bavaro/Wright; 7/0) Resolution 2023-182 amending the Fiscal Year 2022-23 Capital Improvement Program Budget in the amount of $1,306,000 in order to accept a Grant Award from the Department of Water Resources and fund the Well 312 Treatment System and Flush Line Project.

Consent

29. Consider approving three On-Call Agreements for Materials Testing and Special Inspection Services, with Krazan & Associates, Inc., BSK Associates, and Terracon Consultants, Inc., for a one-year Agreement with two one-year extension options, for an annual amount not to exceed $74,500 per consultant, and a total amount not to exceed $223,500 per consultant over three years. (Funding Source: Various Capital Improvement Program Projects)
    - Resolution approving an On-Call Agreement with Krazan & Associates, Inc., for Materials Testing and Special Inspection Services, for a one-year Agreement with two one-year extension options, for an annual amount not to exceed $74,500, and a total amount not to exceed $223,500 over three years and authorizing the City Manager or his designee to execute the Agreement.

- Resolution approving an On-Call Agreement with BSK Associates, for Materials Testing and Special Inspection Services, for a one-year Agreement with two one-year extension options, for an annual amount not to exceed $74,500, and a total amount not to exceed $223,500 over three years and authorizing the City Manager or his designee to execute the Agreement.
- Resolution approving an On-Call Agreement with Terracon Consultants Inc., for Materials Testing and Special Inspection Services, for a one-year Agreement with two one-year extension options, for an annual amount not to exceed $74,500, and a total amount not to exceed $223,500 over three years and authorizing the City Manager or his designee to execute the Agreement.

UTILITIES; Peter Kambel, 209-577-5444, pkambel@modestogov.com

ACTION: (Bavaro/Wright; 7/0) Resolution 2023-183 approving an On-Call Agreement with Krazan & Associates, Inc., for Materials Testing and Special Inspection Services, for a one-year Agreement with two one-year extension options, for an annual amount not to exceed $74,500, and a total amount not to exceed $223,500 over three years and authorizing the City Manager or his designee to execute the Agreement.

ACTION: (Bavaro/Wright; 7/0) Resolution 2023-184 approving an On-Call Agreement with BSK Associates, for Materials Testing and Special Inspection Services, for a one-year Agreement with two one-year extension options, for an annual amount not to exceed $74,500, and a total amount not to exceed $223,500 over three years and authorizing the City Manager or his designee to execute the Agreement.

ACTION: (Bavaro/Wright; 7/0) Resolution 2023-185 approving an On-Call Agreement with Terracon Consultants Inc., for Materials Testing and Special Inspection Services, for a one-year Agreement with two one-year extension options, for an annual amount not to exceed $74,500, and a total amount not to exceed $223,500 over three years and authorizing the City Manager or his designee to execute the Agreement.

Consent

30. Consider approving a First Amendment to the Agreement with National Plant Services, Inc., of Hayward, CA, for Pipe Inspection and Assessment Services for the River Trunk Inspection and Assessment Project for a revised Agreement total not to exceed $510,300. (Funding Source: Wastewater Fund)
    - Resolution approving a First Amendment to the Agreement with National Plant Services, Inc., Hayward, CA, for Pipe Inspection and Assessment Services for the River Trunk Inspection and Assessment Project in the amount of $331,000, for an Agreement total not to exceed $510,300; and authorizing the City Manager, or his designee, to execute the Amendment.
    - Resolution amending the Fiscal Year 2022/23 Multi-Year Program Budget in the amount of $331,000 to be transferred into the project from Wastewater Fund Reserves in order to fund the River Trunk Inspection and Assessment Project.

UTILITIES; Robert Englent, 209-577-6222, renglent@modestogov.com

ACTION: (Bavaro/Wright; 7/0) Resolution 2023-186 approving a First Amendment to the Agreement with National Plant Services, Inc., Hayward, CA, for Pipe Inspection and Assessment Services for the River Trunk Inspection and Assessment Project in the amount of $331,000, for an Agreement total not to exceed $510,300; and authorizing the City Manager, or his designee, to execute the Amendment.

ACTION: (Bavaro/Wright; 7/0) Resolution 2023-187 amending the Fiscal Year 2022/23 Multi-Year Program Budget in the amount of $331,000 to be transferred into the project from Wastewater Fund Reserves in order to fund the River Trunk Inspection and Assessment Project.

COUNCIL COMMENTS & REPORTS

Councilmember Escutia-Braaton reported that she along with many of her colleagues attended the celebration of life today for Fire Captain Doug McCullough. It was a lovely ceremony, Captain McCullough served 34 years in the fire service, which is a lifetime of honorable service. He leaves behind hundreds of community members that were there to pay their respects and say goodbye to one of Modesto's finest. She also reported on the recent meetings held by the Appointments Committee. She reported that she along with Councilmembers Ricci and Williams conducted the first round of interviews for the Community Police Review Board applicants. She explained the process and the next steps. Lastly, she reported she will be absent from the first two Council meetings in May. Every year, she and her husband participate in an out of the country medical mission.

Councilmember Bavaro reported that last week, he had the opportunity to meet with some of the leaders of the cruising culture for coffee and a discussion about cruising. The ordinance was approved 30 years ago by the Council outlawing cruising within the city limits due to traffic problems and crime related cruising events. Today's cruising culture is neighbors and colleagues at work. They are friends, people you would go to church with and taxpayers. He knows they are working with the Police Chief and hopefully will be able to remove the ban on cruising. It's his understanding that safety and strategic planning issues are being worked out. It has nothing to do with the character and the integrity of the cruisers themselves. He is in support of lifting the ban.

Councilmember Alvarez reported on a few upcoming community meetings related to housing and urban development. The Stanislaus Homeless Alliance will meet on April 12th at 5:30 pm in the Council Chambers. Modesto Neighborhood, Incorporated will meet on April 18th at 12:00 pm, Crosspoint Park Place Building. The Citizen Housing and Community Development Committee will meet on April 20th at City Hall. Stanislaus Community Systems of Care will meet on April 30th at 3800 Cornucopia Way, and on May 1st Airport Neighborhood collaborative will be meeting. You can find more information on those meetings and dates and times on the City's website. He also reported on housing and roads.

Vice Mayor Ricci commented that he concurs with his fellow councilmembers that it was an incredible service today for Captain Doug McCullough. Captain McCullough served the community for 34 years. He also commented that he is hopeful that they can come to a conclusion on the cruising ban. So many good people come and speak to them every week. That is what government is all about, discussing issues and trying to come to joint solutions. He also reported that in two weeks the City is going to have a visit from the Mayors of the City's sister city Ukraine. He knows many are aware of the conflict in Ukraine and how heartbreaking it is. It's hard to imagine that Modesto has a sister city that has to deal with raids, sirens every day and missile attacks nearly every week. It will be a real honor to host them and looks forward to hearing their stories. He also reported on the Graceda Park restrooms and is encouraged that the Parks and Recreation Department is developing solutions for maintaining the restrooms. He also wanted to thank the applicants that applied to serve on the Civilian Police Review Board.

Councilmember Williams stated that most of the comments have already been said. He reported on the Appointments Committee meeting held this morning regarding the Police Oversight Board. He further reported on the number of applicants that applied and the process of the interviews. He also reported that there are many other committees and commissions, not only with the City of Modesto, but with the County as well where citizens can volunteer. Lastly, he wanted to let everyone know that they are starting the appointment process for the Measure H Oversight Committee. There are many good things happening in Modesto and asked that the public please feel as though they can be a part of it.

Mayor Zwahlen reported that she also attended the services of Fire Captain Doug McCullough. She commented on the service and the incredible speech his 14-year-old daughter gave. It was the most incredible speech in honor of her father.

CITY MANAGER COMMENTS & REPORTS

None.

Recessed: 6:51 pm
Reconvened: 6:57 pm

NEW BUSINESS

31. Consider approving the Purchase and Agreements for the Cybersecurity Attack Responses for an amount of $548,266 plus 7% contingency in the amount of $38,379 for a total amount not to exceed $586,645 and approving Agreements with Security Tool Vendors in an amount of $462,210 plus 7% contingency in the amount of $34,790 for a total amount not to exceed $497,000. (Funding Source: City Insurance Fund and Information Technology Fund)
    - Resolution approving the Purchase and Agreements for the Cybersecurity Attack Responses for an amount of $548,266 plus 7% contingency in the amount of $38,379 for a total amount not to exceed $586,645 and authorizing the City Manager, or his designee, to execute these Agreements.

- Resolution approving the Agreements with Security Tool Vendors in an amount of $462,210 plus 7% contingency in the amount of $34,790 for a total amount not to exceed $497,000 and authorizing the City Manager, or his designee, to execute these Agreements.

IT; Scott Conn, 209-577-5229, sconn@modestogov.com

ACTION: (Williams/Wright; 7/0) Resolution 2023-188 approving the Purchase and Agreements for the Cybersecurity Attack Responses for an amount of $548,266 plus 7% contingency in the amount of $38,379 for a total amount not to exceed $586,645 and authorizing the City Manager, or his designee, to execute these Agreements.

ACTION: (Williams/Wright; 7/0) Resolution 2023-189 approving the Agreements with Security Tool Vendors in an amount of $462,210 plus 7% contingency in the amount of $34,790 for a total amount not to exceed $497,000 and authorizing the City Manager, or his designee, to execute these Agreements.

32. Consider approving a three-year extension of the irrevocable direct pay Letter of Credit (LOC) with BMO Harris Bank N.A. (formerly Bank of the West) supporting the Lease Revenue Bonds, Series 2008 (Bonds) authorizing the distribution of a Supplemental Official Statement, and authorizing certain other related actions to complete the three-year extension to the Lease Revenue Bonds LOC. (Funding Source: General Fund, Redevelopment Successor Agency and Various Funds)

- Resolution of the City Council of the City of Modesto relating to Modesto Public Financing Authority Lease Revenue Refunding Bonds Series 2008; approving Amendment No. 1 to Reimbursement Agreement among BMO Harris Bank N.A., City of Modesto and Modesto Public Financing Authority; Amendment No. 1 to Fee Letter Agreement; and a supplement to Official Statement; and authorizing certain other related actions.

FINANCE DEPARTMENT; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com

ACTION: (Bavaro/Alvarez; 7/0) Resolution 2023-190 of the City Council of the City of Modesto relating to Modesto Public Financing Authority Lease Revenue Refunding Bonds Series 2008; approving Amendment No. 1 to Reimbursement Agreement among BMO Harris Bank N.A., City of Modesto and Modesto Public Financing Authority; Amendment No. 1 to Fee Letter Agreement; and a supplement to Official Statement; and authorizing certain other related actions.

33. Consider approving a three-year Standby Certificate Purchase Agreement (SCPA) with BMO Harris Bank N.A. (formerly Bank of the West) supporting the Water Refunding Revenue Certificates of Participation, Series 2008A (Water Bonds) authorizing certain other related actions to substitute the Agreement for the existing Letter of Credit (LOC). (Funding Source: Water Fund)

- Resolution of the City Council of the City of Modesto relating to Water Refunding Revenue Certificates of Participation, 2008 Series A; approving the forms of and authorizing the execution and delivery of a Standby Certificate

Purchase Agreement and a Fee Letter with BMO Harris Bank N.A. (successor in interest to Bank of the West); approving the form of and authorizing the distribution of a remarketing memorandum in connection therewith; and authorizing certain other related actions.

FINANCE DEPARTMENT; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-191 of the City Council of the City of Modesto relating to Water Refunding Revenue Certificates of Participation, 2008 Series A; approving the forms of and authorizing the execution and delivery of a Standby Certificate Purchase Agreement and a Fee Letter with BMO Harris Bank N.A. (successor in interest to Bank of the West); approving the form of and authorizing the distribution of a remarketing memorandum in connection therewith; and authorizing certain other related actions.

34. Consider approving the Purchase of the Modesto Police Department Patrol Vehicles and a Modesto Fire Department Boat with Trailer replacement and authorizing the City Manager or his designee to issue the Purchase Orders. (Funding Source: General Fund and Fleet Replacement Fund)

- Resolution approving the Purchase of Modesto Police Department Patrol Vehicles and Modesto Fire Department Boat with Trailer replacements under Exhibit A and authorizing the City Manager or his designee to issue the Purchase Orders.

FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-192 approving the Purchase of Modesto Police Department Patrol Vehicles and Modesto Fire Department Boat with Trailer replacements under Exhibit A and authorizing the City Manager or his designee to issue the Purchase Orders.

35. Discussion of the use of American Rescue Plan Act (ARPA) funds to provide funding for Hazard Pay to retirees and possible direction from Council (Funding Source: ARPA funds)

- There is no staff recommendation associated with this item.

HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Bavaro/Ricci; 6/1; Williams No) Motion to not amended the negotiated agreements with City of Modesto and the five unions for hazard pay to retirees that was approved on March 7, 2023.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:14 pm

All Closed Session Matters heard prior to meeting.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION
One Case (Pursuant to Section 54956.9(d)(4) of the Government Code)

Case Name: Potential Litigation Related to National Opiate Litigation
U.S.D.C. Eastern District of California,
Case No. 218-cv-001135 and U.S.D.C., Northern District of Ohio,
MDL No. 2804, Case No. 17-MD-2804

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES

City of Modesto

FINANCE COMMITTEE / COUNCIL WORKSHOP

Room 2001-40 Del Puerto Room
Tenth Street Place,
1010 10th Street
Modesto, California
Monday, April 17, 2023 at 4:00 PM

Roll Call: Present: Vice-Chair Escutia-Braaton, Chair Wright
Absent: Member Bavaro
Also Present: Member Williams (Alternate)

PUBLIC COMMENTS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:

ACTION CONSENT ITEM 1-2 (Escutia-Braaton/Williams; 3/0)

CONSENT

Consent

1. Consider approving the recommended Budget Adjustments to Fiscal Year 2022-23 Annual Operating and Capital Improvement Program Budgets, and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion approving the recommended Budget Adjustments to Fiscal Year 2022-23 Annual Operating and Capital Improvement Program Budgets; and forwarding to Council for approval.

BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com

ACTION: (Escutia-Braaton/Williams; 3/0) Motion approving the recommended Budget Adjustments to Fiscal Year 2022-23 Annual Operating and Capital Improvement Program Budgets; and forwarding to Council for approval.

Consent

2. Consider accepting the updates to the City's Debt Management Policy and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion accepting the updates to the City's Debt Management Policy and forwarding to Council for approval.

FINANCE DEPARTMENT; Calogero Maniscalco, 209-577-5219, cmaniscalco@modestogov.com

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

NEW BUSINESS

3. Consider accepting the updates to the City's Investment Policy and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion accepting the updates to the City's Investment Policy and forwarding to Council for approval.

FINANCE DEPARTMENT; Calogero Maniscalco, 209-577-5219, cmaniscalco@modestogov.com

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

ADJOURNMENT

This meeting adjourned at 4:13 p.m.

Attest: _____
Andrea Cook, Deputy City Clerk

MINUTES

City of Modesto

FINANCE COMMITTEE / COUNCIL WORKSHOP

Chambers, Basement Level
1010 10th Street
Modesto, California
Monday, April 17, 2023 at 5:00 PM

Roll Call: Present: Vice-Chair Escutia-Braaton and Chair Wright
Alternate Member Williams

Absent: Member Bavaro
Also Present: Councilmember Alvarez

PUBLIC COMMENTS

None

NEW BUSINESS

Presentations:

City of Modesto Budget Overview

- **Budget Overview Presentation:**

Budget Manager Steve Christensen gave Presentation: General Fund Daft Proposed Operating Budget; General Fund Draft Proposed Revenues; General Fund Revenue History; General Fund Draft Proposed Expenditures; General Fund Expenditure History; General Fund Revenues and Expenditures History; Proposed Non-Measure H Adjustments; , Current Policy for General Fund Unassigned Reserves/Carryover; Staff Recommendations for Revisions to Financial Policy on General Fund Reserves/Carryover; Measure H Overview; Other Major Funds

Department Presentations

- **Quality of Life**

  - **Police Department**

Police Chief Brandon Gillespie gave General Fund presentation: Department Overview, Department Priorities for Fiscal Year 2023-2024, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Departmental Opportunities, Departmental Challenges.

- **Fire Department**

Fire Chief Alan Ernst gave Presentation: Department Overview, Department Priorities for Fiscal Year 2023-2024, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Departmental Opportunities, Departmental Challenges.

- **Parks, Recreation & Neighborhoods Department**

Parks, Recreation & Neighborhoods Director Laurie Smith gave Presentation: Department Overview, Department Priorities for Fiscal Year 2023-2024, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Departmental Opportunities, Departmental Challenges.

Recessed at 6:35 p.m.
Reconvened 6:47 p.m.

- **Charter Offices**

- **City Manager's Office**

City Manager Joe Lopez gave Presentation: Department Overview; Department Overview, Department Priorities for Fiscal Year 2023-2024, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Departmental Opportunities, Departmental Challenges.

- **City Attorney's Office**

City Attorney Jose Sanchez gave Presentation: Department Overview, Department Priorities for Fiscal Year 2023-2024, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Departmental Opportunities, Departmental Challenges.

Vice Chair Escutia-Braaton left at 6:22 p.m./returned at 7:09 p.m.

- **City Clerk's Office**

City Clerk Diane Nayares-Perez gave Presentation - Department Overview, Department Priorities for Fiscal Year 2023-2024, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Departmental Opportunities, Departmental Challenges.

- **Community & Economic Development Department**

Community & Economic Development Department Interim Director Jessica Hill gave Presentation: Department Overview, Department Priorities for Fiscal Year 2023-2024, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Departmental Opportunities, Departmental Challenges.

Presentations will continue at the April 18, 2023, Finance Committee meeting.

ADJOURNMENT

This meeting adjourned at 7:32 p.m.

Attest:_____
Andrea Cook for
Diane Nayares-Perez, City Clerk

MINUTES

City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Chambers, Basement Level
1010 10th Street
Modesto, California
Tuesday, April 18, 2023 at 8:30 AM

Roll Call: Present: Vice-Chair Escutia-Braaton and Chair Wright
Alternate Member Williams

Absent: Member Bavaro
Also Present: Councilmember Alvarez, *Vice Mayor Ricci

PUBLIC COMMENTS

None.

NEW BUSINESS

Presentations continued:

- **Departments**

  - **Public Works Department**
  Public Works Director, Bill Sandhu gave Non-General Fund presentation: Department Overview, Department Priorities for Fiscal Year 2023-2024, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Departmental Opportunities, Departmental Challenges.

  - **Information Technology Department**
  Information Technology Director Scott Conn gave Presentation: Department Overview, Department Priorities for Fiscal Year 2023-2024, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Departmental Opportunities, Departmental Challenges.

Councilmember Alvarez left at 9:25 a.m.

Recessed at 9:41 a.m.
Reconvened at 9:51 a.m.

  - **Finance Department**

Director of Finance, DeAnna Christensen gave Presentation: Department Overview, Department Priorities for Fiscal Year 2023-2024, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Departmental Opportunities, Departmental Challenges.

- **Human Resources Department**

Human Resources Director, Christina Alger gave Presentation: Department Overview, Department Priorities for Fiscal Year 2023-2024, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Departmental Opportunities, Departmental Challenges.

- **Risk Management & Benefits Division**
    - **Employee Benefits Fund**
    - **Workers Compensation Fund**
    - **Liability Fund**

Human Resources Director, Christina Alger gave Presentation: Department Overview, Department Priorities for Fiscal Year 2023-2024, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Departmental Opportunities, Departmental Challenges.

Councilmember Alvarez returned at 10:37 a.m.

- **Utilities Department**

Utilities Director, Will Wong gave presentation: Department Overview, Department Priorities for Fiscal Year 2023-2024, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Departmental Opportunities, Departmental Challenges.

Special Presentations

- **Organizational Structure Changes Presentation**

Human Resources Director, Christina Alger gave Presentation: Background; Overview of Recommended Changes by Department; Neighborhood Preservation; Single Class Audits.

Vice Mayor Ricci left at 11:58 a.m.

Recessed at 11:58 a.m.
Reconvened at 1:00 p.m.

- **Equipment/Hardware/Software Maintenance Presentation**

Director of Finance, DeAnna Christensen gave overview of Equipment Maintenance; Type of Equipment, List of Maintenance Agreements, Funding Sources; Director of IT, Scott Conn gave overview of Software Maintenance, Type of Software, List of Maintenance Agreements, Funding Sources

- **Revenue Manual/Fee Increases Presentation**

Director of Finance, DeAnna Christensen gave overview of revenue manual and potential fee increases along with Revenue Collections and Compliance Manager Jennifer Martin. Interim Director of CEDD, Jessica Hill gave proposed Fee changes for CEDD. Director of PRN, Laurie Smith gave proposed Fee changes presentation for PRND. Director of Public Works, Bill Sandhu gave proposed Fee changes presentation for PW. Director of Utilities, Will Wong gave proposed Fee changes for UTL.

- **Grant Status Update Presentation**

Director of Finance, DeAnna Christensen opened up the presentation on updates of grant applications and awards by department. Interim Director of CEDD, Jessica Hill gave update for grant applications and awards and proposed grant applications for CEDD. Assistant Fire Deputy Chief Kevin Wise gave update for grant applications and awards and proposed grant applications for Fire Department. Chief Brandon Gillespie gave update for grant applications and awards and proposed grant applications for Police Department. Director Bill Sandhu gave update for grant applications and awards and proposed grant applications for Public Works. Director Will Wong gave update for grant applications and awards and proposed grant applications for Utilities.

Presentations will continue at the April 19, 2023, Finance Committee meeting.

ADJOURNMENT

This meeting adjourned at 3:00 p.m.

Attest:_____
Andrea Cook for
Diane Nayares-Perez, City Clerk

MINUTES

City of Modesto

FINANCE COMMITTEE / COUNCIL WORKSHOP

Chambers, Basement Level
1010 10th Street
Modesto, California
Wednesday, April 19 2023 at 8:30 AM

Roll Call: Present: Vice-Chair Escutia-Braaton and Chair Wright
Alternate Member Williams

Absent: Member Bavaro
Also Present: Councilmember Alvarez (Arrived 10:06 a.m.), *Vice Mayor Ricci (Arrived 8:34 a.m.)

PUBLIC COMMENTS

- Chris Murphy spoke regarding the Graffiti USA Classic Car Museum, California Welcome Center, and travelling tourism. Requested ARPA funds that will be matched by a sponsor to help with the continued financial support from the City.

- John Sanders spoke regarding needing financial support for the Graffiti USA Classic Car Museum for renovations and maintenance.

- Cecil Russel spoke regarding needing financial support for the Graffiti USA Classic Car Museum for renovations and maintenance and continued use of local craftsmen along with building tourism.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: No Consent Items

NEW BUSINESS

Special Presentations continued:

- **Deferred Maintenance Presentation**

Director Laurie Smith gave a presentation of deferred maintenance for Parks, Recreation, and Neighborhood Department. Director Bill Sandhu gave a presentation of deferred maintenance for Public Works Department. Director Will Wong gave a presentation of deferred maintenance for the Utilities

Department.

- **Pension Presentation**

Human Resources Director Christina Alger gave a pension presentation of CalPers Unfunded Accrued Liability.

Recessed at 9:49 a.m.
Reconvened at 9:57 a.m.

- **Sponsorships Presentation**

Parks, Recreation, and Neighborhood Director Laurie Smith gave a presentation on Sponsorships.

- **American Rescue Plan Act (ARPA) Presentation**

Finance Director DeAnna Christensen gave ARPA funding presentation.

- **Measure H Presentation**

Budget Manager Stephan Christensen opened up and gave Measure H presentation. City Attorney Jose Sanchez gave Measure H presentation. Police Chief Brandon Gillespie gave Measure H presentation. Fire Chief Alan Ernst gave Measure H presentation. Parks, Recreation, and Neighborhood Director Laurie Smith gave Measure H presentation. CEDD Interim Director Jessica Hill gave Measure H presentation.

Vice Mayor Ricci left at 11:44 a.m.

Recessed at 11:44 a.m.
Reconvened at 1:01 p.m.

- **Measure H Presentation continued:**

Public Works Director Bill Sandhu gave Measure H presentation. IT Director Scott Conn gave Measure H presentation. Budget Manager Stephan Christensen gave Measure H Admin Support Adjustments and Spending Plan Recap.

- **Follow-up**

Budget Manager Stephan Christensen gave follow up. Police Chief Brandon Gillespie followed up on Fuel Expenditures. Public Works Director Bill Sandhu followed up on Bulky Item Pickup and Fuel Contracts and Terms. Human Resources Director Christina Alger followed up on open positions. Director Will Wong followed up on five-year history on the Water and Wastewater Funds. CEDD Interim Director Jessica Hill followed up on Development User Fees and Building Permit Fees for Single Family Homes, Cost Recovery for Land Design Engineering and Building Permits, and Current Building Permits. Parks, Recreation, and Neighborhood Director Laurie Smith followed up on fees/revenues by renting the Mansion and Museum.

- **Recap and Committee Recommendations**

Budget Manager Stephan Christensen gave a recap of the Budget Workshop.

1. Consider accepting and forwarding on to Council for final review and adoption the Draft Proposed Fiscal Year 2023-24 Operating and Multi-Year Budget for the City of Modesto. (Funding Source: All City Funds)
    - Motion accepting and forwarding on to Council for final review and adoption the Draft Proposed Fiscal Year 2023-24 Operating and Multi-Year Budget for the City of Modesto.

BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com

ACTION: (Williams/Escutia-Braaton; 3/0) Motion accepting and forwarding on to Council for final review and adoption the Draft Proposed Fiscal Year 2023-24 Operating and Multi-Year Budget for the City of Modesto.

2. Consider approving the City's Pandemic Recovery Strategy, Modesto Forward, for the reallocation of American Rescue Plan funds and authorizing the City Manager, or his designee, to carry out the necessary steps to implement the programs and funding allocation. (Funding Source: American Rescue Plan Act Fund)
    - Motion approving the City's Pandemic Recovery Strategy, Modesto Forward, for the reallocation of American Rescue Plan funds and authorizing the City Manager, or his designee, to carry out the necessary steps to implement the programs and funding allocation.

BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com

ACTION: (Escutia-Braaton/Williams; 3/0) Motion approving the City's Pandemic Recovery Strategy, Modesto Forward, for the reallocation of American Rescue Plan funds and authorizing the City Manager, or his designee, to carry out the necessary steps to implement the programs and funding allocation.

3. Consider accepting the changes to the City's Financial Policies as it relates to General Fund Unassigned Reserves/Carryover at Fiscal Year-End and forwarding to Council for approval. (Funding Source: General Fund)
    - Motion accepting the changes to the City's Financial Policies as it relates to General Fund Unassigned Reserves/Carryover at Fiscal Year-End and forwarding to Council for approval.

BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com

ACTION: (Wright/Escutia-Braaton; 3/0) Motion accepting the changes to the City's Financial Policies as it relates to General Fund Unassigned Reserves/Carryover at Fiscal Year-End and forwarding to Council for approval.

4. Consider approving payment of various equipment maintenance agreements for Fiscal Year 2023-24 with multiple equipment manufacturers for all City Departments, for an

annual cost not to exceed $896,155 and forwarding to Council for approval. (Funding Sources: Various City Funds)

- Motion approving payment of various equipment maintenance agreements for Fiscal Year 2023-24 with multiple equipment manufacturers for all City Departments, for an annual cost not to exceed $896,155 and forwarding to Council for approval.

BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com

ACTION: (Williams/Escutia-Braaton; 3/0) Motion approving payment of various equipment maintenance agreements for Fiscal Year 2023-24 with multiple equipment manufacturers for all City Departments, for an annual cost not to exceed $896,155 and forwarding to Council for approval.

5. Consider approving payment of various software / hardware maintenance agreements for Fiscal Year 2023-24 with multiple vendors for all City Departments, for an annual cost not to exceed $6,435,813 and forwarding to Council for approval. (Funding Source: Various City Funds)

   - Motion approving payment of various software / hardware maintenance agreements for Fiscal Year 2023-24 with multiple vendors for all City Departments, for an annual cost not to exceed $6,435,813 and forwarding to Council for approval.

   BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com

   ACTION: (Wright/Escutia-Braaton; 3/0) Motion approving payment of various software / hardware maintenance agreements for Fiscal Year 2023-24 with multiple vendors for all City Departments, for an annual cost not to exceed $6,435,813 and forwarding to Council for approval.

6. Consider approving the changes related to the reorganizations as specified during the Budget Workshops and forwarding to Council for approval. (Funding Source: Various City Funds)

   - Motion approving the changes related to the reorganizations as specified during the Budget Workshops and forwarding to Council for approval.

   BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com

   ACTION: (Wright/Escutia-Braaton; 3/0) Motion approving the changes related to the reorganizations as specified during the Budget Workshops and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 2:18 p.m.

Attest:_____
Andrea Cook for
Diane Nayares-Perez, City Clerk

MINUTES

City of Modesto

SPECIAL APPOINTMENTS COMMITTEE / COUNCIL WORKSHOP

Room 2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California
Friday, April 28, 2023 at 12:00 PM

Roll Call Present: Rosa Escutia-Braaton, Chair
Chris Ricci, Vice-Chair
Jeremiah Williams, Member

Absent: None

Chairperson Escutia-Braaton called the April 28, 2023 Appointments Committee meeting to order at 12:04 pm.

PUBLIC COMMENTS

None.

UNFINISHED BUSINESS

1. Consider conducting second round of interviews of 15 applicants for the Community Police Review Board and recommending 9 of the 15 applicants for appointment and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending nine applicants for appointment to the Community Police Review Board and forwarding to Council for approval.
    - Motion assigning five (5) members to 4-year terms (expiring in 2027) and four (4) members to 5-year terms (expiring in 2028) and forwarding to Council for approval.
    - Motion to designate the remaining six applicants as primary reserve candidates to be considered for appointment if a vacancy occurs within 12 months of the Community Police Review Board's initial establishment and forwarding to Council for approval.

CITY MANAGER; Allison Van Guilder, 209-577-5228, avanguilder@modestogov.com

ACTION: The Committee conducted second round of interviews of 15 applicants for the Community Police Review Board.

Recessed: 1:05 pm
Reconvened: 1:12 pm

Recessed: 2:47 pm
Reconvened: 3:00 pm

Recessed: 3:08 pm
Reconvened: 3:22 pm

ACTION: (Williams/Ricci; 3/0) Motion recommending nine applicants for appointment to the Community Police Review Board and forwarding to Council for approval.

Recommended (9)
Frank Damrell
Kenneth Bryant
Nico Solorio
Latricia Beasley Day
Austin Grant
Nancy Smith
Brad Hawn
Trish Christensen
Wendy Byrd

ACTION: (Williams/Ricci; 3/0) Motion assigning five (5) members to 4-year terms (expiring in 2027) and four (4) members to 5-year terms (expiring in 2028) and forwarding to Council for approval.

Recommended (9)	Term
Frank Damrell	2027
Kenneth Bryant	2027
Nico Solorio	2027
Latricia Beasley Day	2027
Austin Grant	2027
Nancy Smith	2028
Brad Hawn	2028
Trish Christensen	2028
Wendy Byrd	2028

ACTION: (Williams/Ricci; 3/0) Motion to designate the remaining six applicants as primary reserve candidates to be considered for appointment if a vacancy occurs within 12 months of the Community Police Review Board's initial establishment and forwarding to Council for approval.

Primary Reserves (6)
Eileen VerHulst
Nicolas Sottero
Steven Finch
Douglas K. Highiet
Sandy Lucas
Julie Nelson

ADJOURNMENT

This meeting adjourned at 3:45 p.m.

Attest: _____
Diane Nayares-Perez, City Clerk

MINUTES

City of Modesto

ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP

Room 2001-40 Del Puerto Room
Tenth Street Place,
1010 10th Street
Modesto, California
Monday, May 01, 2023 at 4:00 PM

Roll Call: Present: Member Alvarez, Vice-Chair Ricci, and Chair Zwahlen
Absent: None
Also Present: None

PUBLIC COMMENTS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:

ACTION CONSENT ITEM 1-6 (Ricci/Alvarez; 3/0)

CONSENT

Consent

1. Consider approving Third Amendment to the Agreement with Associated Right of Way Services for additional right-of-way services for the Hetch Hetchy and Claratina Avenue Structural Crossing Project, increasing the Agreement to a new total amount of $77,045 and forwarding to Council for approval. (Funding Source: Local Capital Facilities Fees)
    - Motion approving a Third Amendment to the Agreement with Associated Right of Way Services for the Hetch Hetchy and Claratina Avenue Structural Crossing Project, to increase the existing Agreement by $19,460, from $57,585 for a total amount not to exceed $77,045 and forwarding to Council for approval.

CED; Phillip Soares, 209-577-5258, psoares@modestogov.com

ACTION: (Ricci/Alvarez; 3/0) Motion approving a Third Amendment to the Agreement with Associated Right of Way Services for the Hetch Hetchy and Claratina Avenue Structural Crossing Project, to increase the existing Agreement by $19,460, from $57,585 for a total amount not to exceed $77,045 and forwarding to Council for approval.

Consent

2. Consider authorizing staff to apply for all Electric Vehicle Charging Station Grants available and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion approving staff to apply for all Electric Vehicle Charging Station Grants available and authorizing the City Manager, or his designee, to sign Grant Applications and related forms as needed and forwarding to Council for approval.

   PUBLIC WORKS; Patrick Crowley, 209-342-2274, pcrowley@modestogov.com

   ACTION: (Ricci/Alvarez; 3/0) Motion approving staff to apply for all Electric Vehicle Charging Station Grants available and authorizing the City Manager, or his designee, to sign Grant Applications and related forms as needed and forwarding to Council for approval.

Consent

3. Consider approving renaming Modesto's Water Quality Control Facilities to City of Modesto Regional Water Recycling Facility Sutter Campus and City of Modesto Regional Water Recycling Facility Jennings Campus and forwarding to Council for approval. (Funding Source: Sewer Operations Fund)
    - Motion approving renaming Modesto's Water Quality Control Facilities to the City of Modesto Regional Water Recycling Facility Sutter Campus and the City of Modesto Regional Water Recycling Facility Jennings Campus and forwarding to Council for approval.

   UTILITIES; Jason Farnsworth, 209-577-6255, jfarnsworth@modestogov.com

   ACTION: (Ricci/Alvarez; 3/0) Motion approving renaming Modesto's Water Quality Control Facilities to the City of Modesto Regional Water Recycling Facility Sutter Campus and the City of Modesto Regional Water Recycling Facility Jennings Campus and forwarding to Council for approval.

Consent

4. Consider approving the Sale of Asset # 20155-00, JWC Compactor with Auger and Grinder, to the City of Manteca for $6,500 and forwarding to Council for approval. (Funding Source: Wastewater Fund)
    - Motion approving the Sale of Asset # 20155-00, JWC Compactor with Auger and Grinder, to the City of Manteca for $6,500 and forwarding to Council for approval.

   UTILITIES; Jason Farnsworth, 209-577-6255, jfarnsworth@modestogov.com

   ACTION: (Ricci/Alvarez; 3/0) Motion approving the Sale of Asset # 20155-00, JWC Compactor with Auger and Grinder, to the City of Manteca for $6,500 and forwarding to Council for approval.

Consent

5. Consider approving the Purchase of a Closed-Circuit Television (CCTV) Camera and Transporter from RapidView LLC, Rochester, IN under the authorized dealer Jack

Doheny Company (JDC), Northville, MI, for a total amount not to exceed $88,183 and forwarding to Council for approval. (Funding Source: Sewer Operations Fund)

- Motion approving the Competitive Bidding Process from Sourcewell (formerly National Joint Powers Alliance), with RapidView LLC, Rochester, IN, under the authorized dealer Jack Doheny Company, Northville, MI, for a Closed-Circuit Television (CCTV) Camera and Transporter for a total amount not to exceed $88,183 and forwarding to Council for approval.

UTILITIES; Jason Farnsworth, 209-577-6255, jfarnsworth@modestogov.com

ACTION: (Ricci/Alvarez; 3/0) Motion approving the Competitive Bidding Process from Sourcewell (formerly National Joint Powers Alliance), with RapidView LLC, Rochester, IN, under the authorized dealer Jack Doheny Company, Northville, MI, for a Closed-Circuit Television (CCTV) Camera and Transporter for a total amount not to exceed $88,183 and forwarding to Council for approval.

Consent

6. Consider approving an Agreement with Westlake Corporation for the Purchase of Accu-Tab Chlorination Systems and related equipment for a total amount not to exceed $650,000 over five years and forwarding to Council for approval. (Funding Source: Water Fund)

   - Motion approving the Sole Source Agreement with Westlake Corporation, Houston, TX, for the Procurement of Calcium Hypochlorite Accu-Tab SI Tablets, Power-Pro Chlorination Systems, and related equipment for an estimated annual amount of $125,000, and a total amount not to exceed $650,000 over five years and forwarding to Council for approval.

   UTILITIES; Jeff Daniels, 209-342-4568, jdaniels@modestogov.com

   ACTION: (Ricci/Alvarez; 3/0) Motion approving the Sole Source Agreement with Westlake Corporation, Houston, TX, for the Procurement of Calcium Hypochlorite Accu-Tab SI Tablets, Power-Pro Chlorination Systems, and related equipment for an estimated annual amount of $125,000, and a total amount not to exceed $650,000 over five years and forwarding to Council for approval.

UNFINISHED BUSINESS

7. Consider awarding a Progressive Design-Build Agreement with TelStar Instruments, Inc. Concord, CA, for the Supervisory Control and Data Acquisition (SCADA) System Replacement Project for a total amount not to exceed $2,947,531, and approving a Technical Advisor Services Agreement with EMA, Inc. Tucson, AZ, for a total amount not to exceed $406,663 and forwarding to Council for approval. (Funding Source: 50% Water Fund and 50% Wastewater Fund)

   - Motion to award a Progressive Design-Build Agreement with TelStar Instruments, Inc. Concord, CA for the Supervisory Control and Data Acquisition (SCADA) System Replacement Project in the amount of $2,679,574 plus $267,957 in contingency, if needed for a total amount not to

exceed $2,947,531 and authorizing the City Manager, or his designee to execute the Agreement and forwarding to Council for approval.

- Motion approving an Agreement with EMA, Inc. Tucson AZ for the Technical Advisor Services in the amount of $369,694 plus $36,969 in contingency, if needed for a total amount not to exceed $406,663 and authorizing the City Manager, or his designee to execute the Agreement and forwarding to Council for approval.
- Motion amending the Fiscal Year 2022-23 Multi-Year Budget in the amount of $3,555,446 to be transferred into the Project from Water Reserves and Wastewater Reserves to fund Phase 1 of The Design-Build Agreement for SCADA System Replacement Project and authorizing the City Manager, or his Designee, to implement the provisions of this Resolution and forwarding to Council for approval.

UTILITIES; Juan Ochoa, 209-577-5423, jochoa@modestogov.com

ACTION: (Alvarez/Ricci; 3/0) Motion to award a Progressive Design-Build Agreement with TelStar Instruments, Inc. Concord, CA for the Supervisory Control and Data Acquisition (SCADA) System Replacement Project in the amount of $2,679,574 plus $267,957 in contingency, if needed for a total amount not to exceed $2,947,531 and authorizing the City Manager, or his designee to execute the Agreement and forwarding to Council for approval.

ACTION: (Alvarez/Ricci; 3/0) Motion approving an Agreement with EMA, Inc. Tucson AZ for the Technical Advisor Services in the amount of $369,694 plus $36,969 in contingency, if needed for a total amount not to exceed $406,663 and authorizing the City Manager, or his designee to execute the Agreement and forwarding to Council for approval.

ACTION: (Alvarez/Ricci; 3/0) Motion amending the Fiscal Year 2022-23 Multi-Year Budget in the amount of $3,555,446 to be transferred into the Project from Water Reserves and Wastewater Reserves to fund Phase 1 of The Design-Build Agreement for SCADA System Replacement Project and authorizing the City Manager, or his Designee, to implement the provisions of this Resolution and forwarding to Council for approval.

NEW BUSINESS

8. Consider approving the Water System Engineer's Report prepared by West Yost as complete; the Water Rate Study prepared by Bartle Wells Associates as complete; authorizing Staff to initiate the Proposition 218 process to adjust the City's Water Rates beginning in Fiscal Year 2023-24 through Fiscal Year 2027-28 and forwarding to Council for approval. (Funding Source: Water Fund)
    - Motion approving the Water System Engineer's Report prepared by West Yost as complete; the Water Rate Study prepared by Bartle Wells Associates as complete; authorizing Staff to initiate a Proposition 218 process to adjust the

City's Water Rates beginning in Fiscal Year 2023-24 through Fiscal Year 2027-28 and forwarding to Council for approval.

UTILITIES; William Wong, 209-571-5801, wwong@modestogov.com

ACTION: (Alvarez/Zwahlen; Ricci No; 2/1) Motion approving the Water System Engineer's Report prepared by West Yost as complete; the Water Rate Study prepared by Bartle Wells Associates as complete; authorizing Staff to initiate a Proposition 218 process to adjust the City's Water Rates beginning in Fiscal Year 2023-24 through Fiscal Year 2027-28 and forwarding to Council for approval.

9. Consider accepting an update on available funding for the Utility Billing Assistance Program (UBAP) with an increase to the monthly discount amount and forwarding to Council for approval. (Funding Source: Water and Wastewater Funds)
    - Motion approving an update on available funding for the Utility Billing Assistance Program (UBAP) with an increase to the monthly discount amount and forwarding to Council for approval.

FINANCE DEPARTMENT; Jeni Martin, 209-571-5892, jmartin@modestogov.com

ACTION: (Ricci/Alvarez; 3/0) Motion approving an update on available funding for the Utility Billing Assistance Program (UBAP) with an increase to the monthly discount amount and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 5:02 p.m.

Attest: _____
Andrea Cook, Deputy City Clerk

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, May 02, 2023 at 5:30 PM

Roll Call – Present: Councilmembers Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
Absent: Councilmember Escutia-Braaton

Pledge of Allegiance to the Flag

Invocation: Bill Kenoyer, Redeemer

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Sanchez reported no reportable action was taken.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation declaring May 2023 as National Asian American and Pacific Islander Heritage Month. (Funding Source: Not Applicable)
CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

ACTION: Mayor Zwahlen presented a Proclamation declaring May 2023 as National Asian American and Pacific Islander Heritage Month.

2. Proclamation declaring May 2023 as National Mental Health Awareness Month. (Funding Source: Not Applicable)
CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

ACTION: Mayor Zwahlen presented a Proclamation declaring May 2023 as National Mental Health Awareness Month.

3. Proclamation declaring May 2023 as National Older Americans Month. (Funding Source: Not Applicable)
CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

ACTION: Mayor Zwahlen presented a Proclamation declaring May 2023 as National Older Americans Month.

MISCELLANEOUS

4. Consider accepting the resignation of Gabriella Fierro from the City of Modesto's Equity Commission (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution accepting the resignation of Gabriella Fierro from the City of Modesto's Equity Commission

HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Wright/Alvarez; 6/0; Escutia-Braaton absent) Resolution 2023-193 accepting the resignation of Gabriella Fierro from the City of Modesto's Equity Commission

PUBLIC COMMENT PERIOD

• Gayle, a retired City of Modesto employee spoke in support of providing Covid 19 hazard pay for retirees. She further commented on statements from the Treasury and CalPERS regarding Covid-19 hazard pay for retirees.

• Jerry Thompson spoke about AB1436 and stated that it passed the Assembly and National City has lifted their ban on cruising.

• Ramon Rodriguez spoke about AB 481 and the use of military equipment by the Modesto Police Department. He also commented on mental health awareness.

• Trent Jordan spoke about drug activity at an establishment on Yosemite Boulevard in Modesto.

• Thomas commented on May being Mental Health Awareness Month. He also spoke about Paul Chavez, Jr.

• Miguel Donoso spoke about Senior Citizen Month. He provided correspondence to the Council regarding a recent Stanislaus County Economic Development Action Committee held on April 27th.

• John Williams asked for justice for Paul Chavez, Jr and Trevor Seever.

• Brittoni Chavez commented on the shooting of her husband Paul Chavez Jr and spoke about Officers Muncy and Valencia.

• Alissa Hagar spoke about mental health awareness. She also described an incident when she was arrested in 2021 and the recent dismissal of the case.

• Howard Carman spoke about the Modesto Police Department and staffing levels. He thanked the City of Modesto Police Officers for putting their life on the line. He also voiced concerns about 6th Street between 5th and 7th Streets.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 5-21 (Wright/Ricci; 6/0; Escutia-Braaton absent)

CONSENT

Consent

5. Consider approving the minutes from the April 11, 2023 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the April 11, 2023 Council Meeting.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Wright/Ricci; 6/0; Escutia-Braaton absent) Motion approving the minutes from the April 11, 2023 Council Meeting.

Consent

6. Consider approving the recommended Budget adjustments to Fiscal Year 2022-23 Annual Operating and Capital Improvement Program Budgets. (Funding Source: Various Funds)
    - Resolution amending Fiscal Year 2022-23 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/Ricci; 6/0; Escutia-Braaton absent) Resolution 2023-194 amending Fiscal Year 2022-23 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

7. Consider approving a Design Services Agreement with AECOM of Sacramento, CA for the Briggsmore Avenue at State Route 99 Interchange Improvement Project in the amount of $6,380,010, plus $638,001 for additional services, if needed, for a total amount not to exceed $7,018,011. (Funding Source: Streets Capital Facility Fee and Regional Measure L Funds)

- Resolution approving a Design Services Agreement with AECOM of Sacramento, CA for the Briggsmore Avenue at State Route 99 Interchange Improvement Project in the amount of $6,380,010, plus $638,001 for additional services, if needed, for a total amount not to exceed $7,018,011, and authorizing the City Manager, or his designee to execute the Agreement.

CED; Toby Wells, 209-571-5542, twells@modestogov.com

ACTION: (Wright/Ricci; 6/0; Escutia-Braaton absent) Resolution 2023-195 approving a Design Services Agreement with AECOM of Sacramento, CA for the Briggsmore Avenue at State Route 99 Interchange Improvement Project in the amount of $6,380,010, plus $638,001 for additional services, if needed, for a total amount not to exceed $7,018,011, and authorizing the City Manager, or his designee to execute the Agreement.

Consent

8. Consider approving a Will Serve Letter and Outside Service Agreement for Water Service for the property located at 1224 Kiernan Avenue (APN: 046-001-001). (Funding Source: Water Fund, General Fund)

    - Resolution approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and LPC Kiernan, LLC, a California Limited Liability company, to connect to the City of Modesto's existing water system for the property located at 1224 Kiernan Avenue in Modesto (APN: 046-001-001), and authorizing the City Manager, or his designee, to sign the Will Serve Letter and execute the Outside Service Agreement.

CED; Toby Wells, 209-571-5542, twells@modestogov.com

ACTION: (Wright/Ricci; 6/0; Escutia-Braaton absent) Resolution 2023-196 approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and LPC Kiernan, LLC, a California Limited Liability company, to connect to the City of Modesto's existing water system for the property located at 1224 Kiernan Avenue in Modesto (APN: 046-001-001), and authorizing the City Manager, or his designee, to sign the Will Serve Letter and execute the Outside Service Agreement.

Consent

9. Consider accepting an Informational Report for the March 2023 Accounts Payable Payment Register and Void Report. (Funding Source: Not Applicable)

    - Motion accepting an Informational Report for the March 2023 Accounts Payable Payment Register and Void Report.

FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

ACTION: (Wright/Ricci; 6/0; Escutia-Braaton absent) Motion accepting an Informational Report for the March 2023 Accounts Payable Payment Register and Void Report.

Consent

10. Consider accepting the Monthly Investment Report for February 2023. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for February 2023.

    FINANCE DEPARTMENT; Calogero Maniscalco, 209-577-5219, cmaniscalco@modestogov.com

    ACTION: (Wright/Ricci; 6/0; Escutia-Braaton absent) Motion accepting the Monthly Investment Report for February 2023.

Consent

11. Consider approving the purchase of a Type II Dozer with Holt of California, CA for a total amount not to exceed $307,189. (Funding Source: General fund)
    - Resolution approving Competitive Bidding Process from Sourcewell with Caterpiller Inc., under the authorized dealer Holt of California, CA for a Type II Dozer for a total amount not to exceed $307,189; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

    FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

    ACTION: (Wright/Ricci; 6/0; Escutia-Braaton absent) Resolution 2023-197 approving Competitive Bidding Process from Sourcewell with Caterpiller Inc., under the authorized dealer Holt of California, CA for a Type II Dozer for a total amount not to exceed $307,189; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

Consent

12. Consider approving the submission of an application for the Fiscal Year 2023-2024 Cal Fire Volunteer Fire Capacity (VFC) Program Grant, in a total amount not to 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 2023-2024 Cal Fire Volunteer Fire Capacity (VFC) Program Grant, in a total amount not to exceed $40,000, which includes a 50% local match, for the Procurement of Wildland Firefighting Equipment.

    FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

    ACTION: (Wright/Ricci; 6/0; Escutia-Braaton absent) Resolution 2023-198 approving the submission of an application for the Fiscal Year 2023-2024 Cal Fire Volunteer Fire Capacity (VFC) Program Grant, in a total amount not to exceed $40,000, which includes a 50% local match, for the Procurement of Wildland Firefighting Equipment.

Consent

13. Consider approving an Agreement with Callander Associates Landscape Architecture Inc. to prepare construction documentation for the Dr. Martin Luther King Jr. Park Renovation Project for a total amount not to exceed $753,419. (Funding Source: Proposition 68 – California Statewide Park Program)

- Resolution approving an Agreement with Callander Associates Landscape Architecture Inc. to prepare construction documentation for the Dr. Martin Luther King Jr. Park Renovation Project for a total amount of $684,927, plus $68,492 for additional services, if needed, for an Agreement total amount not to exceed $753,419, and authorizing the City Manager, or his designee, to execute the Agreement.

PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Wright/Ricci; 6/0; Escutia-Braaton absent) Resolution 2023-199 approving an Agreement with Callander Associates Landscape Architecture Inc. to prepare construction documentation for the Dr. Martin Luther King Jr. Park Renovation Project for a total amount of $684,927, plus $68,492 for additional services, if needed, for an Agreement total amount not to exceed $753,419, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

14. Consider approving the Plans and Specifications for the Carpenter Road Area Soccer Complex, Phase 2 Project, accepting the Bid and approving a Construction Contract with Machado & Sons Construction, Inc. of Turlock, CA. for a total amount not to exceed $1,453,772. (Funding Source: Youth Soccer and Recreation Development Grant, Parks Fund, Parks and Air Quality CFF Fund and TRRP CIP Fund)

    - Resolution approving the Plans and Specifications for the Carpenter Road Area Soccer Complex, Phase 2 Project, accepting the Bid and approving a Construction Contract with Machado & Sons Construction, Inc. of Turlock, CA in the amount of $1,321,611, plus $132,161 in contingency (if needed), for a total amount not to exceed $1,453,772 and authorizing the City Manager, or his designee, to execute the Contract.
    - Resolution authorizing an increase in the Director's Authority to issue Change Orders for the Carpenter Road Area Soccer Complex, Phase 2 project from 8% ($105,729) to 10% ($132,161) of the Construction Contract amount of $1,321,611 with Machado & Sons Construction, Inc. of Turlock, CA.
    - Resolution amending the Fiscal Year 2022-2023 Capital Improvement Program Budget to fund Project #101061 (Carpenter Road Area Soccer) in an amount not to exceed $640,000 in transfers, revenue, and to budget expenditures to fund the project, and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

    PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

    ACTION: (Wright/Ricci; 6/0; Escutia-Braaton absent) Resolution 2023-200 approving the Plans and Specifications for the Carpenter Road Area Soccer Complex, Phase 2 Project, accepting the Bid and approving a Construction Contract with Machado & Sons Construction, Inc. of Turlock, CA in the amount of $1,321,611, plus $132,161 in contingency (if needed), for a total amount not to exceed $1,453,772 and authorizing the City Manager, or his designee, to execute the Contract.

ACTION: (Wright/Ricci; 6/0; Escutia-Braaton absent) Resolution 2023-201 authorizing an increase in the Director's Authority to issue Change Orders for the Carpenter Road Area Soccer Complex, Phase 2 project from 8% ($105,729) to 10% ($132,161) of the Construction Contract amount of $1,321,611 with Machado & Sons Construction, Inc. of Turlock, CA.

ACTION: (Wright/Ricci; 6/0; Escutia-Braaton absent) Resolution 2023-202 amending the Fiscal Year 2022-2023 Capital Improvement Program Budget to fund Project #101061 (Carpenter Road Area Soccer) in an amount not to exceed $640,000 in transfers, revenue, and to budget expenditures to fund the project, and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

Consent

15. Consider approving the sale of 3.948 Acres of real property at 1500 Robertson Road jointly owned by the City of Modesto, the City of Ceres and the County of Stanislaus as part of the Tuolumne River Regional Park for $470,000 to the Stanislaus Regional Housing Authority to be used for construction of Parque Rio, a 92-unit multi-family affordable housing development. (Funding Source: TRRP Operating Fund)
    - Resolution approving the sale of 3.948 Acres of real property at 1500 Robertson Road jointly owned by the City of Modesto, the City of Ceres and the County of Stanislaus as part of the Tuolumne River Regional Park for $470,000, to the Stanislaus Regional Housing Authority to be used for construction of Parque Rio, a 92-unit multi-family affordable housing development and authorizing the City Manager, or his designee, to execute the Purchase and Sale Agreement, and all related documents required to complete the transaction and close of escrow.

    PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

    ACTION: (Wright/Ricci; 6/0; Escutia-Braaton absent) Resolution 2023-203 approving the sale of 3.948 Acres of real property at 1500 Robertson Road jointly owned by the City of Modesto, the City of Ceres and the County of Stanislaus as part of the Tuolumne River Regional Park for $470,000, to the Stanislaus Regional Housing Authority to be used for construction of Parque Rio, a 92-unit multi-family affordable housing development and authorizing the City Manager, or his designee, to execute the Purchase and Sale Agreement, and all related documents required to complete the transaction and close of escrow.

Consent

16. Consider accepting Grant Funds for a Safe Streets and Roads for All Grant to create an Action Plan to analyze roadway accidents. (Funding Source: Measure L and SS4A funds)
    - Resolution accepting the SS4A Grant Funds of $1,000,000 and using Measure L funds as the City's 20%, $200,000 match portion of the grant funds received for a project total of $1,200,000, and authorizing the City Manager, or his designee, to execute all related grant documents.

    PUBLIC WORKS; Mark Murphy, 209-577-5431, mmurphy@modestogov.com

ACTION: (Wright/Ricci; 6/0; Escutia-Braaton absent) Resolution 2023-204 accepting the SS4A Grant Funds of $1,000,000 and using Measure L funds as the City's 20%, $200,000 match portion of the grant funds received for a project total of $1,200,000, and authorizing the City Manager, or his designee, to execute all related grant documents.

Consent

17. Consider accepting the Install Traffic Signal Video Detection Cameras Project as complete. (Funding Source: Congestion Mitigation and Air Quality)
    - Resolution accepting the Install Traffic Signal Video Detection Cameras Project as complete.

    PUBLIC WORKS; Mark Murphy, 209-577-5431, mmurphy@modestogov.com

    ACTION: (Wright/Ricci; 6/0; Escutia-Braaton absent) Resolution 2023-205 accepting the Install Traffic Signal Video Detection Cameras Project as complete.

Consent

18. Consider approving the First Amendment to the Agreement with Pacific Gas and Electric for SmartMeter installation. (Funding Source: Surface Transportation Fund)
    - Resolution approving the First Amendment to the Agreement with Pacific Gas and Electric for SmartMeter installation by requiring a metered service for any future installations on unmetered street light standards, and authorizing the City Manager, or his designee, to execute the Amendment.

    PUBLIC WORKS; Mark Murphy, 209-577-5431, mmurphy@modestogov.com

    ACTION: (Wright/Ricci; 6/0; Escutia-Braaton absent) Resolution 2023-206 approving the First Amendment to the Agreement with Pacific Gas and Electric for SmartMeter installation by requiring a metered service for any future installations on unmetered street light standards, and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

19. Consider approving an Agreement for Analytical Laboratory Testing Services to Alpha Analytical Laboratories, Livermore, CA, for a total amount not to exceed $1,837,587 over five years. (Funding Source: Water Fund)
    - Resolution approving the Award of Bid and Agreement for Analytical Laboratory Testing Services to Alpha Analytical Laboratories, Livermore, CA for a two year Agreement with three one-year extension options, for an estimated annual amount of $322,625 with an estimated 6% CPI increase applied for years three through five; and for the Fifth Unregulated Contaminant Monitoring Rule (UCMR5) one-time project# 101481 amount of $103,600, for a total amount not to exceed $1,837,587 over five years, and authorizing the City Manager, or his designee to execute the Agreement.

    UTILITIES; Jeff Daniels, 209-342-4585, jdaniels@modestogov.com

ACTION: (Wright/Ricci; 6/0; Escutia-Braaton absent) Resolution 2023-207 approving the Award of Bid and Agreement for Analytical Laboratory Testing Services to Alpha Analytical Laboratories, Livermore, CA for a two year Agreement with three one-year extension options, for an estimated annual amount of $322,625 with an estimated 6% CPI increase applied for years three through five; and for the Fifth Unregulated Contaminant Monitoring Rule (UCMR5) one-time project# 101481 amount of $103,600, for a total amount not to exceed $1,837,587 over five years, and authorizing the City Manager, or his designee to execute the Agreement.

Consent

20. Consider approving an Agreement with Labworks, LLC, Lehi, Utah, for the Annual Maintenance and Support of Labworks LIMS Software, for a total amount not to exceed $96,864 over five years. (Funding Source: Sewer Operation Fund)
    - Resolution approving the Sole Source Agreement with Labworks LLC, Lehi, Utah for the Annual Maintenance and Support of Labworks LIMS Software, for a five year Agreement, for an estimated annual amount of $18,048, to include an annual increase of 4%, and a total amount not to exceed $96,864 over five years; and authorizing the City Manager, or his designee to execute the Agreement.

    UTILITIES; Jason Farnsworth, 209-577-6255, jfarnsworth@modestogov.com

    ACTION: (Wright/Ricci; 6/0; Escutia-Braaton absent) Resolution 2023-208 approving the Sole Source Agreement with Labworks LLC, Lehi, Utah for the Annual Maintenance and Support of Labworks LIMS Software, for a five year Agreement, for an estimated annual amount of $18,048, to include an annual increase of 4%, and a total amount not to exceed $96,864 over five years; and authorizing the City Manager, or his designee to execute the Agreement.

Consent

21. Consider approving an Agreement for Analytical Laboratory Testing Services to Alpha Analytical Laboratories, Livermore, CA, for a total amount not to exceed $1,677,304 over five years. (Funding Source: Sewer Operation Fund and Storm Drain Fund)
    - Resolution approving the Award of Bid and Agreement for Analytical Laboratory Testing Services to Alpha Analytical Laboratories, Livermore, CA, for a two year Agreement with three one-year extension options, for an annual estimated amount of $310,950, with a 6.3% CPI increase included in years three through five, and a total amount not to exceed $1,677,304 over five years; and authorizing the City Manager, or his designee, to execute the Agreement.

    UTILITIES; Jason Farnsworth, 209-577-6255, jfarnsworth@modestogov.com

    ACTION: (Wright/Ricci; 6/0; Escutia-Braaton absent) Resolution 2023-209 approving the Award of Bid and Agreement for Analytical Laboratory Testing Services to Alpha Analytical Laboratories, Livermore, CA, for a two year Agreement with three one-year extension options, for an annual estimated amount of $310,950, with a 6.3% CPI increase included in years three through five, and a total amount not to exceed

$1,677,304 over five years; and authorizing the City Manager, or his designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

Councilmember Alvarez reported on housing and commented on the rental inspection ordinance. He also invited the public to attend a few upcoming community events. Community events are as follows: Star Wars May the Fourth Be With You event on May 4th downtown Modesto. Sixth Annual Cinco De Mayo parade on Crows Landing Road from 10 a.m. to 1 p.m. He along with some of his Council colleagues will be participating as parade dignitaries. He's looking forward to seeing the community out there.

Councilmember Williams reported that last week he had the privilege to be in the company of the four Mayors from Ukraine. This past weekend, he participated in Love Modesto and he and his team had the privilege of beautifying McHenry Avenue. Councilmember Escutia-Braaton also participated. About 141 volunteers signed up for Love Modesto. Prior to that the North Modesto Kiwanis hosted a pancake breakfast, and all proceeds were donated to Love Modesto. On Saturday, he also participated in a Men's Group, graduation for African American young boys. He also reported that he along with the Mayor attended the 75-year celebration for the League of Women Voters.

Vice Mayor Ricci echoed Council Member Alvarez's comments about the May the 4th be With You event. He is excited to hear reports from neighbors about Graceda Park that the City added some porta-potties out there at the park. He stated they're going to make this park a lot safer and more accessible. He is also looking forward to upcoming maintenance plans for the existing bathrooms and hopes those plans will include paint and some upgraded fixtures. Measure H was a huge step in improving City Parks. He also stated that they need to update strategies to make better use of park space.

Mayor Zwahlen reported that so much was covered tonight, and she appreciates the Councilmembers comments about the activities they've been involved in. She wanted to take this time to recognize this was Deputy City Manager Scotty Douglass's last City Council meeting. He has accepted a position as City Manager in Cottonwood Arizona. He will be greatly missed and completely irreplaceable.

CITY MANAGER COMMENTS & REPORTS

City Manager Lopez stated that he wanted to extend his gratitude to Scotty. He's filled this role admirably and appreciates all the assistance he has brought to the office, City, and community.

NEW BUSINESS

22. Consider approving the City of Modesto's Homekey 3 Project Application for the project located at 710 N. 9th Street; negotiate and execute any related program agreements or documents required for the implementation and acceptance of Homekey

3 Program Grant, approving a letter of commitment to loan to RH Community Builders in the amount of $2,274,923 and $200,000 for staff activity delivery costs from Community Development Block Grant Funds. (Funding Source: Homekey 3 Funds and HUD Funds)

- Resolution approving the City of Modesto's Homekey 3 Project Application for the project located at 710 N. 9th Street, authorizing the City Manager, or his designee, to submit the application, applicable documentation, with alterations as required by the California Department of Housing and Community Development (HCD) and negotiate and execute any related program agreements or documents required for the implementation and acceptance of Homekey 3 Program Grant.
- Resolution of the governing body of the City of Modesto authorizing joint application to and participation in the Homekey program.
- Resolution approving a letter of commitment to loan to RH Community Builders in an amount up to $2,274,923 in Community Development Block Grant Funds to assist with the acquisition and rehabilitation of 710 N. 9th Street, and $200,000 for staff activity delivery costs, and authorizing the City Manager or his designee to execute the agreements.
- Resolution amending the Fiscal Year 2022-2023 Multi-Year Fund Budget in the amount of $19,474,923 to establish a project for the Homekey 3 Program to be funded with Homekey 3 and Community Development Block Grant (CDBG) Grants and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this Resolution.

CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

ACTION: (Bavaro/Williams; 6/0; Escutia-Braaton absent) Resolution 2023-210 approving the City of Modesto's Homekey 3 Project Application for the project located at 710 N. 9th Street, authorizing the City Manager, or his designee, to submit the application, applicable documentation, with alterations as required by the California Department of Housing and Community Development (HCD) and negotiate and execute any related program agreements or documents required for the implementation and acceptance of Homekey 3 Program Grant as amended.

ACTION: (Bavaro/Williams; 6/0; Escutia-Braaton absent) Resolution 2023-211 of the governing body of the City of Modesto authorizing joint application to and participation in the Homekey program.

ACTION: (Bavaro/Williams; 6/0; Escutia-Braaton absent) Resolution 2023-212 approving a letter of commitment to loan to RH Community Builders in an amount up to $2,274,923 in Community Development Block Grant Funds to assist with the acquisition and rehabilitation of 710 N. 9th Street, and $200,000 for staff activity delivery costs, and authorizing the City Manager or his designee to execute the agreements as amended.

ACTION: (Bavaro/Williams; 6/0; Escutia-Braaton absent) Resolution 2023-213 amending the Fiscal Year 2022-2023 Multi-Year Fund Budget in the amount of

$19,474,923 to establish a project for the Homekey 3 Program to be funded with Homekey 3 and Community Development Block Grant (CDBG) Grants and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this Resolution.

Recessed: 7:17 pm
Reconvened: 7:23 pm

23. Consider accepting the Modesto Police Department's annual Military Equipment Report, approving an Ordinance re-authorizing the department's Military Equipment Use Policy (Policy 710), and authorizing the purchase of additional equipment that qualifies as "military equipment" in Fiscal Year 2023-2024. (Funding Source: General Fund, Supplemental Law Enforcement Services Fund, Asset Forfeiture Funds, and/or Police Grant Funds)
    - Motion introducing and waiving the first reading of an Ordinance approving the Modesto Police Department's Military Equipment Use Policy (Policy 710) in accordance with AB 481, approving the purchase of additional equipment that qualifies as "military equipment" in Fiscal Year 2023-2024 and rescinding Ordinance No. 3745-C.S.
    - Motion accepting the Modesto Police Department's annual Military Equipment Report.

POLICE; Joseph Bottoms, 209-572-9500, bottomsj@modestopd.com

ACTION: (Ricci/Bavaro; 6/0; Escutia-Braaton absent) Motion introducing and waiving the first reading of **Ordinance 3763-C.S**. approving the Modesto Police Department's Military Equipment Use Policy (Policy 710) in accordance with AB 481, approving the purchase of additional equipment that qualifies as "military equipment" in Fiscal Year 2023-2024 and rescinding Ordinance No. 3745-C.S.

ACTION: (Alvarez/Wright; 6/0; Escutia-Braaton absent) Motion accepting the Modesto Police Department's annual Military Equipment Report.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:45 pm

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: 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

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:_____
Diane Nayares-Perez, City Clerk

MINUTES

City of Modesto

SPECIAL APPOINTMENTS COMMITTEE / COUNCIL WORKSHOP

Room 2001-40 Del Puerto Room
Tenth Street Place,
1010 10th Street
Modesto, California
Monday, May 08, 2023 at 2:00 PM

Roll Call: Present: Member Williams, Vice-Chair Ricci
Absent: Chair Escutia-Braaton
Also Present: None

Alternates: Eric Alvarez, Sue Zwahlen, Nick Bavaro, David Wright

PUBLIC COMMENTS

None

CONSENT ITEMS - ROLL CALL VOTE REQUIRED:

ACTION CONSENT ITEM 1-3 (Williams/Ricci; 2/0)

CONSENT

Consent

1. Consider recommending the reappointments of Brock Wiley, Alan Falconer and Carrie Miller to the Entertainment Commission for a second term with term expirations of April 30, 2027 and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending the reappointments of Brock Wiley, Alan Falconer and Carrie Miller to the Entertainment Commission for a second term with term expirations of April 30, 2027 and forwarding to Council for approval.

CED; Jessica Hill, 209-577-5321, jhill@modesto

ACTION: (Williams/Ricci; 2/0) Motion recommending the reappointments of Brock Wiley, Alan Falconer and Carrie Miller to the Entertainment Commission for a second term with term expirations of April 30, 2027 and forwarding to Council for approval.

Consent

2. Consider the reappointments of Theodore Mills, Randy Clark, James Aja, Mike Rego, and Jane Manley to the Measure L Citizen's Transportation Sales Tax Commission for a second and final four-year term with term expirations of June 30, 2025; and the reappointments of Michael Moradian and Patricia Gillum to the Measure L Citizen's

Transportation Sales Tax Commission for a second and final four-year term with term expirations of June 30, 2027 and forwarding to Council for approval. (Funding Source: Not Applicable)

- Motion recommending the reappointments of Theodore Mills, Randy Clark, James Aja, Mike Rego, and Jane Manley to the Measure L Citizen's Transportation Sales Tax Commission for a second and final four-year term from July 1, 2021 to June 30, 2025; and the reappointments of Michael Moradian and Patricia Gillum to the Measure L Citizen's Transportation Sales Tax Commission for a second and final four-year term from July 1, 2023 to June 30, 2027 and forwarding to Council for approval.

CED; Toby Wells, 209-571-5542, twells@modestogov.com

ACTION: (Williams/Ricci; 2/0) Motion recommending the reappointments of Theodore Mills, Randy Clark, James Aja, Mike Rego, and Jane Manley to the Measure L Citizen's Transportation Sales Tax Commission for a second and final four-year term from July 1, 2021 to June 30, 2025; and the reappointments of Michael Moradian and Patricia Gillum to the Measure L Citizen's Transportation Sales Tax Commission for a second and final four-year term from July 1, 2023 to June 30, 2027 and forwarding to Council for approval.

Consent

3. Consider recommending the appointment of Equity Commissioner Lindsey Bird to the Citizen's Housing and Community Development Committee for a two-year term with a term expiration of May 31, 2025 and forwarding to Council for approval. (Funding Source: Not Applicable)

   - Motion recommending the appointment of Equity Commissioner Lindsey Bird to the Citizen's Housing and Community Development Committee for a two-year term with a term expiration of May 31, 2025 and forwarding to Council for approval.

   HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

   ACTION: (Williams/Ricci; 2/0) Motion recommending the appointment of Equity Commissioner Lindsey Bird to the Citizen's Housing and Community Development Committee for a two-year term with a term expiration of May 31, 2025 and forwarding to Council for approval.

NEW BUSINESS

4. Consider recommending the appointment for one vacancy to the City of Modesto Board of Building Appeals for a four-year term with a term expiration of January 1, 2027 and forwarding to Council for approval. (Funding Source: Not Applicable)

   - Motion recommending the appointment for one vacancy to the City of Modesto Board of Building Appeals for a four-year term with a term expiration of January 1, 2027 and forwarding to Council for approval.

   CED; Oscar Diaz, 209-577-5232, odiaz@modestogov.com

ACTION: (Williams/Ricci; 2/0) Motion recommending the appointment of Evan Yoshino to the City of Modesto Board of Building Appeals for a four-year term with a term expiration of January 1, 2027 and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 2:19 p.m.

Attest: _____
Andrea Cook, Deputy City Clerk

MINUTES

City of Modesto

SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP

Room 2001-40 Del Puerto Room
Tenth Street Place,
1010 10th Street
Modesto, California
Monday, May 08, 2023 at 4:00 PM

Roll Call: Present: Member Williams, Chair Ricci
Absent: Vice-Chair Escutia-Braaton
Also Present: Alternate Member Wright

Alternates: Eric Alvarez, Sue Zwahlen, Nick Bavaro, David Wright

PUBLIC COMMENTS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:

ACTION CONSENT ITEM 1-7 (Wright/Williams; 3/0)

CONSENT

Consent

1. Consider approving a Memorandum of Understanding (MOU) with Stanislaus County, Stanislaus Consolidated Fire Protection District, the Modesto Fire Department (MFD), City of Turlock and the City of Ceres to continue providing County-Wide Fire Investigation Services and forwarding to Council for approval. (Funding Source: General Fund)
    - Motion approving a Memorandum of Understanding (MOU) with Stanislaus County, Stanislaus Consolidated Fire Protection District, the Modesto Fire Department, City of Turlock and the City of Ceres to continue providing County-Wide Fire Investigation Services and forwarding to Council for approval.

FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

ACTION: (Wright/Williams; 3/0) Motion approving a Memorandum of Understanding (MOU) with Stanislaus County, Stanislaus Consolidated Fire Protection District, the Modesto Fire Department, City of Turlock and the City of Ceres to continue providing County-Wide Fire Investigation Services and forwarding to Council for approval.

Consent

2. Consider approving the application and issuance of a permit to operate as a Non-Emergency Medical Transport Company to America West Medical Transportation, Inc in the City of Modesto, and forwarding to Council for approval (Funding Source: General Fund)
    - Motion approving the application and issuance of a permit to operate as a Non-Emergency Medical Transport Company to America West Transportation, Inc. in the City of Modesto, and forwarding to Council for approval.

   POLICE DEPARTMENT; Robert Reyna, 209-572-9500, reynar@modestopd.com

ACTION: (Wright/Williams; 3/0) Motion approving the application and issuance of a permit to operate as a Non-Emergency Medical Transport Company to America West Transportation, Inc. in the City of Modesto, and forwarding to Council for approval.

Consent

3. Consider approving the application and issuance of a permit to operate as a Non-Emergency Medical Transport Company to Quality Care Transportation, Inc in the City of Modesto, and forwarding to Council for approval. (Funding Source: General Fund)
    - Motion approving the application and issuance of a permit to operate as a Non-Emergency Medical Transport Company to Quality Care Transportation, Inc. in the City of Modesto, and forwarding to Council for approval.

   POLICE DEPARTMENT; Robert Reyna, 209-572-9500, reynar@modestopd.com

ACTION: (Wright/Williams; 3/0) Motion approving the application and issuance of a permit to operate as a Non-Emergency Medical Transport Company to Quality Care Transportation, Inc. in the City of Modesto, and forwarding to Council for approval.

Consent

4. Consider approving an Agreement with American Chiller Service, Inc. for HVAC Maintenance and Emergency Repairs for the Modesto Centre Plaza for a total amount not to exceed $375,000 over five years; and forwarding to Council for approval. (Funding Source: Centre Plaza Fund)
    - Motion approving the Agreement with American Chiller Inc. for HVAC Maintenance and Emergency Repairs for the Modesto Centre Plaza for a two-year Agreement with three one-year extension options, for an annual estimated amount of $75,000, and a total amount not to exceed $375,000 over five years; and forwarding to Council for approval.

   PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Wright/Williams; 3/0) Motion approving the Agreement with American Chiller Inc. for HVAC Maintenance and Emergency Repairs for the Modesto Centre Plaza for a two-year Agreement with three one-year extension options, for an annual estimated amount of $75,000, and a total amount not to exceed $375,000 over five years; and forwarding to Council for approval.

Consent

5. Consider approving the First Amendment to the Lease Agreement with Del Rio CC Foundation, of Modesto, CA, for Lease of Property located on Roselawn Avenue (APNs 037-036-007 and 037-051-001) for Operation of Youth Programming and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion approving the First Amendment to the Lease Agreement with Del Rio CC Foundation, of Modesto, CA, for Lease of Property located on Roselawn Avenue (APNs 037-036-007 and 037-051-001) for Operation of Youth Programming and forwarding to Council for approval.

PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Wright/Williams; 3/0) Motion approving the First Amendment to the Lease Agreement with Del Rio CC Foundation, of Modesto, CA, for Lease of Property located on Roselawn Avenue (APNs 037-036-007 and 037-051-001) for Operation of Youth Programming and forwarding to Council for approval.

Consent

6. Consider approving a First Amendment to the Agreement with O'Dell Engineering, Inc. for additional tasks related to Permitting and Construction Support for the Tuolumne River Regional Park (TRRP) Non-Motorized Boat Launch and River Access Facility Project located at Neece Drive, for a new amount not to exceed $159,731 and forwarding to Council for approval. (Funding Source: Non-Motorized Boating Facilities Grant Program Funds and TRRP CIP Fund)
    - Motion approving a First Amendment to the Agreement with O'Dell Engineering, Inc. for additional tasks related to Permitting and Construction Support for the TRRP Non-Motorized Boat Launch and River Access Facility Project located at Neece Drive, increasing the Agreement amount by $15,000 from $144,731 to a new total amount of $159,731 and forwarding to Council for approval.

PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Wright/Williams; 3/0) Motion approving a First Amendment to the Agreement with O'Dell Engineering, Inc. for additional tasks related to Permitting and Construction Support for the TRRP Non-Motorized Boat Launch and River Access Facility Project located at Neece Drive, increasing the Agreement amount by $15,000 from $144,731 to a new total amount of $159,731 and forwarding to Council for approval.

Consent

7. Consider approving a First Amendment to the Agreement with O'Dell Engineering, Inc. for additional tasks related to the preparation of construction documentation for the César E. Chavez Renovation Project for a new amount not to exceed $880,667 and forwarding to Council for approval. (Funding Source: Statewide Park Development and Community Revitalization Program - Proposition 68)
    - Motion approving a First Amendment to the Agreement with O'Dell Engineering, Inc. for additional tasks related to the preparation of construction

documentation for the César E. Chavez Renovation Project, increasing the Agreement amount by $80,950, for a new contract amount of $838,730, plus $41,937 in Additional Services (if needed) for a new total amount not to exceed $880,667 and forwarding to Council for approval.

PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Wright/Williams; 3/0) Motion approving a First Amendment to the Agreement with O'Dell Engineering, Inc. for additional tasks related to the preparation of construction documentation for the César E. Chavez Renovation Project, increasing the Agreement amount by $80,950, for a new contract amount of $838,730, plus $41,937 in Additional Services (if needed) for a new total amount not to exceed $880,667 and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:03 p.m.

Attest: _____
Andrea Cook, Deputy City Clerk

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, May 09, 2023 at 5:30 PM

Roll Call – Present: Councilmembers Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen

Absent: Councilmember Escutia-Braaton

Pledge of Allegiance to the Flag

Invocation: Scott Nelson, Covenant Grove Church

City Clerk's Announcements: Items 5 and 10 were removed from Consent by a member of the public.

Declaration of Conflicts of Interest: Councilmember Williams recused himself from Item 16

Reports from Closed Session: No reportable action.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation declaring May 7-13, 2023 as National Public Service Recognition Week. (Funding Source: Not Applicable)
   CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

   ACTION: Mayor Zwahlen presented proclamation declaring May 7-13, 2023 as National Public Service Recognition Week to Joe Lopez, City Manager, who accepted on behalf of all City employees.

2. Proclamation declaring May 21-27, 2023 as National Public Works Week. (Funding Source: Not Applicable)
   PUBLIC WORKS; Bill Sandhu, 209-341-2906, bsandhu@modestogov.com

   ACTION: Mayor Zwahlen presented proclamation declaring May 21-27, 2023 as National Public Works Week, to Bill Sandhu, Director of Public Works.

3. Modesto Convention & Visitors Bureau Presentation (Funding Source: Not Applicable)
   PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: Todd Aaronson of Modesto Convention & Visitors Bureau gave a presentation on the vast opportunities for tourism in the City of Modesto, and played a video they created narrating a letter they received from Andi J.

PUBLIC COMMENT PERIOD

- James Costello spoke in representation of a group called Modesto Citizens Action Group regarding the humanitarian crisis of homelessness and would like the City to help by providing simple basic temporary housing.

- Darlene Ruiz requested the City to declare April 24th as Trevor Seever Day and asking the community to do something kind in memory of her son. She gave examples of other cities that have done something similar. She also spoke regarding a recent incident at a gas station between her and a member of the Proud Boys.

- Laticia Gonzales spoke regarding her son being murdered in 2017 at Mellis Park and inquired as to the status of improvements at Martin Luther King Park. She also asked for help in getting information regarding her work history.

- Eric Caine thanked the Council for their service. He also spoke regarding the increasing number of homeless in Modesto. He feels the lack of a Homeless Management Action Plan is a contributing factor to the vast amount of homeless in the area. There is not enough housing and services to meet the needs of the growing population. He spoke regarding the use of law to maintain order with homelessness and feels that doesn't work. He would like to see designated areas where they can sleep and congregate safely.

- Marcie Walters spoke regarding the three-container system and the need to have the green waste container picked up every week. She also feels the blue container could be smaller.

- John Gunderson spoke regarding the homeless and need to do better. He feels there is the need for community supported shelters and micro shelter enclaves and gave examples of other places like Eugene Oregon, the City of Redding, and Sacramento. He stated many churches in those areas are building enclaves on church property. He also suggested partnerships with Modesto City Schools and having ROP students at Downey High School build them.

- Steve Allen spoke regarding his advocacy on behalf of victims of police killings and feels nothing has been done. He feels the town still has a lot of issues regarding violence and corruption in its law enforcement. He's hopeful for change, but he hasn't seen it yet.

- Lynelle Solomon spoke regarding her community outreach with the homeless through an organization called SHARE. She feels the most pressing issue is the elderly that are experiencing homelessness due to lack of affordable housing. She told stories of several of her people she interacts with, and feels we need to treat our elderly better.

- Ramon Rodriguez spoke regarding the Cinco de Mayo celebration, and the unlawful assembly of people celebrating on Glenn Avenue. He feels there should be more law enforcement

regarding side shows and fireworks in the area near Crows Landing. He also spoke regarding non-lethal weapons used by the police, and the danger of those as well.

- SueAnne spoke regarding homelessness and feels there should be more communication and teamwork within the different departments. She would like to get involved to help be a part of the solution. There are so many causes but what are the solutions.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 4, 6-9, 11-14 (Wright/Alvarez; 6/0; Escutia-Braaton absent)

CONSENT

Consent
4. Consider approving the minutes from the May 2, 2023 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the May 2, 2023 Council Meeting.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Wright/Alvarez; 6/0; Escutia-Braaton absent) Motion approving the minutes from the May 2, 2023 Council Meeting.

Removed from Consent
5. Consider approving Final Adoption of Ordinance 3763-C.S. approving the Modesto Police Department's Military Equipment Use Policy (Policy 710) in accordance with AB 481, approving the purchase of additional equipment that qualifies as "military equipment" in Fiscal Year 2023-2024 and rescinding Ordinance No. 3745-C.S. (Funding Source: Not Applicable)
    - Motion approving Final Adoption of Ordinance 3763-C.S. approving the Modesto Police Department's Military Equipment Use Policy (Policy 710) in accordance with AB 481, approving the purchase of additional equipment that qualifies as "military equipment" in Fiscal Year 2023-2024 and rescinding Ordinance No. 3745-C.S.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Bavaro/Williams; 6/0; Escutia-Braaton absent) Motion approving Final Adoption of **Ordinance 3763-C.S.** approving the Modesto Police Department's Military Equipment Use Policy (Policy 710) in accordance with AB 481, approving the purchase of additional equipment that qualifies as "military equipment" in Fiscal Year 2023-2024 and rescinding Ordinance No. 3745-C.S.

Consent
6. Consider accepting the General Plan Vision Statement. (Funding Source: Not Applicable)
    - Resolution approving the General Plan Vision Statement and Guiding Principles.

    CED; Edgar Garcia, 209-571-5101, edgarcia@modestogov.com

ACTION: (Wright/Alvarez; 6/0; Escutia-Braaton absent) Resolution 2023-214 approving the General Plan Vision Statement and Guiding Principles.

Consent

7. Consider approving the Consultant Services Agreements with Precision Civil Engineering, Inc., Harris & Associates, Inc., and Environmental Science Associates (ESA) for Municipal Planning Services, for a total amount not to exceed $300,000 per consultant for an overall total not to exceed $900,000. (Funding Source: Developer Fees)
    - Resolution approving the Consultant Services Agreements with Precision Civil Engineering, Inc., Harris & Associates, Inc., and Environmental Science Associates (ESA) for Municipal Planning Services, for a total amount not to exceed $300,000 per consultant for an overall total not to exceed $900,000 and authorizing the City Manager or his designee to execute the Consultant Services Agreements.

    CED; Peter Ibrahim, 209-577-5211, pibrahim@modestogov.com

    ACTION: (Wright/Alvarez; 6/0; Escutia-Braaton absent) Resolution 2023-215 approving the Consultant Services Agreements with Precision Civil Engineering, Inc., Harris & Associates, Inc., and Environmental Science Associates (ESA) for Municipal Planning Services, for a total amount not to exceed $300,000 per consultant for an overall total not to exceed $900,000 and authorizing the City Manager or his designee to execute the Consultant Services Agreements.

Consent

8. Consider accepting 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, 209-577-5219, cmaniscalco@modestogov.com

    ACTION: (Wright/Alvarez; 6/0; Escutia-Braaton absent) Resolution 2023-216 approving the updates to the City's Debt Management Policy.

Consent

9. Consider accepting 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, 209-577-5219, cmaniscalco@modestogov.com

    ACTION: (Wright/Alvarez; 6/0; Escutia-Braaton absent) Resolution 2023-217 approving the updates to the City's Investment Policy.

Removed from Consent

10. Consider approving a Second Amendment to the Master Services Agreement with Forensic Logic for a three-year Software License Services Renewal for a total amount not to exceed $184,661. (Funding Source: General Fund and Supplemental Law Enforcement Services Funds (SLESF))
    - Resolution approving a Second Amendment to the Master Services Agreement with Forensic Logic for a three-year Software License Services Renewal for COPLINK for a total amount not to exceed $184,661 and authorizing the City Manager or his designee to execute the Amendment.

    POLICE DEPARTMENT; Brandon Gillespie, 209-572-9500, gillespieb@modestopd.com

    ACTION: (Ricci/Wright; 6/0; Escutia-Braaton absent) Resolution 2023-218 approving a Second Amendment to the Master Services Agreement with Forensic Logic for a three-year Software License Services Renewal for COPLINK for a total amount not to exceed $184,661 and authorizing the City Manager or his designee to execute the Amendment.

Consent

11. Consider approving a First Amendment to the Cell Tower Site Lease Agreement at Robertson Road Park with MetroPCS California, LLC, (MetroPCS) to extend the maximum term of the Agreement through July 31, 2052. (Funding Source: Cell Tower Facility Rental Revenue)
    - Resolution approving a First Amendment to the Cell Tower Site Lease Agreement at Robertson Road Park with MetroPCS California, LLC, (MetroPCS) to extend the maximum term of the Agreement through July 31, 2052, and authorizing the City Manager, or his designee, to execute the Agreement.

    PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

    ACTION: (Wright/Alvarez; 6/0; Escutia-Braaton absent) Resolution 2023-219 approving a First Amendment to the Cell Tower Site Lease Agreement at Robertson Road Park with MetroPCS California, LLC, (MetroPCS) to extend the maximum term of the Agreement through July 31, 2052, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

12. Consider approving an Engineering Services Agreement with West Yost, of Davis, CA, for the CV-SALTS Nitrate Control Program - Pathway A Compliance Analysis, in an amount not to exceed $243,524. (Funding Source: Wastewater and Compost Funds)
    - Resolution approving an Agreement with West Yost, of Davis, CA, for the CV-SALTS Nitrate Control Program – Pathway A Compliance Analysis in the amount of $221,385 for the identified scope of services, plus $22,139 in additional services (if needed), for a total amount not to exceed $243,524 and authorizing the City Manager, or his designee to execute the Agreement.
    - Resolution amending the Fiscal Year 2022-23 Multi-Year Program Budget in the amount of $280,024 to be transferred into the Project from Wastewater

Reserves to fund the CV-SALTS Nitrate Control Program - Pathway A Compliance Analysis Project and authorizing the City Manager, or his Designee, to implement the provisions of this Resolution.

UTILITIES; Juan Ochoa, 209-577-5423, jochoa@modestogov.com

ACTION: (Wright/Alvarez; 6/0; Escutia-Braaton absent) Resolution 2023-220 approving an Agreement with West Yost, of Davis, CA, for the CV-SALTS Nitrate Control Program – Pathway A Compliance Analysis in the amount of $221,385 for the identified scope of services, plus $22,139 in additional services (if needed), for a total amount not to exceed $243,524 and authorizing the City Manager, or his designee to execute the Agreement.

ACTION: (Wright/Alvarez; 6/0; Escutia-Braaton absent) Resolution 2023-221 amending the Fiscal Year 2022-23 Multi-Year Program Budget in the amount of $280,024 to be transferred into the Project from Wastewater Reserves to fund the CV-SALTS Nitrate Control Program - Pathway A Compliance Analysis Project and authorizing the City Manager, or his Designee, to implement the provisions of this Resolution.

Consent

13. Consider accepting the Upgrade Advanced Traffic Management System (ATMS) 2019,CML- 5059(238) Project as complete, and releasing payments totaling $1,199,842 to Tennyson Electric, Inc., of Livermore, CA. (Funding Source: CMAQ, Local Measure L Funds)
    - Resolution accepting the Upgrade Advance Traffic Management System 2019, CML-5059-(238) Project as complete, releasing securities, releasing payments totaling $1,199,842 to Tennyson Electric, Inc., of Livermore, CA. and authorizing the City Clerk to file a Notice of Completion.

    UTILITIES; Peter Kambel, 209-577-5444, pkambel@modestogov.com

    ACTION: (Wright/Alvarez; 6/0; Escutia-Braaton absent) Resolution 2023-222 accepting the Upgrade Advance Traffic Management System 2019, CML-5059-(238) Project as complete, releasing securities, releasing payments totaling $1,199,842 to Tennyson Electric, Inc., of Livermore, CA. and authorizing the City Clerk to file a Notice of Completion.

Consent

14. Consider accepting the Wastewater Building Upgrades Project as complete, releasing securities, and releasing payments totaling $854,000 to Azul Works, Inc, of San Francisco, CA. (Funding Source: Wastewater Fund)
    - Resolution accepting the Wastewater Building Upgrades Project as complete, releasing securities, releasing payments totaling $854,000 to Azul Works Inc., of San Francisco, CA and authorizing the City Clerk to file a Notice of Completion.

    UTILITIES; Peter Kambel, 209-577-5444, pkambel@modestogov.com

ACTION: (Wright/Alvarez; 6/0; Escutia-Braaton absent) Resolution 2023-223 accepting the Wastewater Building Upgrades Project as complete, releasing securities, releasing payments totaling $854,000 to Azul Works Inc., of San Francisco, CA and authorizing the City Clerk to file a Notice of Completion.

COUNCIL COMMENTS & REPORTS

Vice Mayor Ricci spoke regarding the conclusions of Stanislaus Community Foundation's 2030 Project and how to build on what we have available to make Modesto a more economically vibrant region. He believes our Tourism Industry is being developed right and is an area that has room for growth. He spoke regarding bringing a roller skating rink to Modesto.

Councilmember Alvarez spoke regarding the Cinco de Mayo event that was attended by himself, as well as Councilmembers Bavaro and Williams over the past week. He also spoke regarding the Downtown Parking Master Plan, and upcoming meetings to provide residents with an update. He also spoke regarding the Southwest Modesto Plan. There will be community workshops on May 17th from 6 - 8 p.m. at King Kennedy Center. He also spoke regarding the renovations at Martin Luther King Park, and the delay in that project due to the pandemic. He assured the public it is a priority. He also clarified a comment that Cinco de Mayo is not Independence Day for Mexico but rather it is the Chicano celebration of Mexican heritage, and their victory over France in the battle of Puebla. He stated Mexico's Independence Day is September 16th.

Councilmember Williams spoke regarding Cinco de Mayo, and an incident that happened on Crows Landing. He thanked the law enforcement for handling the situation quickly. He also spoke about the Parade event, and was pleased to see City Manager Joe Lopez serving as a judge for the Parade. He also spoke regarding Kids Day today in support of the Salvation Army. He also spoke regarding Gregori High School Career Day event he attended. He also spoke regarding House Repair Program the City has, and encourage residents to apply for the program.

Mayor Zwahlen spoke regarding the May the Fourth celebration of Star Wars tradition in Modesto, and is excited for the Modesto Children's Museum to be completed. She also briefly spoke regarding the Pray Modesto event that she and many others attended, and expressed her appreciation to Cindy Marks for spearheading that. Lastly, she spoke regarding the Peace Officer Memorial Service at Lakewood Park. She was very touched by this event.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on April 9, 2023

15. Hearing to consider the 2023-2024 Annual Action Plan as well as the acceptance of the 2023-2024 Annual HUD Allocation in the amount of $2,875,518 and to submit the

2023-2024 Annual Action Plan, and applicable documentation, as required by U.S. Department of Housing and Urban Development. (Funding Source: HUD Entitlement Funding)

- Resolution approving the City of Modesto program year 2023-2024 Annual Action Plan for the use and acceptance of Community Development Block Grant Programs, Emergency Solutions Grant, and HOME Investment Partnerships Program funding in the amount of $ 2,875,518 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 and acceptance of the program year 2023-2024 Annual Action Plan funding, 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 provisions of this resolution.
- Resolution approving the allocation of funds outlined in the program year 2023-2024 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 Hill, 209-577-5211, jhill@modestogov.com

ACTION: (Wright/Ricci; 6/0; Escutia-Braaton absent) Resolution 2023-224 approving the City of Modesto program year 2023-2024 Annual Action Plan for the use and acceptance of Community Development Block Grant Programs, Emergency Solutions Grant, and HOME Investment Partnerships Program funding in the amount of $ 2,875,518 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 and acceptance of the program year 2023-2024 Annual Action Plan funding, 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 provisions of this resolution.

ACTION: (Wright/Ricci; 6/0; Escutia-Braaton absent) Resolution 2023-225 approving the allocation of funds outlined in the program year 2023-2024 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.

Published in the Modesto Bee on May 2, 2023

16. Hearing to consider approving Amendment #5 to the City of Modesto's Program Year 2019-2020 Annual Action Plan to identify and allocate reallocated Emergency Solutions Grant Coronavirus (ESG-CV) funds made available through the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) Public Law 116-136, accepting

the ESG-CV award, and authorizing the City Manager, or his designee, to negotiate and execute an Agreement with the Salvation Army for the operation and management of a Day Center. (Funding Source: Cares Act Emergency Solutions Grant)

- Resolution approving Amendment #5 to the City of Modesto's Program Year 2019-2020 Annual Action Plan to identify and allocate reallocated Emergency Solutions Grant Coronavirus (ESG-CV) funds in the amount of $632,829 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 and acceptance of the program year 2019-2020 Annual Action Plan Amendment #5 funding, 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 allocation of reallocated Emergency Solutions Grant Coronavirus (ESG-CV) funds made available through the Coronavirus Aid, Relief, And Economic Security Act (CARES Act), and authorizing the City Manager, or his designee, to negotiate and execute an Agreement with the Salvation Army in an amount not to exceed $569,546 for the operation and management of a day center, and authorizing the City Manager or his designee to execute any related documents and/or Agreements.
- Resolution amending the Fiscal Year 2022-2023 multi-year fund budget to establish applicable revenue, expense, and transfer budgets for the Emergency Solutions Grant award funds and authorizing the City Manager or his designee, to take the necessary steps to implement the provisions of this Resolution.

CED; Edgar Garcia, 209-577-5211, jhill@modestogov.com

ACTION: (Bavaro/Wright; 5/0; Escutia-Braaton absent; Williams recused) **Resolution 2023-226** approving Amendment #5 to the City of Modesto's Program Year 2019-2020 Annual Action Plan to identify and allocate reallocated Emergency Solutions Grant Coronavirus (ESG-CV) funds in the amount of $632,829 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 and acceptance of the program year 2019-2020 Annual Action Plan Amendment #5 funding, 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: (Bavaro/Wright; 5/0; Escutia-Braaton absent; Williams recused) **Resolution 2023-227** approving allocation of reallocated Emergency Solutions Grant Coronavirus (ESG-CV) funds made available through the Coronavirus Aid, Relief, And Economic Security Act (CARES Act), and authorizing the City Manager, or his designee, to negotiate and execute an Agreement with the Salvation Army in an amount not to exceed $569,546 for the operation and management of a day center, and

authorizing the City Manager or his designee to execute any related documents and/or Agreements.

ACTION: (Bavaro/Wright; 5/0; Escutia-Braaton absent; Williams recused) Resolution 2023-228 amending the Fiscal Year 2022-2023 multi-year fund budget to establish applicable revenue, expense, and transfer budgets for the Emergency Solutions Grant award funds and authorizing the City Manager or his designee, to take the necessary steps to implement the provisions of this Resolution.

NEW BUSINESS

17. Presentation on Modesto's response to homelessness, including an update on current projects and regional partnerships. (Funding Source: Not Applicable)
    - There is no staff recommendation associated with this item.

CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: There is no staff recommendation associated with this item.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 9:56 p.m.

All Closed Session Matters heard prior to meeting

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, MAY 09, 2023 AT 3:30 PM

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

Name of Case: City of Modesto v. Shell Oil Company, et al. (TCP)
Case No. CGC-20-583345

Chipponeri v. City of Modesto
Case No. 2028661

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

Name of case(s): Steve Fischio v. City of Modesto
California Workers Compensation Appeals Board
Nos. Unassigned & ADJ12517812

Job Juarez v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ11117033, ADJ10605815, ADJ17079599

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

CANNABIS PROGRAM AND PERMIT REVIEW COMMITTEE / COUNCIL WORKSHOP

Room 2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, May 22, 2023 at 11:00 AM

Roll Call - Present: David Wright, Chair
Sue Zwahlen, Vice-Chair
Eric Alvarez, Member (11:04 am)

Also Present: Councilmember Ricci

Chairperson Wright called the meeting to order at 11:02 a.m.

PUBLIC COMMENTS

None

HEARINGS

Published in the Modesto Bee on May 12, 2023.

1 Hearing to consider approving a Commercial Cannabis Microbusiness Type 12 Permit for Fiji Weed Company, LLC, located at 1420 Granite Ln., with appropriate conditions. (Funding Source: Cannabis Business Permit Fees)

- Resolution approving a Commercial Microbusiness Type 12 Permit for Fiji Weed Company LLC, located at 1420 Granite Ln, with appropriate conditions.

CED; Sean Rando, 209-577-5473, srando@modestogov.com

ACTION: (Zwahlen/Alvarez; 3/0) Motion to continue the Hearing to June 12th, 2023, at 2 p.m.

NEW BUSINESS

2 Consider approving the extension of seven Non-Retail Commercial Cannabis Permits for businesses with various expiration dates to June 30, 2024. (Funding Source: Cannabis Permit Fees)

- Resolution approving the extension of seven Non-Retail Commercial Cannabis Permits for businesses with various expiration dates to June 30, 2024.

CED; Sean Rando, 209-577-5473, srando@modestogov.com

ACTION: (Alvarez/ Zwahlen; 3/0) Resolution 2023-01 approving the extension of seven Non-Retail Commercial Cannabis Permits for businesses with various expiration dates to June 30, 2024.

ADJOURNMENT

This meeting adjourned at 11:21 p.m.

Attest: _____
Diane Nayares-Perez, City Clerk

MINUTES

City of Modesto

FINANCE COMMITTEE / COUNCIL WORKSHOP

Room 2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, May 22, 2023 at 4:00 PM

Roll Call: David Wright, Chair
Rosa Escutia-Braaton, Vice-Chair
Nick Bavaro, Member

Also Present: Member Ricci

PUBLIC COMMENTS

None

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

Consent

1. Consider approving the recommended budget adjustments to Fiscal Year 2022-23 Annual Operating and Capital Improvement Program Budgets; and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion approving the recommended budget adjustments to Fiscal Year 2022-23 Annual Operating and Capital Improvement Program Budgets; and forwarding to Council for approval.

    BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com

ACTION: (Bavaro/Escutia-Braaton; 3/0) Motion approving the recommended budget adjustments to Fiscal Year 2022-23 Annual Operating and Capital Improvement Program Budgets; and forwarding to Council for approval.

Consent

2. Consider approving an Agreement with Hinderliter, de Llamas & Associates (HdL), Brea, CA for Cannabis Consulting Services for a total amount not to exceed $784,050 over three years and forwarding to Council for approval. (Funding Source: Cannabis Business Permit Fee and Various Funds)
    - Motion approving an Agreement with Hinderliter, de Llamas & Associates, Brea, CA by utilizing the City of Hesperia Agreement for Cannabis Consulting Services for a two year Agreement with one one-year extension option, for an

annual estimated amount of $261,350 and a total amount not to exceed $784,050 over three years; and forwarding to Council for approval.

FINANCE DEPARTMENT; Gina Brown, 209-577-5381, gbrown@modestogov.com

ACTION: (Bavaro/Escutia-Braaton; 3/0) Motion approving an Agreement with Hinderliter, de Llamas & Associates, Brea, CA by utilizing the City of Hesperia Agreement for Cannabis Consulting Services for a two year Agreement with one one-year extension option, for an annual estimated amount of $261,350 and a total amount not to exceed $784,050 over three years; and forwarding to Council for approval.

Consent

3. Consider approving a change in the interest rate index for the Modesto Irrigation District (MID) Financing Authority Domestic Water Project Revenue Bonds, Series 2007F and the related interest rate swap; and authorizing the payment of costs, and forwarding to Council for approval. (Funding Source: Water Fund)
    - Motion approving a change in the interest rate index for the Modesto Irrigation District (MID) Financing Authority Domestic Water Project Revenue Bonds, Series 2007F and the related interest rate swap; authorizing the payment of costs, and forwarding to Council for approval.

    FINANCE DEPARTMENT; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com

ACTION: (Bavaro/Escutia-Braaton; 3/0) Motion approving a change in the interest rate index for the Modesto Irrigation District (MID) Financing Authority Domestic Water Project Revenue Bonds, Series 2007F and the related interest rate swap; authorizing the payment of costs, and forwarding to Council for approval.

Consent

4. Consider authorizing the submittal of application(s) to the United States Department of Agriculture, for the Composting and Food Waste Grant Program related to SB1383 and forwarding to Council for approval. (Funding Source: Solid Waste Fund)
    - Motion authorizing the submittal of application(s) to the United States Department of Agriculture – Composting and Food Waste Grant Program, and authorizing the City Manager, or his designee, to sign Grant Applications and related forms, and forwarding to Council for approval.

    PUBLIC WORKS; Rosene Salmo, 209-577-5453, rsalmo@modestogov.com

ACTION: (Bavaro/Escutia-Braaton; 3/0) authorizing the submittal of application(s) to the United States Department of Agriculture – Composting and Food Waste Grant Program, and authorizing the City Manager, or his designee, to sign Grant Applications and related forms, and forwarding to Council for approval.

Consent

5. Consider approving Prequalified Engineering Consultant Lists for Water, Wastewater, and Storm Drain for various Capital Improvement Projects for a period of three years,

with two one-year extensions options and forwarding to Council for approval. (Funding Source: Various Capital Improvement Program Projects)

- Motion approving a Prequalified Consultant List for Water, Wastewater, and Storm Drain Engineering Services and forwarding to Council for approval.

UTILITIES; Cristian Ciotau, 209-577-5260, cciotau@modestogov.com

ACTION: (Bavaro/Escutia-Braaton; 3/0) Motion approving a Prequalified Consultant List for Water, Wastewater, and Storm Drain Engineering Services and forwarding to Council for approval.

Consent

6. Consider approving an Agreement with Envirogen Technologies, for a Dual MinX Regenerable Ion Exchange Treatment System for a total amount not to exceed $1,660,348 and forwarding to Council for approval. (Funding Source: Water Fund)
    - Motion approving an Agreement with Envirogen Technologies, Inc., Rancho Cucamonga, CA, for a Dual MinX Regenerable Ion Exchange Treatment System in the amount of $1,509,407, plus $150,941 in additional services and materials if needed, for a total amount not to exceed $1,660,348 and forwarding to Council for approval.
    - Motion amending the Fiscal Year 2022-23 Capital Improvement Project Multi-Year Budget in the amount of $1,785,348 to be transferred into the Project from Water Reserves Fund and forwarding to Council for approval.

UTILITIES; Jeff Daniels, 209-571-5869, jdaniels@modestogov.com

ACTION: (Bavaro/Escutia-Braaton; 3/0) Motion approving an Agreement with Envirogen Technologies, Inc., Rancho Cucamonga, CA, for a Dual MinX Regenerable Ion Exchange Treatment System in the amount of $1,509,407, plus $150,941 in additional services and materials if needed, for a total amount not to exceed $1,660,348 and forwarding to Council for approval.

ACTION: (Bavaro/Escutia-Braaton; 3/0) Motion amending the Fiscal Year 2022-23 Capital Improvement Project Multi-Year Budget in the amount of $1,785,348 to be transferred into the Project from Water Reserves Fund and forwarding to Council for approval.

Consent

7. Consider approving the Second Amendment to the Purchasing Agreement for Lawn Maintenance Services for Water Wells and Tanks to All Season Lawn Landscaping for a revised total amount of $402,671 and extending the term of the Agreement to December 31, 2023. (Funding Source: Water Fund)
    - Motion approving the Second Amendment to the Purchasing Agreement with All Season Lawn Landscaping, Escalon, CA, for Lawn Maintenance Services for Water Wells and Tanks, increasing the total amount of $357,671 by $45,000

for a new total amount not to exceed $402,671, and extending the term of the Agreement from June 25, 2023 to December 31, 2023; and forwarding to Council for approval.

UTILITIES; Jeff Daniels, 209-342-4585, jdaniels@modestogov.com

ACTION: (Bavaro/Escutia-Braaton; 3/0) Motion approving the Second Amendment to the Purchasing Agreement with All Season Lawn Landscaping, Escalon, CA, for Lawn Maintenance Services for Water Wells and Tanks, increasing the total amount of $357,671 by $45,000 for a new total amount not to exceed $402,671, and extending the term of the Agreement from June 25, 2023 to December 31, 2023; and forwarding to Council for approval.

UNFINISHED BUSINESS

8. Consider approving the Solid Waste Rate Adjustment to the Maximum Rate Schedule for City Solid Waste Collection Services provided by the Solid Waste Haulers, to become effective July 1, 2023, and rescinding Resolution No. 2022-276 for the July 1, 2022, annual rate adjustment, and forwarding to Council for approval. (Funding Source: Solid Waste Fund, Geer Road Landfill Fund, Green Waste Fund, Compost Facility Improvements Fund)
    - Motion approving the Annual Rate Adjustment to the Maximum Rate Schedule for City Solid Waste Collection Services provided by the Solid Waste Haulers, for an increase of $5.92 per month for residential services with weekly green/organics container collection, an increase of $2.71 per cubic yard for commercial services, and an increase of $42.46 per pull for industrial services, to become effective July 1, 2023, and rescinding Resolution No. 2022-276 for the July 1, 2022 annual rate adjustment, and forwarding to Council for approval.
    - Motion approving a Fuel Rate Adjustment to the Maximum Rate Schedule for City Solid Waste Collection Services provided by the haulers, for an adjustment of $0.29 per month for residential services, and an adjustment of $0.39 per cubic yard for commercial services, to become effective July 1, 2023, and forwarding to Council for approval.

PUBLIC WORKS; Rosene Salmo, 209-577-5453, rsalmo@modestogov.com

ACTION: (Escutia-Braaton/Wright; 3/0) Motion approving the Annual Rate Adjustment to the Maximum Rate Schedule for City Solid Waste Collection Services provided by the Solid Waste Haulers, for an increase of $5.92 per month for residential services with weekly green/organics container collection, an increase of $2.71 per cubic yard for commercial services, and an increase of $42.46 per pull for industrial services, to become effective July 1, 2023, and rescinding Resolution No. 2022-276 for the July 1, 2022 annual rate adjustment, and forwarding to Council for approval.

ACTION: (Escutia-Braaton/Wright; 3/0) Motion approving a Fuel Rate Adjustment to the Maximum Rate Schedule for City Solid Waste Collection Services provided by the haulers, for an adjustment of $0.29 per month for residential services, and an adjustment of $0.39 per cubic

yard for commercial services, to become effective July 1, 2023, and forwarding to Council for approval.

NEW BUSINESS

9. Consider approving a new Utility Billing Discount Program for customers who enroll in Auto Pay and Paperless Billing for their City of Modesto Utility Bill and forwarding to Council for approval. (Funding Source: Water and Wastewater Funds)
    - Motion approving a new Utility Billing Discount Program for customers who enroll in Auto Pay and Paperless Billing for their City of Modesto Utility Bill and forwarding to Council for approval.

FINANCE DEPARTMENT; Jeni Martin, 209-571-5892, jmartin@modestogov.com

ACTION: (Escutia-Braaton/ Bavaro; 3/0) Motion approving a new Utility Billing Discount Program for customers who enroll in Auto Pay and Paperless Billing for their City of Modesto Utility Bill and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 5:01 p.m.

Attest: _____
Diane Nayares-Perez, City Clerk

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, May 23, 2023 at 5:30 PM

Roll Call – Present: Councilmembers Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
Absent: None

Pledge of Allegiance to the Flag

Invocation: Pat Nagle, Redeemer

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Sanchez reported no reportable action was taken.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Youth Commission Presentation (Funding Source: Not Applicable)
   PR&N, Laurie Smith, 209-577-5347, lsmith@modestogov.com

   ACTION: Youth Commission gave a presentation of their activities and the Mayor presented Certificates of Recognition to the Commission Members.

2. Presentation of Certificate of Recognition to Pacific Southwest Container in honor of their 50th Anniversary. (Funding Source: Not Applicable)
   CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

   ACTION: Mayor Zwahlen presented a Certificate of Recognition to Pacific Southwest Container in honor of their 50th Anniversary.

MISCELLANEOUS

3. Consider accepting the resignation of A'Kia Walker from the City of Modesto's Equity Commission. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution accepting the resignation of A'Kia Walker from the City of Modesto's Equity Commission.

HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Wright/Bavaro; 7/0) Resolution 2023-229 accepting the resignation of A'Kia Walker from the City of Modesto's Equity Commission.

4. Consider approving the appointments of Frank Damrell, Kenneth Bryant, Nico Solorio, Latricia Beasley Day, Austin Grant, Nancy Smith, Brad Hawn, Trish Christensen, and Wendy Byrd for the Community Police Review Board beginning on June 15, 2023, to serve their respective terms, and approving the six applicants to serve as primary reserve candidates to be considered for appointment if a vacancy occurs within 12 months of the CPRB's initial establishment. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution approving the appointments of Frank Damrell, Kenneth Bryant, Nico Solorio, Latricia Beasley Day, Austin Grant, Nancy Smith, Brad Hawn, Trish Christensen, and Wendy Byrd for the Community Police Review Board beginning on June 15, 2023, to serve their respective terms, and approving the six applicants to serve as primary reserve candidates to be considered for appointment if a vacancy occurs within 12 months of the CPRB's initial establishment.

CITY MANAGER; Allison Van Guilder, 209-577-5228, avanguilder@modestogov.com

ACTION: (Escutia-Braaton/Williams; 7/0) Resolution 2023-230 approving the appointments of Frank Damrell, Kenneth Bryant, Nico Solorio, Latricia Beasley Day, Austin Grant, Nancy Smith, Brad Hawn, Trish Christensen, and Wendy Byrd for the Community Police Review Board beginning on June 15, 2023, to serve their respective terms, and approving the six applicants to serve as primary reserve candidates to be considered for appointment if a vacancy occurs within 12 months of the CPRB's initial establishment.

PUBLIC COMMENT PERIOD

- Jerry Thompson spoke on behalf of the Cruising Culture in Modesto about a recent car show and reunion at Cesar Chavez Park and stated that it had a great turnout. He thanked Councilmember Alvarez for attending the event in his classic car.

- Ramon Rodriguez spoke about side shows and about cruising and having a set event like the Cinco De Mayo. Crows Landing Road should be made safer and having a dedicated event will allow for the spending of money at local businesses. He also commented on Pride Month in June and Modesto have inclusivity.

- Loretta Carhart spoke about public transit and kids riding on the buses for free. She also stated that some kids have no respect and use foul language directed at drivers. She'd like to know who can help.

- John Williams asked for Justice for Paul Chavez Jr and Trevor Seever. He spoke about the shooting of Paul Chavez, Jr.

- Lisa Battista from the Senior Law Project, spoke about the services they provide for older adults that include restraining orders, evictions, etc. They are funded by Federal Grant funds and their services are free. They have a foreclosure prevention program for seniors.

- Theresa Clutter spoke about the shooting of Paul Chavez, Jr and asked for justice for Paul Chavez, Jr. She also spoke about the Modesto Police Department.

- Ron DeLoach, West Modesto People of Action Council, and the NAACP Housing Committee advocated for housing in West Modesto, in particular housing at the Modesto Municipal Golf Course. He asked to speak directly with Councilmember Alvarez about housing in West Modesto. They would like to see more affordable housing in West Modesto, South Modesto and in the Airport Neighborhood.

- Jenny Kenoyer asked about the importance of a comprehensive general plan. She's hoping it's still in the works and that Council realizes the importance of it. She also congratulated the new Community Police Review Board members.

- Dylan Miller, PE teacher and head football coach at Modesto High School spoke about developing the Modesto municipal golf course into an athletics complex. He spoke about the need for a sports complex on the west side and stated that the area would allow for both housing and a sports complex.

- Brittoni Chavez commented on the shooting of her husband Paul Chavez Jr and spoke about the Modesto Police Department. She also commented about Forward Together.

- Darlene Ruiz commented about the Community Police Review Board. She thanked Councilmember Escutia-Braaton, for all her work, the Mayor and Councilmembers Ricci and Williams and staff for moving the Community Police Review Board. She stated that there could be better de-escalation.

- Leroy Gambrell, spoke in support of using the golf course for affordable housing. He commented that Modesto High School has been without a stadium for such a long time, but there are more people that need housing in West Modesto.

- Derek Castle stated that many people are unhoused commented on MOES. He spoke about safe sleeping sites for those that have a long-term connection in Modesto. Neighbors in Graceada and Enslen are concerned about homeless people around their homes. He's hoping the City realizes they need a safe alternative place for the homeless.

- A resident spoke about a stadium for Modesto High School. She stated that she never heard anything about a survey of the residents in that area. She asked what's going to be done to accommodate the additional students. Both the stadium and low-income housing can be built on the Westside. She challenged Council to work out some situation to do both.

- Perfecto Munoz spoke about the West Modesto Community Collaborative. He spoke about the issues they address in the West Side and spoke about their services and purpose.

- Aaron Anguiano from the Latino Community Roundtable spoke about having a homelessness project manager. He asked that the City look at other models that have worked for homelessness. The City needs a manager to manage it.

- A resident spoke about the death of Paul Chavez Jr. He also spoke about an electrician who lost his life working for the City. He also spoke about West Modesto and low-income housing and about the conditions of streets.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 5-12: (Alvarez/ Wright; 7/0)

CONSENT

Consent

5. Consider approving the minutes from the May 9, 2023 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the May 9, 2023 Council Meeting.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Alvarez/Wright; 7/0) Motion approving the minutes from the May 9, 2023 Council Meeting.

Consent

6. Consider approving a Legal Services Agreement with Swingle, Van Egmond & Heitlinger in an amount not to exceed $250,000 for representation in tort cases. (Funding Source: General Liability Insurance Fund)
    - Resolution approving a Legal Services Agreement with Swingle, Van Egmond & Heitlinger in an amount not to exceed $250,000 to continue representing the City of Modesto in tort cases, and authorizing the City Manager or his designee, to execute the Agreement.

    CITY ATTONREY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

    ACTION: (Alvarez/Wright; 7/0) Resolution 2023-231 approving a Legal Services Agreement with Swingle, Van Egmond & Heitlinger in an amount not to exceed $250,000 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 a Third Amendment to the Agreement with Associated Right of Way Services, Inc. for additional Right-Of-Way Services for the Hetch Hetchy and Claratina Avenue Structural Crossing Project, increasing the Agreement by $19,460 from $57,585 for new total amount not to exceed $77,045. (Funding Source: Streets Capital Facility Fees)
    - Resolution approving a Third Amendment to the Agreement with Associated Right of Way Services, Inc. for the Hetch Hetchy and Claratina Avenue Structural Crossing Project, increasing the Agreement amount by $19,460, from $57,585 to a new total amount not to exceed $77,045, and authorizing the City Manager, or his designee to execute the Third Amendment.

    CED; Phillip Soares, 209-577-5258, psoares@modestogov.com

    ACTION: (Alvarez/Wright; 7/0) Resolution 2023-232 approving a Third Amendment to the Agreement with Associated Right of Way Services, Inc. for the Hetch Hetchy and Claratina Avenue Structural Crossing Project, increasing the Agreement amount by $19,460, from $57,585 to a new total amount not to exceed $77,045, and authorizing the City Manager, or his designee to execute the Third Amendment.

Consent

8. Consider accepting an Informational Report on the January and February 2023 Grant Applications and Awards. (Funding Source: Not Applicable)
    - Motion accepting an Informational Report for the January and February 2023 Grant Applications and Awards.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

    ACTION: (Alvarez/Wright; 7/0) Motion accepting an Informational Report for the January and February 2023 Grant Applications and Awards.

Consent

9. Consider approving a Memorandum of Understanding (MOU) with Stanislaus County, Stanislaus Consolidated Fire Protection District, the Modesto Fire Department (MFD), City of Turlock and the City of Ceres to continue providing County-Wide Fire Investigation Services (Funding Source: General Fund)
    - Resolution approving a Memorandum of Understanding (MOU) with Stanislaus County, Stanislaus Consolidated Fire Protection District, the Modesto Fire Department, City of Turlock and the City of Ceres to continue providing County-Wide Fire Investigation Services; and authorizing the City Manager, or his designee, to execute the MOU.

    FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

    ACTION: (Alvarez/Wright; 7/0) Resolution 2023-233 approving a Memorandum of Understanding (MOU) with Stanislaus County, Stanislaus Consolidated Fire Protection

District, the Modesto Fire Department, City of Turlock and the City of Ceres to continue providing County-Wide Fire Investigation Services; and authorizing the City Manager, or his designee, to execute the MOU.

Consent

10. Consider approving a First Amendment to the Agreement with O'Dell Engineering, Inc. for additional tasks related to Permitting and Construction Support for the Tuolumne River Regional Park (TRRP) Non-Motorized Boat Launch and River Access Facility Project located at Neece Drive, for a new amount not to exceed $159,731. (Funding Source: Non-Motorized Boating Facilities Grant Program Funds and TRRP CIP Fund)
    - Resolution approving a First Amendment to the Agreement with O'Dell Engineering, Inc. for additional tasks related to Permitting and Construction Support for the Tuolumne River Regional Park (TRRP) Non-Motorized Boat Launch and River Access Facility Project located at Neece Drive, increasing the Agreement amount by $15,000 from $144,731 to a new total amount not to exceed $159,731 and authorizing the City Manager, or his designee, to execute the Amendment.

    PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

    ACTION: (Alvarez/Wright; 7/0) Resolution 2023-234 approving a First Amendment to the Agreement with O'Dell Engineering, Inc. for additional tasks related to Permitting and Construction Support for the Tuolumne River Regional Park (TRRP) Non-Motorized Boat Launch and River Access Facility Project located at Neece Drive, increasing the Agreement amount by $15,000 from $144,731 to a new total amount not to exceed $159,731 and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

11. Consider approving a First Amendment to the Agreement with O'Dell Engineering, Inc. for additional tasks related to the preparation of construction documentation for the César E. Chavez Renovation Project for a new total amount not to exceed $880,667. (Funding Source: Statewide Park Development and Community Revitalization Program - Proposition 68)
    - Resolution approving a First Amendment to the Agreement with O'Dell Engineering, Inc. for additional tasks related to the preparation of construction documentation for the César E. Chavez Renovation Project, increasing the Agreement amount by $80,950, for a new contract amount of $838,730, plus $41,937 in Additional Services (if needed) for a new total amount not to exceed $880,667 and authorizing the City Manager, or his designee, to execute the Amendment.

    PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

    ACTION: (Alvarez/Wright; 7/0) Resolution 2023-235 approving a First Amendment to the Agreement with O'Dell Engineering, Inc. for additional tasks related to the preparation of construction documentation for the César E. Chavez Renovation Project,

increasing the Agreement amount by $80,950, for a new contract amount of $838,730, plus $41,937 in Additional Services (if needed) for a new total amount not to exceed $880,667 and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

12. Consider accepting the Synchronization Downtown 2015 Project as complete. (Funding Source: Congestion Mitigation and Air Quality (CMAQ))
    - Resolution accepting the Synchronization Downtown 2015 Project as complete and authorizing the City Clerk to complete all necessary steps to file the appropriate notices and documents with the County Recorder.

    PUBLIC WORKS; Mark Murphy, 209-577-5431, mmurphy@modestogov.com

    ACTION: (Alvarez/Wright; 7/0) Resolution 2023-236 accepting the Synchronization Downtown 2015 Project as complete and authorizing the City Clerk to complete all necessary steps to file the appropriate notices and documents with the County Recorder.

Consent

13. Consider approving the First Amendment with Pyro Combustion of California, Oakdale, CA. for Annual Boiler Services for a revised total amount not to exceed $250,000. (Funding Source: Sewer Operations Fund)
    - Resolution approving the First Amendment to the Agreement with Pyro Combustion of California, Oakdale, CA, for Annual Boiler Services, increasing the Agreement amount by $200,000 from $50,000, for a new total amount not to exceed $250,000, and authorizing the City Manager, or his designee to execute the Amendment.

    UTILITIES; Jason Farnsworth, 209-577-6255, jfarnsworth@modestogov.com

    ACTION: (Alvarez/Wright; 7/0) Resolution 2023-237 approving the First Amendment to the Agreement with Pyro Combustion of California, Oakdale, CA, for Annual Boiler Services, increasing the Agreement amount by $200,000 from $50,000, for a new total amount not to exceed $250,000, and authorizing the City Manager, or his designee to execute the Amendment.

Consent

14. Consider accepting the Emerald Sewer Main Emergency Repair as complete, and authorizing all payments to Rolfe Construction, Atwater, CA and Krazan & Associates, Inc., Clovis, CA, for a total cost of $66,284. (Funding Source: Sewer Operations Fund)
    - Resolution accepting the Emerald Sewer Main Emergency Repair as complete, and authorizing all payments totaling $65,429 to Rolfe Construction, Atwater, CA, and authorizing all payments totaling $855 to Krazan and Associates, Inc., Clovis, CA, for a total cost of $66,284, and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

    UTILITIES; Jason Farnsworth, 209-577-6255, jfarnsworth@modestogov.com

ACTION: (Alvarez/Wright; 7/0) Resolution 2023-238 accepting the Emerald Sewer Main Emergency Repair as complete, and authorizing all payments totaling $65,429 to Rolfe Construction, Atwater, CA, and authorizing all payments totaling $855 to Krazan and Associates, Inc., Clovis, CA, for a total cost of $66,284, and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

Consent

15. Consider rejecting all bids for the La Loma Sewer Replacement Phase 1 Project and authorizing staff to re-advertise the project for bids at a future date. (Funding Source: Wastewater Fund)
    - Resolution rejecting all bids for the La Loma Sewer Replacement Phase 1 Project, and authorizing staff to re-advertise the project for bids at a future date.

    UTILITIES; Cristian Ciotau, 209-577-5260, cciotau@modestogov.com

    ACTION: (Alvarez/Wright; 7/0) Resolution 2023-239 rejecting all bids for the La Loma Sewer Replacement Phase 1 Project, and authorizing staff to re-advertise the project for bids at a future date.

COUNCIL COMMENTS & REPORTS

Vice Mayor Ricci spoke regarding Porchfest and how enjoyable it was for him and his family. He also mentioned new ideas such as Garage Sale Fest, and a pop-up roller-skating rink, and new concepts for the City parks. He also expressed his support to lift the ban on cruising.

Councilmember Alvarez reported on attending the Southwest Modesto Plan Community Workshop on May 17th at the King Kennedy Memorial Center. The plan will serve as a blueprint for future development, and is going to provide guidance on land element, transportation, infrastructure, and other issues. He was very pleased to be part of that creative process, along with many other members of the community. He also reported on touring the Bay Valley Tech Code Academy that offers free tech training to eligible residents. Further he reported on the citywide rental inspection ordinance that should be activated in July, and urged residents of Modesto, dealing with substandard rental housing, including mold, pest infestations and other issues, to contact his office. He also spoke regarding the progress the City is making in the area of affordable housing in his district and will continue to advocate for more affordable housing.

Councilmember Williams thanked Gavin, a representative for Congressman John Duarte and Justin Farkas, a representative for Assembly Member Juan Alanis, for their attendance. He also reported on attending Porch Fest and was happy he was able to attend about a third of them. It was a great turnout and people were out enjoying one another. He estimated there were thousands of bicycles on the streets with family members and was very thankful that there were no incidents on the roadways, and everyone was able to enjoy themselves. He also reported that he was able to take a ride on the Police airplane and enjoyed the unique experience. He feels it's going to be a tremendous help to law enforcement.

Councilmember Escutia-Braaton reported on her recent medical mission and expressed that she is delighted to be back. She also reported about the work the Appointments Committee has been doing including Community Police Review Board , Measure H Oversight Board, Audit Committee, and Entertainment Committee. She also encouraged the community to get involved with City work, and information can be found on the City's website. She further reported that she, along with many other City leaders, had the opportunity to recognize fallen Officer Leo Volk Jr. who passed way in 1973, who honorably served the Modesto Police Department. He has the unfortunate distinction of being Modesto's first officer to die in the line of duty.

Councilmember Wright thanked the few audience members that remained in attendance for the entire Council meeting and expressed how disheartening it is that so many people leave after public comment.

Mayor Zwahlen reported that she was invited to present a certificate to Vance Kennedy for his 100th birthday. Vance is a local geologist, and when she walked in and he immediately crossed his legs and asked her to join him to talk about the statistics of how water flows, nitrates, all the particles and what they do to the community and how they should be mindful of that. She is looking forward to meeting with him again in the future.

CITY MANAGER COMMENTS & REPORTS

None

UNFINISHED BUSINESS

16. Consider approving a Professional Services Agreement for Independent Police Auditor (IPA) Services with OIR Group, Playa del Rey, CA for a total amount not to exceed $451,000 over five years. (Funding Source: General Fund)
    - Resolution approving a Professional Services Agreement for Independent Police Auditor (IPA) Services with OIR Group, Playa del Rey, CA for a two-year period with an option for three 1-year extension options for an annual estimated amount of $85,000 and a total amount not to exceed $451,000 over five years; and authorizing the City Manager, or his designee to execute the Agreement.

    CITY MANAGER; Allison Van Guilder, 209-577-5228, avanguilder@modestogov.com

    ACTION: (Wright/Ricci; 7/0) Resolution 2023-240 approving a Professional Services Agreement for Independent Police Auditor (IPA) Services with OIR Group, Playa del Rey, CA for a two-year period with an option for three 1-year extension options for an annual estimated amount of $85,000 and a total amount not to exceed $451,000 over five years; and authorizing the City Manager, or his designee to execute the Agreement.

HEARINGS

Published in the Modesto Bee on May 3, 2023

17. Hearing to consider approving an Amendment to Planned Development Zone P-D (487) to allow one- or two- story residential dwelling units, property located on Chicago Avenue west of Jeelu Way. (Funding Source: Developer Funded)
    - Motion introducing and waiving the first reading of an Ordinance to amend Planned Development Zone, P-D (487), property located on Chicago Avenue west of Jeelu Way.
    - Resolution approving a development plan for Planned Development Zone, P-D (487).
    - 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): Amendment to P-D (487) to allow one- or two-story residential dwelling units, property located on Chicago Avenue west of Jeelu Way.

CED; Edwin Borquez, 209-577-5267, eborquez@modestogov.com

ACTION: (Williams/Escutia-Braaton; 7/0) Motion introducing and waiving the first reading of an Ordinance 3764-C.S. to amend Planned Development Zone, P-D (487), property located on Chicago Avenue west of Jeelu Way.

ACTION: (Ricci/Alvarez; 7/0) Resolution 2023-241 approving a development plan for Planned Development Zone, P-D (487).

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-242 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): Amendment to P-D (487) to allow one- or two-story residential dwelling units, property located on Chicago Avenue west of Jeelu Way.

NEW BUSINESS

18. 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 2023-24 and noticing a Public Hearing to be held on June 6, 2023, for Council's consideration and adoption of the Fiscal Year 2023-24 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 2023-24 and noticing a Public Hearing to be held on June 6, 2023 for Council's consideration and adoption of the Fiscal Year 2023-24 Proposed Budget and related actions.

BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com

ACTION: (Wright/Alvarez; 7/0) Resolution 2023-243 combining the City Manager's Draft Budget and the Mayor's Final Budget Modifications into the Proposed Budget for Fiscal Year 2023-24 and noticing a Public Hearing to be held on

June 6, 2023 for Council's consideration and adoption of the Fiscal Year 2023-24 Proposed Budget and related actions.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:08 p.m.

Closed Session Matters Head Prior to the Meeting

CLOSED SESSION

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Pursuant to Section 54957 of the Government Code)
Title: City Clerk

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
One Case (Pursuant to Section 54956.9(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:_____
Diane Nayares-Perez, City Clerk

MINUTES

City of Modesto

SPECIAL APPOINTMENTS COMMITTEE / COUNCIL WORKSHOP

Room 2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California
Wednesday, May 24, 2023 at 4:00 PM

Roll Call: Present: Committee Members Escutia-Braaton, Ricci (arrived at 4:01 p.m.), Williams
Absent: None

PUBLIC COMMENTS

None

NEW BUSINESS

1. Consider recommending appointments to fill nine City of Modesto Public Member vacancies for the Measure H Oversight Board and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending appointments to fill nine City of Modesto vacancies for the Measure H Oversight Board and forwarding to Council for approval.

BUDGET; Stephan Christensen, 209-577-5390, schristensen@modestogov.com

ACTION: (Ricci/Escutia-Braaton; 3/0) Motion recommending appointments of Alexandra Von Stade (District 1), Galen Carroll (District 2), Kirstie Boyett (District 3), Chris Guptill (District 4), Mike Kelly (District 5), Jesse Franco (District 6), and Aaron Anguiano (At Large), Michael Moradian (At Large), and Tom Hallinan (At Large) to fill nine City of Modesto vacancies for the Measure H Oversight Board and forwarding to Council for approval.

2. Consider recommending appointments to fill two City of Modesto Public Member vacancies for the Audit Committee for four-year terms with term expiration of June 30, 2027 and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending appointments to fill two City of Modesto Public Member vacancies for the Audit Committee for four-year terms with term expiration of June 30, 2027 and forwarding to Council for approval.

FINANCE DEPARTMENT; DeAnna Christensen, 209-577-5387, dachristense@modestogov.com

ACTION: (Ricci/Williams; 3/0) Motion recommending appointments of Jennifer Barillas and Camille Garcia to fill two City of Modesto Public Member vacancies for the Audit Committee for four-year terms with term expiration of June 30, 2027 and forwarding to Council for approval.

Item 3 was removed from the agenda.

3. Consider interviewing and recommending the appointment for one vacancy on the City of Modesto Board of Zoning Adjustment and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion to interview and recommend the appointment for one vacancy on the City of Modesto Board of Zoning Adjustment and forwarding to Council for approval.

    CED; Jessica Hill, 209-577-5267, jhill@modestogov.com

    ACTION: Item 3 was removed from the agenda.

Item 4 was removed from the agenda.

4. 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)
    - Motion to interview and recommend the appointment for one vacancy on the City of Modesto Planning Commission and forwarding to Council for approval.

    CED; Jessica Hill, 209-577-5267, jhill@modestogov.com

    ACTION: Item 4 was removed from the agenda.

5. Consider recommending the appointment for two vacancies to the City of Modesto Entertainment Commission for a four-year term with a term expiration of December 31, 2027 and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending the appointment for two vacancies to the City of Modesto Entertainment Commission for a four-year term with a term expiration of December 31, 2027 and forwarding to Council for approval.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

    ACTION: (Williams/Ricci; 3/0) Motion recommending the appointments of Yelitza Pena (Event Planning Marketing Specialist) and Michelle Buer (Alternate Non-Permit Holder) for two vacancies to the City of Modesto Entertainment Commission for a four-year term with a term expiration of December 31, 2027 and forwarding to Council for approval.

Item 6 – Ashley Weaver clarified term is through December 31, 2024.

6. Consider appointing former Culture Commission member Dewey Bedford to fill one Modesto Resident vacancy on the Culture Commission for a partial second term, from July 1, 2023 through December 31, 2024, and forwarding to Council for approval. (Funding Source: Not Applicable)

- Motion appointing former Culture Commission member Dewey Bedford to fill one Modesto Resident vacancy on the Culture Commission with a partial term from July 1, 2023 through December 31, 2024, and forwarding to Council for approval.

PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Williams/Ricci; 3/0) Motion appointing former Culture Commission member Dewey Bedford to fill one Modesto Resident vacancy on the Culture Commission with a partial term from July 1, 2023 through December 31, 2024, and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:29 PM

Attest: _____
Dana Sanchez, Assistant City Clerk

MINUTES
City of Modesto
ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP
Room 2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California

Monday, June 05, 2023 at 4:00 PM

Roll Call: Present: Alternate Member Bavaro, Vice-Chair Ricci, Chair Zwahlen
Absent: Committee Member Alvarez

PUBLIC COMMENTS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEMS 1-3, 5-8 (Ricci/Bavaro; 3/0)

CONSENT

Consent
1. Consider approving the Amended and Restated Measure L Regional Control Project Cooperative Agreement with Stanislaus Council of Governments (StanCOG) for the Project Initiation Document (PID) and Project Approval and Environmental Document (PAED) Phases of the Briggsmore Avenue at State Route 99 Interchange Reconstruction Project, and forwarding to Council for approval. (Funding Source: Regional Surface Transportation Funds (RSTP) and Regional Measure L Funds)
    - Motion approving the Amended and Restated Measure L Regional Control Cooperative Agreement with Stanislaus Council of Government for the Briggsmore Avenue at State Route 99 Interchange Improvement Project and authorizing all task items of work for the AECOM Design Services Agreement and forwarding to Council for approval.

    CED; Toby Wells, 209-571-5542, twells@modestogov.com

    ACTION: (Ricci/Bavaro; 3/0) Motion approving the Amended and Restated Measure L Regional Control Cooperative Agreement with Stanislaus Council of Government for the Briggsmore Avenue at State Route 99 Interchange Improvement Project and authorizing all task items of work for the AECOM Design Services Agreement and forwarding to Council for approval.

Consent
2. Consider approving the Amended and Restated Measure L Regional Control Project Cooperative Agreement with Stanislaus Council of Governments (StanCOG) for the Project Initiation Document (PID) and Project Approval and Environmental Document (PAED) Phases of the Standiford Avenue at State Route 99 Interchange Improvement

Project, and forwarding to Council for approval. (Funding Source: Capital Facilities Fees (CFF) and Regional Measure L Funds)

- Motion approving the Amended and Restated Measure L Regional Control Cooperative Agreement with Stanislaus Council of Government for the Standiford Avenue at State Route 99 Interchange Improvement Project and forwarding to Council for approval.

CED; Toby Wells, 209-571-5542, twells@modestogov.com

ACTION: (Ricci/Bavaro; 3/0) Motion approving the Amended and Restated Measure L Regional Control Cooperative Agreement with Stanislaus Council of Government for the Standiford Avenue at State Route 99 Interchange Improvement Project and forwarding to Council for approval.

Consent

3. Consider approving the Consultant Services Agreement with De Novo Planning Group for Environmental Planning Services, for a total amount not to exceed $900,000 over three years and forwarding to Council for approval. (Funding Source: Developer Fees)

   - Motion approving the Consultant Services Agreement with De Novo Planning Group, for a total annual estimated amount of $300,000, and a total amount not to exceed $900,000 over three years for Environmental Planning Services and forwarding to Council for approval.

   CED; Peter Ibrahim, 209-577-5211, pibrahim@modestogov.com

   ACTION: (Ricci/Bavaro; 3/0) Motion approving the Consultant Services Agreement with De Novo Planning Group, for a total annual estimated amount of $300,000, and a total amount not to exceed $900,000 over three years for Environmental Planning Services and forwarding to Council for approval.

Removed from Consent

4. Consider approving the First Amendment to the Agreement with Kosmont Companies, for Enhanced Infrastructure Financing District (EIFD) Feasibility Study Services, increasing the Agreement to a revised total amount not to exceed $200,000 and forwarding to Council for approval. (Funding Source: American Rescue Plan Act (ARPA) Funds)

   - Motion approving a First Amendment to the Professional Services Agreement with Kosmont Companies for an Enhanced Infrastructure Financing District Feasibility Study Services to increase the Agreement amount by $150,066 from $49,734 to a revised total amount not to exceed $200,000 and forwarding to Council for approval.

   CED; Robert Kimball, 209-571-5540, rkimball@modestogov.com

   ACTION: (Bavaro/Ricci; 3/0) Motion approving a First Amendment to the Professional Services Agreement with Kosmont Companies for an Enhanced Infrastructure Financing District Feasibility Study Services to increase the Agreement amount by $150,066 from $49,734 to a revised total amount not to exceed $200,000 and forwarding to Council for approval.

Consent

5. Consider approving a Memorandum of Understanding (MOU) for a Mutual Pay Agreement for the Far-Field Dilution and Constituents of Emerging Concern Studies between the City of Modesto, the City of Turlock and the Del Puerto Water District to comply with State Permit requirements, and forwarding to Council for approval. (Funding Source: Sewer Operations Fund)
    - Motion approving a Memorandum of Understanding for a Mutual Pay Agreement for the Far-Field Dilution and Constituents of Emerging Concern Studies between the City of Modesto, the City of Turlock and the Del Puerto Water District and forwarding to Council for approval.

    UTILITIES; Jason Farnsworth, 209-577-6255, jfarnsworth@modestogov.com

    ACTION: (Ricci/Bavaro; 3/0) Motion approving a Memorandum of Understanding for a Mutual Pay Agreement for the Far-Field Dilution and Constituents of Emerging Concern Studies between the City of Modesto, the City of Turlock and the Del Puerto Water District and forwarding to Council for approval.

Consent

6. Consider approving an Agreement for the furnishing of Cathodic Protection Testing and Reporting Services to Corrpro Companies, Inc., Hayward, CA, for a total amount not to exceed $896,192 over five years and forwarding to Council for approval. (Funding Source: Sewer Operations Fund)
    - Motion approving the Award of Bid and Agreement for the furnishing of Cathodic Protection Testing and Reporting Services to Corrpro Companies, Inc., Hayward, CA, for a two-year Agreement with three one-year extension options, for an annual estimated amount of $240,000 for the first year, and a total amount not to exceed $896,192 over five years and forwarding to Council for approval.

    UTILITIES; Jason Farnsworth, 209-577-6255, jfarnsworth@modestogov.com

    ACTION: (Ricci/Bavaro; 3/0) Motion approving the Award of Bid and Agreement for the furnishing of Cathodic Protection Testing and Reporting Services to Corrpro Companies, Inc., Hayward, CA, for a two-year Agreement with three one-year extension options, for an annual estimated amount of $240,000 for the first year, and a total amount not to exceed $896,192 over five years and forwarding to Council for approval.

Consent

7. Consider approving an Agreement with West Yost Associates, Davis, CA, for Engineering Services for the Pump Station at Jennings Water Quality Control Plant Project for a total amount not to exceed $510,177 and forwarding to Council for approval. (Funding Source: Wastewater Fund)
    - Motion approving an Agreement with West Yost Associates, Davis, CA, for Engineering Services for the Pump Station at Jennings WQCP Project in the

amount of $463,797, plus $46,380 in additional services, if needed, for a total amount not to exceed $510,177 and forwarding to Council for approval.

- Motion amending the Fiscal Year 2022-23 Capital Improvement Program Budget in the amount of $3,000,000 to be transferred into the Project from Wastewater Reserves to fund the Pump Station at Jennings Water Quality Control Plant Project and authorizing the City Manager, or his Designee, to implement the provisions of the resolution and forwarding to Council for approval.

UTILITIES; Cristian Ciotau, 209-577-5260, cciotau@modestogov.com

ACTION: (Ricci/Bavaro; 3/0) Motion approving an Agreement with West Yost Associates, Davis, CA, for Engineering Services for the Pump Station at Jennings WQCP Project in the amount of $463,797, plus $46,380 in additional services, if needed, for a total amount not to exceed $510,177 and forwarding to Council for approval.

ACTION: (Ricci/Bavaro; 3/0) Motion amending the Fiscal Year 2022-23 Capital Improvement Program Budget in the amount of $3,000,000 to be transferred into the Project from Wastewater Reserves to fund the Pump Station at Jennings Water Quality Control Plant Project and authorizing the City Manager, or his Designee, to implement the provisions of the resolution and forwarding to Council for approval.

Consent

8. Consider approving three Agreements for On-Call Land Surveying Services with Siegfried Engineering, Inc., of Modesto, CA., NorthStar Engineering, Inc., of Modesto, CA., and O'Dell Engineering of Modesto, CA., for a one-year Agreement with two one-year extension options, for an annual estimated amount not to exceed $75,000 per consultant, and a total amount not to exceed $225,000 per consultant over three years. (Funding Source: Various Capital Improvement Program Projects)

    - Motion to approve an Agreement with Siegfried Engineering, Inc., Modesto, CA., NorthStar Engineering, Inc., Modesto, CA., and O'Dell Engineering, Inc., Modesto, CA., for On-Call Land Surveying Services for a one-year Agreement with two one-year extension options, for an annual amount not to exceed $75,000 per consultant, and a total amount not to exceed $225,000 per consultant over three years, and authorizing the City Manager, or his designee, to execute the Agreement and forwarding to Council for approval.

    UTILITIES; Peter Kambel, 209-577-5444, pkambel@modestogov.com

    ACTION: (Ricci/Bavaro; 3/0) Motion to approve an Agreement with Siegfried Engineering, Inc., Modesto, CA., NorthStar Engineering, Inc., Modesto, CA., and O'Dell Engineering, Inc., Modesto, CA., for On-Call Land Surveying Services for a one-year Agreement with two one-year extension options, for an annual amount not to exceed $75,000 per consultant, and a total amount not to exceed $225,000 per consultant over three years, and authorizing the City Manager, or his designee, to execute the Agreement and forwarding to Council for approval.

NEW BUSINESS

9. Consider approving two Agreements, one with the Stanislaus Community Foundation for the implementation of the Stanislaus 2030 Investment Blueprint for a total amount not to exceed $225,000 over three years; and one with Digital Nest to provide Technical and Professional Skills to underserved youth for a total amount not to exceed $150,000 over three years and forwarding to Council for approval. (Funding Source: American Rescue Plan Act Funds)
    - Motion approving an Agreement with Stanislaus 2030 for the implementation of the Stanislaus 2030 Investment Blueprint for a total amount not to exceed $225,000 over three years and forwarding to Council for approval.
    - Motion approving an Agreement with Digital Nest to provide Technical and Professional Skills to Underserved Youth for a total amount not to exceed $150,000 over three years and forwarding to Council for approval.

    CED; Edgar Garcia, 209-571-5101, edgarcia@modestogov.com

    ACTION: (Ricci/Bavaro; 3/0) Motion approving an Agreement with Stanislaus 2030 for the implementation of the Stanislaus 2030 Investment Blueprint for a total amount not to exceed $225,000 over three years and forwarding to Council for approval.

    ACTION: (Ricci/Bavaro; 3/0) Motion approving an Agreement with Digital Nest to provide Technical and Professional Skills to Underserved Youth for a total amount not to exceed $150,000 over three years and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:50 p.m.

Attest: _____
Dana Sanchez, Assistant City Clerk

*Via Teleconference
Councilmember Escutia-Braaton
Westin Book Cadillac Hotel (Lobby)
1114 Washington Blvd.
Detroit, MI 48226

MODESTO CITY COUNCIL

www.modestogov.com

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, June 06, 2023 at 5:30 PM

Roll Call – Present: Councilmembers, Bavaro, *Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

Absent: Councilmember Alvarez

Pledge of Allegiance to the Flag

Invocation: Carlos Gonzalez, City Ministry Network

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: Mayor Zwahlen reported that during today's closed session, the City council conducted the City Managers performance evaluation. The Council highly values City Manager Lopez and concluded that he is doing an excellent job. The Mayor and Council look forward to another successful year working in partnership with Mr. Lopez and his dedicated team.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Certificate of Recognition recognizing Lee Herrick, previous City of Modesto Poet Laureate, and recently appointed State of California's Poet Laureate. (Funding Source: Not Applicable)

CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

ACTION: Mayor Zwahlen presented Certificate of Recognition recognizing Lee Herrick recently appointed State of California's Poet Laureate.

2. Proclamation declaring June 2023 as LGBTQ+ Pride Month (Funding Source: Not Applicable)
CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

ACTION: Mayor Zwahlen presented Proclamation declaring June 2023 as LGBTQ+ Pride Month.

MISCELLANEOUS

3. Consider approving the reappointments of Brock Wiley, Alan Falconer and Carrie Miller to the Entertainment Commission for a second four-year term with term expirations of June 30, 2027. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution approving the reappointments of Brock Wiley, Alan Falconer and Carrie Miller to the Modesto Entertainment Commission for an additional four-year term with term expirations of June 30, 2027.

CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Wright/Williams; 6/0; Alvarez absent) Resolution 2023-244 approving the reappointments of Brock Wiley, Alan Falconer and Carrie Miller to the Modesto Entertainment Commission for an additional four-year term with term expirations of June 30, 2027.

4. Consider the reappointments of Theodore Mills, Randy Clark, James Aja, Mike Rego, and Jane Manley to the Measure L Citizen's Transportation Sales Tax Commission for a second and final four-year term with term expirations of June 30, 2025; and the reappointments of Michael Moradian and Patricia Gillum to the Measure L Citizen's Transportation Sales Tax Commission for a second and final four-year term with term expirations of June 30, 2027. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution reappointing Theodore Mills, Randy Clark, James Aja, Mike Rego, and Jane Manley to the Measure L Citizen's Transportation Sales Tax Commission for a second and final four-year term from July 1, 2021 to June 30, 2025; and reappointing Michael Moradian and Patricia Gillum to the Measure L Citizen's Transportation Sales Tax Commission for a second and final four-year term from July 1, 2023 to June 30, 2027.

CED; Toby Wells, 209-571-5542, twells@modestogov.com

ACTION: (Williams/Wright; 6/0; Alvarez absent) Resolution 2023-245 reappointing Theodore Mills, Randy Clark, James Aja, Mike Rego, and Jane Manley to the Measure L Citizen's Transportation Sales Tax Commission for a second and final four-year term from July 1, 2021 to June 30, 2025; and reappointing Michael Moradian and Patricia Gillum to the Measure L Citizen's Transportation Sales Tax Commission for a second and final four-year term from July 1, 2023 to June 30, 2027.

5. Consider recommending the appointment of Equity Commissioner Lindsey Bird to the Citizen's Housing and Community Development Committee for a two-year term with a term expiration of May 31, 2025. (Funding Source: Not Applicable)
Staff Recommendation:
    - Resolution approving the appointment of Equity Commissioner Lindsey Bird to the Citizen's Housing and Community Development Committee for a two-year term with a term expiration of May 31, 2025.

HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Wright/Zwahlen; 6/0; Alvarez absent) Resolution 2023-246 approving the appointment of Equity Commissioner Lindsey Bird to the Citizen's Housing and Community Development Committee for a two-year term with a term expiration of May 31, 2025.

6. Consider accepting the resignation of Pam Giusto from the City of Modesto Golf Courses Advisory Committee. (Funding Source: Not Applicable)
Staff Recommendation:
    - Resolution accepting the resignation of Pam Giusto from the City of Modesto Golf Courses Advisory Committee.

PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.ocm

ACTION: (Wright/Ricci; 6/0; Alvarez absent)) Resolution 2023-247 accepting the resignation of Pam Giusto from the City of Modesto Golf Courses Advisory Committee.

PUBLIC COMMENT PERIOD

- Tina Perez-Tateo reported on the events scheduled for Graffiti Week.

- Theresa Clutter spoke about the shooting of Paul Chavez. She further suggested that all police officers should carry police officer liability as individuals.

- Carol Jay commented that she has lived in this region for 56 years. She spoke about green and blue garbage cans. She stated that the leaves clog the drains and flood the streets. She further commented about homelessness and thefts at the shopping center where her business is located.

- Brittoni Chavez commented on the shooting of her husband Paul Chavez Jr and spoke about the Modesto Police Department. She asked for accountability.

- Nick Blom spoke about adding a sports complex at the Modesto municipal golf course site. He stated that that area is large enough to accommodate a football stadium and housing.

- Patrick spoke about the shooting of Paul Chavez, Jr. He also commented about the Modesto Police Department and further spoke about driving past Yosemite Boulevard and the condition of that area.

- Loretta Carhart spoke about riding buses this week and an incident that occurred with a person smoking at the bus station. She also stated that minors are drinking on the buses.

- Ramon Rodriguez commented about Pride Month. He stated that Pride Month is a fight for freedom, equality, and liberation. Some states are passing law taking away civil liberties and rights of LGBTQ community.

- Liberty thanked the Council for making June Pride Month in Modesto. He wanted to suggest the Council read the 1619 project.

- Howard Carman spoke about an incident that occurred at the Salvation Army.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 7-24 (Ricci/Wright; 6/0; Alvarez absent)

CONSENT

Consent

7. Consider approving the minutes from the May 23, 2023 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the May 23, 2023 Council Meeting.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Ricci/Wright; 6/0; Alvarez absent) Motion approving the minutes from the May 23, 2023 Council Meeting.

Consent

8. Consider approving Final Adoption of Ordinance 3764-C.S. amending Section 2 Of Ordinance No. 2795-C.S. Entitled "An Ordinance Amending Section Map 31-3-9 Of The Zoning Map To Rezone From Low Density Residential Zone, R-1, To Planned Development Zone, P-D(487), Property Located On The North Side Of Chicago Avenue Between Frankette And Floreette Avenues West Of Paradise Road (Matthews/Fabian)" (Funding Source: Not Applicable)
    - Motion approving Final Adoption of Ordinance 3764-C.S. amending Section 2 Of Ordinance No. 2795-C.S. Entitled "An Ordinance Amending Section Map 31-3-9 Of The Zoning Map To Rezone From Low Density Residential Zone, R-1, To Planned Developmt Zone, P-D(487), Property Located On The North Side Of Chicago Avenue Between Frankette And Floreette Avenues West Of Paradise Road (Matthews/Fabian)"

CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

ACTION: (Ricci/Wright; 6/0; Alvarez absent) Motion approving Final Adoption of Ordinance 3764-C.S. amending Section 2 Of Ordinance No. 2795-C.S. Entitled "An Ordinance Amending Section Map 31-3-9 Of The Zoning Map To Rezone From Low Density Residential Zone, R-1, To Planned Developmt Zone, P-D(487), Property Located On The North Side Of Chicago Avenue Between Frankette And Floreette Avenues West Of Paradise Road (Matthews/Fabian)"

Consent

9. Consider approving the recommended Budget Adjustments to Fiscal Year 2022-23 Annual Operating and Capital Improvement Program Budgets. (Funding Source: Various Funds)
    - Resolution amending Fiscal Year 2022-23 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: (Ricci/Wright; 6/0; Alvarez absent) Resolution 2023-248 amending Fiscal Year 2022-23 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

10. Consider accepting an Informational Report for the April 2023 Accounts Payable Payment Register and Void Report. (Funding Source: Not Applicable)
    - Motion accepting an Informational Report for the April 2023 Accounts Payable Payment Register and Void Report.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

    ACTION: (Ricci/Wright; 6/0; Alvarez absent) Motion accepting an Informational Report for the April 2023 Accounts Payable Payment Register and Void Report.

Consent

11. Consider accepting the Monthly Investment Report for March 2023 (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for March 2023.

    FINANCE DEPARTMENT; Calogero Maniscalco, 209-577-5219, cmaniscalco@modestogov.com

    ACTION: (Ricci/Wright; 6/0; Alvarez absent) Motion accepting the Monthly Investment Report for March 2023.

Consent

12. Consider approving a change in the interest rate index for the Modesto Irrigation District Financing Authority Domestic Water Project Revenue Bonds, Series 2007F and the related interest rate swap; and authorizing the payment of costs. (Funding Source: Water Fund)
    - Resolution of the City Council of the City of Modesto approving a change in the interest rate for the Modesto Irrigation District Financing Authority Domestic Water Project Revenue Bonds, Series 2007F and the related interest rate swap; and authorizing the payment of costs associated therewith.

    FINANCE DEPARTMENT; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com

    ACTION: (Ricci/Wright; 6/0; Alvarez absent) Resolution 2023-249 of the City Council of the City of Modesto approving a change in the interest rate for the Modesto Irrigation District Financing Authority Domestic Water Project Revenue Bonds, Series 2007F and the related interest rate swap; and authorizing the payment of costs associated therewith.

Consent

13. Consider approving payment of various Equipment Maintenance Agreements for Fiscal Year 2023-2024 with multiple equipment manufacturers for all City Departments, for an annual cost not to exceed $896,155; and authorizing the City Manager, or his designee to execute Equipment Maintenance Agreements associated with the items in Exhibit B – Fiscal Year 2023-2024 Equipment Maintenance Agreements (more than $50,000). (Funding Source: Various Funds)
    - Resolution approving payment of various Equipment Maintenance Agreements for Fiscal Year 2023-2024 with multiple equipment manufacturers for all City Departments, for an annual estimated cost not to exceed $896,155; and authorizing the City Manager, or his designee, to execute Equipment Maintenance Agreements associated with the items in Exhibit B – Fiscal Year 2023-2024 Equipment Maintenance Agreements (more than $50,000).

    FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

    ACTION: (Ricci/Wright; 6/0; Alvarez absent) Resolution 2023-250 approving payment of various Equipment Maintenance Agreements for Fiscal Year 2023-2024 with multiple equipment manufacturers for all City Departments, for an annual estimated cost not to exceed $896,155; and authorizing the City Manager, or his designee, to execute Equipment Maintenance Agreements associated with the items in Exhibit B – Fiscal Year 2023-2024 Equipment Maintenance Agreements (more than $50,000).

Consent

14. Consider approving the City's Pandemic Recovery Strategy, Modesto Forward, for the reallocation of American Rescue Plan Act (ARPA) Funds defined under Exhibit A. (Funding Source: American Rescue Plan Act Funds)
    - Resolution approving the City's Pandemic Recovery Strategy, Modesto Forward, for the reallocation of American Rescue Plan Act Funds defined

under Exhibit A and authorizing the City Manager, or his designee, to carry out the necessary steps to implement the programs and funding allocation.

FINANCE DEPARTMENT; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com

ACTION: (Ricci/Wright; 6/0; Alvarez absent) Resolution 2023-251 approving the City's Pandemic Recovery Strategy, Modesto Forward, for the reallocation of American Rescue Plan Act Funds defined under Exhibit A and authorizing the City Manager, or his designee, to carry out the necessary steps to implement the programs and funding allocation.

Consent

15. Consider approving the Fiscal Year 2023-2024 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 2023-2024 Annual Budget.

FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

ACTION: (Ricci/Wright; 6/0; Alvarez absent) Resolution 2023-252 establishing the Appropriation Limit for the Fiscal Year 2023-2024 Annual Budget.

Consent

16. Consider approving the payment of Software Maintenance Support Agreements for Fiscal Year 2023-2024 for a total amount not to exceed $6,435,813. (Funding Source: Information Technology Fund and Various Funds)
    - Resolution approving the payment of Software Maintenance Support Agreements for Fiscal Year 2023-2024 for a total amount not to exceed $6,435,813; and authorizing the City Manager, or his designee to execute routine Renewal Agreements associated with the items in Exhibit A and Exhibit B - Software Maintenance Support Agreements for Fiscal Year 2023-2024.

IT; Scott Conn, 209-577-5229, sconn@modestogov.com

ACTION: (Ricci/Wright; 6/0; Alvarez absent) Resolution 2023-253 approving the payment of Software Maintenance Support Agreements for Fiscal Year 2023-2024 for a total amount not to exceed $6,435,813; and authorizing the City Manager, or his designee to execute routine Renewal Agreements associated with the items in Exhibit A and Exhibit B - Software Maintenance Support Agreements for Fiscal Year 2023-2024.

Consent

17. Consider affirming the City's in-kind sponsorships identified in Administrative Directive 3.6 and approving Community and Special Event Sponsorships with direct contributions to the King-Kennedy Memorial Center Board of Directors (increase), National Association for the Advancement of Colored People Modesto/Stanislaus

Branch, The Hot Wheels Foundation of Modesto, CA, West Modesto Community Collaborative, Downtown Modesto Partnership, The Miracle League of Stanislaus County, and Veterans in Community Advocacy. (Funding Source: General Fund)

- Resolution affirming the City's in-kind sponsorships identified in Administrative Directive 3.6 and approving Community and Special Event Sponsorships and direct contributions to the King-Kennedy Memorial Center Board of Directors (increase), National Association for the Advancement of Colored People Modesto/Stanislaus Branch, The Hot Wheels Foundation of Modesto, CA, West Modesto Community Collaborative, Downtown Modesto Partnership, The Miracle League of Stanislaus County, and Veterans in Community Advocacy.

PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Ricci/Wright; 6/0; Alvarez absent) Resolution 2023-254 affirming the City's in-kind sponsorships identified in Administrative Directive 3.6 and approving Community and Special Event Sponsorships and direct contributions to the King-Kennedy Memorial Center Board of Directors (increase), National Association for the Advancement of Colored People Modesto/Stanislaus Branch, The Hot Wheels Foundation of Modesto, CA, West Modesto Community Collaborative, Downtown Modesto Partnership, The Miracle League of Stanislaus County, and Veterans in Community Advocacy.

Consent

18. Consider approving the First Amendment to the Lease Agreement with Del Rio CC Foundation, of Modesto, CA, for lease of property located on Roselawn Avenue (APNs 037-036-007 and 037-051-001) for operation of First Tee Youth Programming. (Funding Source: Not Applicable)

    - Resolution approving the First Amendment to the Lease Agreement with Del Rio CC Foundation, of Modesto, CA, for lease of property located on Roselawn Avenue (APNs 037-036-007 and 037-051-001) for operation of First Tee Youth Programming, and authorizing the City Manager or his designee to execute the Amendment.

    PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

    ACTION: (Ricci/Wright; 6/0; Alvarez absent) Resolution 2023-255 approving the First Amendment to the Lease Agreement with Del Rio CC Foundation, of Modesto, CA, for lease of property located on Roselawn Avenue (APNs 037-036-007 and 037-051-001) for operation of First Tee Youth Programming, and authorizing the City Manager or his designee to execute the Amendment.

Consent

19. Consider approving a First Amendment to the Agreement with Brown and Caldwell, of Rancho Cordova, CA, for Design and Construction Support Services for the Grayson Well 69 (Replacing Well 274) Project for a revised Agreement total amount not to exceed $277,601 and approving an increase in the Director's Authority to issue Change Orders for the Construction Contract with W.M. Lyles Co, of Fresno, CA from 10% to

15% of the original Construction Contract amount of $2,683,800. (Funding Source: Water Fund)

- Resolution approving a First Amendment to the Agreement with Brown & Caldwell, of Rancho Cordova, CA, for Design and Construction Support Services for the Grayson Well 69 (Replacing Well 274) Project in the amount of $101,218, for an Agreement total amount not to exceed $277,601; and authorizing the City Manager, or his designee, to execute the Amendment.
- Resolution authorizing an increase in the Director's Authority to issue Change Orders for the Grayson Well 69 (Replacing Well 274) Project from 10% ($268,380) to 15% ($402,570) of the original Construction Contract amount of $2,683,800 with W.M. Lyles Co., of Fresno, CA.
- Resolution amending the Fiscal Year 2022/23 Capital Improvement Program Budget in the amount of $435,408 to be transferred into the project from Water Fund Reserves in order to fund the Grayson Well 69 (Replacing Well 274) Project.

UTILITIES; Pete Kambel, 209-577-5444, pkambel@modestogov.com

ACTION: (Ricci/Wright; 6/0; Alvarez absent) Resolution 2023-256 approving a First Amendment to the Agreement with Brown & Caldwell, of Rancho Cordova, CA, for Design and Construction Support Services for the Grayson Well 69 (Replacing Well 274) Project in the amount of $101,218, for an Agreement total amount not to exceed $277,601; and authorizing the City Manager, or his designee, to execute the Amendment.

ACTION: (Ricci/Wright; 6/0; Alvarez absent) Resolution 2023-257 authorizing an increase in the Director's Authority to issue Change Orders for the Grayson Well 69 (Replacing Well 274) Project from 10% ($268,380) to 15% ($402,570) of the original Construction Contract amount of $2,683,800 with W.M. Lyles Co., of Fresno, CA.

ACTION: (Ricci/Wright; 6/0; Alvarez absent) Resolution 2023-258 amending the Fiscal Year 2022/23 Capital Improvement Program Budget in the amount of $435,408 to be transferred into the project from Water Fund Reserves in order to fund the Grayson Well 69 (Replacing Well 274) Project.

Consent

20. Consider approving a Progressive Design-Build Agreement with TelStar Instruments, Inc. of Concord, CA, for the Supervisory Control and Data Acquisition (SCADA) System Replacement Project for a total amount not to exceed $2,947,531, and approving a Technical Advisor Services Agreement with EMA, Inc., of Tucson, AZ, for a total amount not to exceed $406,663. (Funding Source: Water and Wastewater Fund)

    - Resolution awarding a Progressive Design-Build Agreement with TelStar Instruments, Inc. Concord, CA for the Supervisory Control and Data Acquisition (SCADA) System Replacement Project in the amount of $2,679,574 plus $267,957 in contingency, if needed, for a total amount not to

exceed $2,947,531 and authorizing the City Manager, or his designee to execute the Agreement.

- Resolution approving an Agreement with EMA, Inc., Tucson, AZ for Technical Advisor Services in the amount of $369,694 plus $36,969 in contingency, if needed, for a total amount not to exceed $406,663 and authorizing the City Manager, or his designee to execute the Agreement.
- Resolution amending the Fiscal Year 2022-23 Capital Improvement Program Budget in the amount of $6,453,441 to be transferred into the Project from Water and Wastewater Reserves to fund Phase 1 of the Progressive Design-Build Agreement for the SCADA System Replacement Project and authorizing the City Manager, or his Designee, to implement the provisions of this Resolution.

UTILITIES; Juan Ochoa, 209-577-5423, jochoa@modestogov.com

ACTION: (Ricci/Wright; 6/0; Alvarez absent) Resolution 2023-259 awarding a Progressive Design-Build Agreement with TelStar Instruments, Inc. Concord, CA for the Supervisory Control and Data Acquisition (SCADA) System Replacement Project in the amount of $2,679,574 plus $267,957 in contingency, if needed, for a total amount not to exceed $2,947,531 and authorizing the City Manager, or his designee to execute the Agreement.

ACTION: (Ricci/Wright; 6/0; Alvarez absent) Resolution 2023-260 approving an Agreement with EMA, Inc., Tucson, AZ for Technical Advisor Services in the amount of $369,694 plus $36,969 in contingency, if needed, for a total amount not to exceed $406,663 and authorizing the City Manager, or his designee to execute the Agreement.

ACTION: (Ricci/Wright; 6/0; Alvarez absent) Resolution 2023-261 amending the Fiscal Year 2022-23 Capital Improvement Program Budget in the amount of $6,453,441 to be transferred into the Project from Water and Wastewater Reserves to fund Phase 1 of the Progressive Design-Build Agreement for the SCADA System Replacement Project and authorizing the City Manager, or his Designee, to implement the provisions of this Resolution.

Consent

21. Consider approving a Sole Source Agreement with Westlake Corporation, Houston, TX, for the procurement of Accu-Tab Chlorination Tablets and related equipment for a total amount not to exceed $650,000 over five years. (Funding Source: Water Fund)
    - Resolution approving a Sole Source Agreement with Westlake Corporation, Houston, TX, for the procurement of Accu-Tab Chlorination Tablets and Systems, and related equipment for an estimated annual amount of $125,000, and a total not to exceed $650,000 over five years, authorizing the Director of Finance 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 City Manager or his designee to execute the Agreement.

    UTILITIES; Jeff Daniels, 209-342-4585, jdaniels@modestogov.com

ACTION: (Ricci/Wright; 6/0; Alvarez absent) Resolution 2023-262 approving a Sole Source Agreement with Westlake Corporation, Houston, TX, for the procurement of Accu-Tab Chlorination Tablets and Systems, and related equipment for an estimated annual amount of $125,000, and a total not to exceed $650,000 over five years, authorizing the Director of Finance 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 City Manager or his designee to execute the Agreement.

Consent

22. Consider approving renaming Modesto's Water Quality Control Facilities to City of Modesto Regional Water Recycling Facility Sutter Campus and City of Modesto Regional Water Recycling Facility Jennings Campus. (Funding Source: Sewer Operations Fund)
    - Resolution approving renaming Modesto's Water Quality Control Facilities to the City of Modesto Regional Water Recycling Facility Sutter Campus and the City of Modesto Regional Water Recycling Facility Jennings Campus.

    UTILITIES; Jason Farnsworth, 209-577-6255, jfarnsworth@modestogov.com

    ACTION: (Ricci/Wright; 6/0; Alvarez absent) Resolution 2023-263 approving renaming Modesto's Water Quality Control Facilities to the City of Modesto Regional Water Recycling Facility Sutter Campus and the City of Modesto Regional Water Recycling Facility Jennings Campus.

Consent

23. Consider approving the Purchase of a Closed-Circuit Television (CCTV) Camera and Transporter from Rapidview LLC, Rochester, IN, under the authorized dealer Jack Doheny Company (JDC), Northville, MI, for a total amount not to exceed $88,161. (Funding Source: Sewer Operations Fund)
    - Resolution approving the Competitive Bidding Process from Sourcewell (formerly National Joint Powers Alliance), with RapidView LLC, Rochester, IN, under the authorized dealer Jack Doheny Company, Northville, MI, for a Closed-Circuit Television (CCTV) Camera and Transporter for a total amount not to exceed $88,161; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

    UTILITIES; Jason Farnsworth, 209-577-6255, jfarnsworth@modestogov.com

    ACTION: (Ricci/Wright; 6/0; Alvarez absent) Resolution 2023-264 approving the Competitive Bidding Process from Sourcewell (formerly National Joint Powers Alliance), with RapidView LLC, Rochester, IN, under the authorized dealer Jack Doheny Company, Northville, MI, for a Closed-Circuit Television (CCTV) Camera and Transporter for a total amount not to exceed $88,161; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

Consent

24. Consider approving the Sale of Asset # 20155-00, JWC Compactor with Auger and Grinder, to the City of Manteca for $6,500. (Funding Source: Sewer Operations Fund)
    - Resolution approving the Sale of Asset # 20155-00, JWC Compactor with Auger and Grinder, to the City of Manteca for $6,500.

    UTILITIES; Jason Farnsworth, 209-577-6255, jfarnsworth@modestogov.com

    ACTION: (Ricci/Wright; 6/0; Alvarez absent) Resolution 2023-265 approving the Sale of Asset # 20155-00, JWC Compactor with Auger and Grinder, to the City of Manteca for $6,500.

COUNCIL COMMENTS & REPORTS

Councilmember Wright reported that Graffiti Week is all this week. He has the privilege tomorrow morning to pick up Mackenzie Phillips from Sacramento Airport. She is a guest of honor and will be the Grand Marshal.

Councilmember Bavaro reported that he received a call from a constituent that complimented the Public Works Department and he expressed this was the first time he received a call with positive feedback. The constituent had a particular issue and reached out to Public Works. Public Works staff went out the same day and took care of the issue. In addition, last Friday he participated in a ride along with the K-9 unit. K-9 Officer Lockridge and his partner were very professional and courteous in their interactions with people.

Councilmember Williams reported last week was Memorial Day weekend. On Monday he had the privilege to be in the presence of some of those that served in the five branches as they took time to reflect on those who gave the ultimate sacrifice and that was their lives. He asked for a moment of silence in their honor. He also thanked the City of Modesto for always supporting the North Modesto Kiwanis Club. He has been a member for over 20 years and it's a wonderful thing to see that the City rallies behind the good things that take place in the community. He also stated that he is looking forward to Graffiti Week events and stated that information can be found online at northmodestokiwanis.com.

Vice Mayor Ricci reported that improving the City's parks is his priority. He wants to see parks transformed from being unused spaces, or kind of homeless day camps to parks that are used throughout the City for things like food trucks, outdoor patio bistros, farmers markets, etc. He is looking forward to working with staff on trying to put some of these new ideas forward to make parks better utilized community spaces. He also reported that he is pleased to see that an abandoned commercial building ordinance will be heading to committee this month. Pride Month was celebrated today, but Mo Band is also launching on Thursday, and it will run every Thursday through mid-July at Graceda Park. He will also participate in the annual Graffiti Parade.

Councilmembers Escutia-Braaton reported that she is attending remotely and is presently in Detroit Michigan attending a national conference and board meeting for the National Association of Regional Councils. They are addressing multiple issues, important to our region, and important to Modesto, as well as issues, such as transportation, safety greenhouse gas strategies,

how to address public safety and emerging emergency management response systems. She was a panel member speaking about the subject of effectively communicating your city's values uniqueness and qualities through rebranding and storytelling. In addition, to this trip, since the last time the Council convened, she attended an opening for a multiple unit of living space that's happening in Northern Modesto. She also met with developers wishing to add more than 500 units of Housing and East Modesto.

Mayor Zwahlen reported that on Memorial Day she was able to honor our Veterans at Acacia Memorial Park with Police Chief Brandon Gillespie. Councilmember Williams also attended. She encouraged people to attend the memorial. It's just a nice and wonderful remembrance of those who truly did give the ultimate sacrifice. She also reported attending the McHenry Village car show. There were about 500 cars there. She goes every year to make the Mayor's Choice and it's fun. Fire Chief Allen Ernst was also there. She is grateful that City leaders support the community the way that they do.

CITY MANAGER COMMENTS & REPORTS

City Manager Lopez thanked the Mayor and Council for the kind words during his evaluation. It's truly an honor to be the City Manager for this wonderful City and to work for such a caring City Council who want to do so much good for the community. This evaluation was specific to him, but it's really a reflection of a collective effort between the City Manager, Council, and staff. He would be remiss if he didn't acknowledge the tremendous department head team, and the dedicated staff who serve the residents each and every day.

HEARINGS

Published in the Modesto Bee on May 26, 2023

25. Hearing to consider and approve the Final Proposed Fiscal Year 2023-24 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 2023-24 Annual and Multi-Year Operating Budgets and the 2023-24 Capital Improvement Program for the City of Modesto and the related Inter-Fund Transfers.
    - Resolution approving the Budget Principles, Policy on General Fund Unassigned Carryover Reserves, and the Operating Budget Policy as Outlined in the Fiscal Year 2023-24 Final Proposed Budget.
    - Resolution amending the Classification Plan for the City of Modesto to create new classifications and amend existing classifications.
    - Resolution amending the Position Allocation for Fiscal Year 2023-24 as adopted in the Operating Budget.

    BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com

    ACTION: (Wright/Ricci; 6/0; Alvarez absent) Resolution 2023-266 approving the adoption of the Fiscal Year 2023-24 Annual and Multi-Year Operating Budgets and the 2023-24 Capital Improvement Program for the City of Modesto and the related Inter-Fund Transfers.

ACTION: (Wright/Ricci; 6/0; Alvarez absent) Resolution 2023-267 approving the Budget Principles, Policy on General Fund Unassigned Carryover Reserves, and the Operating Budget Policy as Outlined in the Fiscal Year 2023-24 Final Proposed Budget.

ACTION: (Wright/Ricci; 6/0; Alvarez absent) Resolution 2023-268 amending the Classification Plan for the City of Modesto to create new classifications and amend existing classifications.

ACTION: (Wright/Ricci; 6/0; Alvarez absent) Resolution 2023-269 amending the Position Allocation for Fiscal Year 2023-24 as adopted in the Operating Budget.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 7:35 p.m.

All Closed Session Matters heard prior to meeting.

CLOSED SESSION

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Pursuant to Section 54957 of the Government Code)
Title: City Manager

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

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – 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:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
CANNABIS PROGRAM AND PERMIT REVIEW COMMITTEE / COUNCIL WORKSHOP
Room 2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, June 12, 2023 at 2:00 PM

Roll Call: Present: Member Alvarez, Vice-Chair Zwahlen, Chair Wright
Absent: None
Also Present: None

PUBLIC COMMENTS

- Deanna Garcia wanted the Committee to think about the sliding scale of the gross sales tax for cannabis businesses.

HEARINGS

Continued from the May 22, 2023 meeting. Published in the Modesto Bee on May 12, 2023.

1 Hearing to consider approving a Commercial Cannabis Microbusiness Type 12 Permit for Fiji Weed Company, LLC, located at 1420 Granite Ln., with appropriate conditions. (Funding Source: Cannabis Business Permit Fees)

- Resolution approving a Commercial Microbusiness Type 12 Permit for Fiji Weed Company LLC, located at 1420 Granite Ln, with appropriate conditions.

CED; Sean Rando, 209-577-5473, srando@modestogov.com

ACTION: (Alvarez/Zwahlen; 3/0) Resolution 02-2023 approving a Commercial Microbusiness Type 12 Permit for Fiji Weed Company LLC, located at 1420 Granite Ln, with appropriate conditions.

NEW BUSINESS

2 Consider approving the renewal of eight Commercial Cannabis Retail Permits for dispensaries in the City for a further two-year period ending June 30, 2025; and approving a change in ownership policy for commercial cannabis permits within the City of Modesto, and approving changes in ownership for Jonesa, LLC and CV Wellness, LLC. (Funding Source: Cannabis Permit Fees)

- Motion recommending the renewal of the eight Commercial Cannabis Retail Permits for dispensaries in the City for a further two-year period ending June 30, 2025 and forwarding to Council for approval.
- Motion recommending the approval of a change in ownership policy for commercial cannabis permits within The City of Modesto and forwarding to Council for approval.

- Motion recommending the approval of a change in ownership for Jonesa, LLC and forwarding to Council for approval.
- Motion recommending the approval of a change in ownership for CV Wellness, LLC and forwarding to Council for approval.

CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Zwahlen/Alvarez; 3/0) Motion recommending the renewal of the eight Commercial Cannabis Retail Permits for dispensaries in the City for a further two-year period ending June 30, 2025 and forwarding to Council for approval.

ACTION: (Zwahlen/Alvarez; 3/0) Motion recommending the approval of a change in ownership policy for commercial cannabis permits within The City of Modesto and forwarding to Council for approval.

ACTION: (Zwahlen/Alvarez; 3/0) Motion recommending the approval of a change in ownership for Jonesa, LLC and forwarding to Council for approval.

ACTION: ((Zwahlen/Alvarez; 3/0) Motion recommending the approval of a change in ownership for CV Wellness, LLC and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 2:19 p.m.

Attest: _____
Andrea Cook, Deputy City Clerk

MINUTES
City of Modesto
SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP
Room 2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, June 12, 2023 at 4:00 PM

Roll Call: Present: Vice-Chair Escutia-Braaton, Chair Ricci
Absent: Member Williams
Also Present: None

PUBLIC COMMENTS

- Lisa Carlson, Neighborhood Watch Coordinator of the Woodland West Community Neighborhood spoke about the consistent issue of donut drivers on Diablo and nearby streets and seeking help to rectify the problem.

- Terhesa Gamboa spoke about the issue of the donut drivers and concerns over the safety of the children and senior citizens in the area.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 1-4 (Escutia-Braaton/Ricci; 2/0; Williams Absent)

CONSENT

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 forwarding to Council for approval. (Funding Source: General Fund)
    - Motion recommending 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 forwarding to Council for approval.

   POLICE DEPARTMENT; Bob Meredith, 209-572-9500, meredithb@modestopd.com

   ACTION: (Escutia-Braaton/Ricci; 2/0; Williams Absent) Motion recommending 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 forwarding to Council for approval.

Consent
2. Consider the submission of a Grant Application for the Organized Retail Theft Prevention Grant Program to the Board of State and Community Corrections for up to

$6.125 million in Grant Funds and forwarding to Council for approval. (Funding Source: Grant Funds)

- Motion recommending the submission of a Grant Application for the Organized Retail Theft Prevention Grant Program to the Board of State and Community Corrections for up to $6.125 million and forwarding to Council for approval.

POLICE DEPARTMENT; Bob Meredith, 209-572-9500, meredithb@modestopd.com

ACTION: (Escutia-Braaton/Ricci; 2/0; Williams Absent) Motion recommending the submission of a Grant Application for the Organized Retail Theft Prevention Grant Program to the Board of State and Community Corrections for up to $6.125 million and forwarding to Council for approval.

Consent

3. Consider the First Amendment to the Memorandum of Understanding with the King-Kennedy Memorial Center Board of Directors to increase the total financial support from the City by $6,000, from $22,000 to $28,000, and forwarding to Council for approval. (Funding Source: General Fund)

    - Motion recommending the First Amendment to the Memorandum of Understanding with the King-Kennedy Memorial Center Board of Directors to increase the total financial support by $6,000, from $22,000 to $28,000 by the City, and forwarding to Council for approval.

    PRN; Ashley Weaver, 209-577-5428, aweaver@modestogov.com

    ACTION: (Escutia-Braaton/Ricci; 2/0; Williams Absent) Motion recommending the First Amendment to the Memorandum of Understanding with the King-Kennedy Memorial Center Board of Directors to increase the total financial support by $6,000, from $22,000 to $28,000 by the City, and forwarding to Council for approval.

Consent

4. Consider a Second Amendment to the Agreement for the Operation of the King-Kennedy Memorial with the West Modesto Community Collaborative to extend the Agreement for one year, and forwarding to Council for approval. (Funding Source: General Fund)

    - Motion recommending the Second Amendment to the Agreement for the Operation of the King-Kennedy Memorial with the West Modesto Community Collaborative to extend the Agreement for one year and forwarding to Council for approval.

    PRN; Ashley Weaver, 209-577-5428, aweaver@modestogov.com

    ACTION: (Escutia-Braaton/Ricci; 2/0; Williams Absent) Motion recommending the Second Amendment to the Agreement for the Operation of the King-Kennedy Memorial with the West Modesto Community Collaborative to extend the Agreement for one year and forwarding to Council for approval.

UNFINISHED BUSINESS

5. Presentation of the Blight Abatement Strategic Plan Quarterly Report (Funding Source: Not Applicable)
    - No Staff Recommendation

CED; Oscar Diaz, 209-571-5885, odiaz@modestogov.com

ACTION: No reportable action.

NEW BUSINESS

6. Consider an Ordinance amending Section 9-9.606(d) of Title 9 "Building Regulations", Chapter 9, "Property Maintenance Code," Article 6, "Vacant and Boarded Buildings" of the Modesto Municipal Code, to add subsections 5,6,7 and 8 to enhance maintenance and security of vacant buildings and establishing a tiered fee schedule for the registration of vacant commercial buildings and forwarding to Council for approval. (Funding Source: General Fund)
    - Motion recommending considering an Ordinance amending Section 9-9.606(d) of Title 9 "Building Regulations", Chapter 9, "Property Maintenance Code," Article 6, "Vacant and Boarded Buildings" of the Modesto Municipal Code, to add subsections 5,6,7 and 8 to enhance maintenance and security of vacant buildings and forwarding to Council for approval.
    - Motion recommending establishing a tiered fee schedule for the registration of vacant commercial buildings and forwarding to Council for approval.

CED; Oscar Diaz, 209-571-5885, odiaz@modestogov.com

ACTION: (Escutia-Braaton/Ricci; 2/0; Williams Absent) Motion recommending considering an Ordinance amending Section 9-9.606(d) of Title 9 "Building Regulations", Chapter 9, "Property Maintenance Code," Article 6, "Vacant and Boarded Buildings" of the Modesto Municipal Code, to add subsections 5,6,7 and 8 to enhance maintenance and security of vacant buildings and forwarding to Council for approval with the addition of adding a fire response component that will be drafted by the City Attorney's Office.

ACTION: (Escutia-Braaton/Ricci; 2/0; Williams Absent) Motion recommending establishing a tiered fee schedule for the registration of commercial buildings and forwarding to Council for approval.

7. Consider a report on the upcoming Real Time Crime Center Project planned for bidding and construction and forwarding to Council for approval. (Funding Source: American Rescue Plan Act, State Law Enforcement Supplemental Funds, Measure H)
    - Motion recommending accepting a report on the upcoming Real Time Crime Center Construction Project planned for bidding and construction and forwarding to Council for approval.

POLICE DEPARTMENT; Jessica Smart, 209-572-9500, smartj@modestopd.com

ACTION: (Escutia-Braaton/Ricci; 2/0; Williams Absent) Motion recommending accepting a report on the upcoming Real Time Crime Center Construction Project planned for bidding and construction and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 5:01 p.m.

Attest: _____
Andrea Cook, Deputy City Clerk

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, June 13, 2023 at 5:30 PM

Roll Call – Present: Councilmembers Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

Absent: None

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: City Attorney Sanchez reported no reportable action was taken.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation declaring June 19, 2023 as Juneteenth Day. (Funding Source: Not Applicable)
   CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

   ACTION: Mayor Zwahlen presented proclamation declaring June 19, 2023, as Juneteenth Day.

MISCELLANEOUS

2. Consider appointing Evan Yoshino to the Board of Building Appeals with a term expiration of January 1, 2027. (Funding Source: Not Applicable)
   Staff Recommendation:
   - Resolution appointing Evan Yoshino to the Board of Building Appeals with a term expiration date of January 1, 2027.

   CED; Oscar Diaz, 209-577-5232, odiaz@modestogov.com

   ACTION: (Williams/Wright; 7/0) Resolution 2023-270 appointing Evan Yoshino to the Board of Building Appeals with a term expiration date of January 1, 2027.

3. Consider accepting the resignation of Monica Valencia from the City of Modesto Culture Commission. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution accepting the resignation of Monica Valencia from the City of Modesto Culture Commission.

PRN; Ashley Weaver, 209-577-5428, aweaver@modestogov.com

ACTION: (Wright/Alvarez; 7/0) Resolution 2023-271 accepting the resignation of Monica Valencia from the City of Modesto Culture Commission.

4. Consider appointing former Culture Commission member Dewey Bedford to fill one Modesto Resident vacancy on the Culture Commission for a partial second term, from July 1, 2023 through December 31, 2024 (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution appointing former Culture Commission member Dewey Bedford to fill one Modesto Resident vacancy on the Culture Commission with a partial term from July 1, 2023 through December 31, 2024.

PRN; Ashley Weaver, 209-577-5428, aweaver@modestogov.com

ACTION: (Ricci/Escutia-Braaton; 7/0) Resolution 2023-272 appointing former Culture Commission member Dewey Bedford to fill one Modesto Resident vacancy on the Culture Commission with a partial term from July 1, 2023 through December 31, 2024.

PUBLIC COMMENT PERIOD

- Jerry Thompson spoke about Graffiti Week and the events that took place last week. He also stated that the Senate Transportation Committee voted on AB 436.

- Thomas Helme, Co-Founder of Valley Improvement Projects spoke about California Waste Management Board and referenced a study about trash incinerators. He spoke about the environmental effects of trash incinerators that are in placed in disadvantaged and vulnerable communities. They will be holding community workshops regarding this topic.

- Ryan Poulsen spoke in support of building a sports complex at the former Municipal Golf Course.

- Alissia Hagar commented about road work and drainage in the West Side. She also spoke regarding the shooting of Paul Chavez, Jr.

- Howard Carman spoke about the Highway Patrol and CalTrans, and their policies regarding camping on CalTrans property. He further commented on the staffing levels of the Highway Patrol tasked with monitoring the freeway.

- Sara Arroyo Vega from Valley Improvement Project spoke regarding Zero Waste and invited the public to attend Zero Waste Meeting on June 26th, 5 pm at North Valley Labor Federation.

- Derek Castle asked Council to consider safe sleeping sites in Modesto. He spoke about a successful safe camping program in Denver called Safe Outdoor Spaces (SOS). He commented on the need of a similar program in Modesto.

- Laura Placencia from Valley Improvement Projects urged the City to reconsider renewing the contract with Covanta or any waste facility that incinerates. She also spoke about the workshops Valley Improvement Project is hosting.

- Ramon Rodriguez spoke about safe camping, and Houston's policy on homelessness that provides services to the homeless such as mental health, education, and job training. The program is entitled the Housing First Program.

- Theresa Clutter spoke about Paul Chavez, Jr. She requested justice for Paul Chavez, Jr. and asked for accountability.

- Brittoni Chavez commented on the shooting of her husband Paul Chavez Jr. and spoke about the Modesto Police Department and Officer Muncy.

- Patrick commented about Paul Chavez, Jr., and Officer Muncy.

- Deborah Jones Sullivan, President of the King-Kennedy Board thanked the Council for the Juneteenth Proclamation and invited Council to attend the Juneteenth event and Freedom March this Saturday from 11:00 am – 5:00 pm and a Freedom Walk at 10:15 am on the corner of Needham and Sycamore.

- Loretta Carhart stated she did not approve of foul language used during public comment by a person. She also spoke about the shooting of her father.

- Kelley spoke about a safety issue in her neighborhood on Santa Ana Avenue. There has been an increase of speeding cars in her neighborhood, and a recent car accident. She is trying to prevent an accident. She asked for an additional traffic study on her street to be conducted outside of school hours and expressed the need for a speed bump in that area.

- Bianca Lopez, Co-Founder of Valley Improvement Projects also commented about upcoming Zero Waste Workshops.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 5-21 (Wright/Williams; 7/0)

CONSENT

Consent

5. Consider approving the minutes from the June 6, 2023 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the June 6, 2023 Council Meeting.

CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

ACTION: ((Wright/Williams; 7/0) Motion approving the minutes from the June 6, 2023 Council Meeting.

Consent

6. Consider accepting the Public Improvements made by Public Storage, Inc. release securities upon expiration of statutory periods, and initiate reimbursement in the amount of $477,126 as outlined in the Acquisition and Shortfall Agreement. (Funding Source: City of Modesto Community Facilities District No. 2004-1 (Village One #2))
    - Resolution accepting the Public Improvements made by Public Storage, Inc. at the south side of Sylvan Avenue between Elsakr Way and Wood Sorrel Drive as complete, release securities upon expiration of statutory periods, and initiate reimbursement for improvements in the amount of $477,126 as outlined in the Acquisition and Shortfall Agreement.

    CED; Peter Ibrahim, 209-577-5211, pibrahim@modestogov.com

    ACTION: (Wright/Williams; 7/0) Resolution 2023-273 accepting the Public Improvements made by Public Storage, Inc. at the south side of Sylvan Avenue between Elsakr Way and Wood Sorrel Drive as complete, release securities upon expiration of statutory periods, and initiate reimbursement for improvements in the amount of $477,126 as outlined in the Acquisition and Shortfall Agreement.

Consent

7. Consider approving an Agreement with Hinderliter, de Llamas & Associates (HdL), Brea, CA for Cannabis Consulting Services for a total amount not to exceed $784,050 over three years. (Funding Source: Cannabis Business Permit Fee and Various Funds)
    - Resolution approving an Agreement with Hinderliter, de Llamas & Associates, Brea, CA by utilizing the City of Hesperia Agreement for Cannabis Consulting Services for a two year Agreement with one one-year extension option, for an annual estimated amount of $261,350 and a total amount not to exceed $784,050 over three years; and authorizing the City Manager, or his designee, to execute the Agreement.

    FINANCE DEPARTMENT; Gina Brown, 209-577-5381, gbrown@modestogov.com

    ACTION: (Wright/Williams; 7/0) Resolution 2023-274 approving an Agreement with Hinderliter, de Llamas & Associates, Brea, CA by utilizing the City of Hesperia Agreement for Cannabis Consulting Services for a two year Agreement with one one-year extension option, for an annual estimated amount of $261,350 and a total amount not to exceed $784,050 over three years; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

8. Consider approving an Agreement with American Chiller Service, Inc. for HVAC Maintenance and Emergency Repairs for the Modesto Centre Plaza for a total amount not to exceed $375,000 over five years. (Funding Source: Centre Plaza Fund)

- Resolution approving the Agreement with American Chiller Inc. for HVAC Maintenance and Emergency Repairs for the Modesto Centre Plaza for a two-year Agreement with three one-year extension options, for an annual estimated amount of $75,000, and a total amount not to exceed $375,000 over five years; and authorizing the City Manager or his designee to execute the Agreement.

PRN; Laurie Smith, 209-577-5437, lsmith@modestogov.com

ACTION: (Wright/Williams; 7/0) Resolution 2023-275 approving the Agreement with American Chiller Inc. for HVAC Maintenance and Emergency Repairs for the Modesto Centre Plaza for a two-year Agreement with three one-year extension options, for an annual estimated amount of $75,000, and a total amount not to exceed $375,000 over five years; and authorizing the City Manager or his designee to execute the Agreement.

Consent

9. Consider authorizing staff to apply for all Electric Vehicle Charging Station Grants. (Funding Source: Not Applicable)
    - Resolution approving staff to apply for all Electric Vehicle Charging Station Grants available and authorizing the City Manager, or his designee, to sign and execute Grant Applications and related documents.

PUBLIC WORKS; Patrick Crowley, 209-342-2274, pcrowley@modestogov.com

ACTION: (Wright/Williams; 7/0) Resolution 2023-276 approving staff to apply for all Electric Vehicle Charging Station Grants available and authorizing the City Manager, or his designee, to sign and execute Grant Applications and related documents.

Consent

10. Consider authorizing the submittal of application(s) to the United States Department of Agriculture, Composting and Food Waste Grant Program. (Funding Source: Solid Waste Fund)
    - Resolution authorizing the submittal of application(s) to the United States Department of Agriculture, Composting and Food Waste Grant Program, and authorizing the City Manager, or his designee, to sign grant applications and related documents.

PUBLIC WORKS; Rosene Salmo, 209-577-5453, rsalmo@modestogov.com

ACTION: (Wright/Williams; 7/0) Resolution 2023-277 authorizing the submittal of application(s) to the United States Department of Agriculture, Composting and Food Waste Grant Program, and authorizing the City Manager, or his designee, to sign grant applications and related documents.

Consent

11. Consider approving Prequalified Engineering Consultant Lists for Water, Wastewater, and Storm Drain for various Capital Improvement Projects for a period of three years,

with two one-year extensions options. (Funding Source: Various Capital Improvement Program Projects)

- Resolution approving a Prequalified Consultant List with Carollo Engineers, West Yost Associates, BKF and Woodard and Curran for Water, Wastewater, and Storm Drain Engineering Services for various Capital Improvement Program Projects for a period of three years, with two one-year extensions options at the written approval of the Utilities Director.

UTILITIES; Cristian Ciotau, 209-577-5260, cciotau@modestogov.com

ACTION: (Wright/Williams; 7/0) Resolution 2023-278 approving a Prequalified Consultant List with Carollo Engineers, West Yost Associates, BKF and Woodard and Curran for Water, Wastewater, and Storm Drain Engineering Services for various Capital Improvement Program Projects for a period of three years, with two one-year extensions options at the written approval of the Utilities Director.

Consent

12. Consider approving the Second Amendment to the Purchasing Agreement with All Season Lawn Landscaping for Lawn Maintenance Services for Water Wells and Tanks to a revised total amount of $402,671 and extending the term of the Agreement to December 31, 2023. (Funding Source: Water Fund)

    - Resolution approving the Second Amendment to the Purchasing Agreement with All Season Lawn Landscaping, Escalon, CA, for Lawn Maintenance Services for Water Wells and Tanks, increasing the total amount of $357,671 by $45,000 for a new total amount not to exceed $402,671, and extending the term of the Agreement from June 25, 2023 to December 31, 2023; and authorizing the City Manager, or his designee to execute the Second Amendment.

    UTILITIES; Jeff Daniels, 209-342-4585, jdaniels@modestogov.com

    ACTION: (Wright/Williams; 7/0) Resolution 2023-279 approving the Second Amendment to the Purchasing Agreement with All Season Lawn Landscaping, Escalon, CA, for Lawn Maintenance Services for Water Wells and Tanks, increasing the total amount of $357,671 by $45,000 for a new total amount not to exceed $402,671, and extending the term of the Agreement from June 25, 2023 to December 31, 2023; and authorizing the City Manager, or his designee to execute the Second Amendment.

Consent

13. Consider approving an Agreement with Envirogen Technologies for a Dual MinX Regenerable Ion Exchange Treatment System for a total amount not to exceed $1,660,348. (Funding Source: Water Fund)

    - Resolution approving an Agreement with Envirogen Technologies, Inc., Rancho Cucamonga, CA, for a Dual MinX Regenerable Ion Exchange Treatment System in the amount of $1,509,407, plus $150,941 in additional services and materials if needed, for a total amount not to exceed $1,660,348 and authorizing the City Manager, or his designee to execute the Agreement.

- Resolution amending the Fiscal Year 2022-23 Capital Improvement Project Multi-Year Budget in the amount of $1,785,348 to be transferred into the Project from Water Reserves to fund and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

UTILITIES; Jeff Daniels, 209-342-4585, jdaniels@modestogov.com

ACTION: (Wright/Williams; 7/0) Resolution 2023-280 approving an Agreement with Envirogen Technologies, Inc., Rancho Cucamonga, CA, for a Dual MinX Regenerable Ion Exchange Treatment System in the amount of $1,509,407, plus $150,941 in additional services and materials if needed, for a total amount not to exceed $1,660,348 and authorizing the City Manager, or his designee to execute the Agreement.

ACTION: (Wright/Williams; 7/0) Resolution 2023-281 amending the Fiscal Year 2022-23 Capital Improvement Project Multi-Year Budget in the amount of $1,785,348 to be transferred into the Project from Water Reserves to fund and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

COUNCIL COMMENTS & REPORTS

Vice Mayor Ricci spoke regarding Graffiti Night and what a great event it was and expressed his gratitude for all the help we received from sister agencies. He also spoke regarding the issue of side shows, especially in the Woodland West area. He is looking forward to the impact of the new MPD airplane has on these side shows and would like any ideas as to how to curb the side shows. He also spoke regarding the homeless issues in the Graceada Park area and would like to explore other ideas like Denver.

Councilmember Williams thanked everyone that helped in regard to the Graffiti events, and expressed how proud he was for the money that was raised, and what a great event it was. He also spoke regarding the upcoming Juneteenth festivities at Graceada Park including a Freedom March and invited the public to come and celebrate.

Councilmember Alvarez spoke regarding his absence at the last Council meeting. He was participating in a work event in Los Angeles. He also spoke regarding the Khmai Graduation and Recognition Banquet at Modesto High for the Cambodian American community where he was a guest speaker and congratulated the Class of 2023. He also spoke regarding the great time he had at the Graffiti events and thanked everyone who helped make it a successful event. Further he spoke regarding the ribbon cutting event at the new Ralston Tower Park, and all its features and amenities. He thanked the residents and the bi-partisan group of representatives that made it all possible.

Councilmember Wright spoke regarding the Graffiti Event, he had a great time and there was great weather, however he expressed concerns of safety issues and racing on McHenry during later evening hours.

Councilmember Escutia-Braaton spoke regarding the San Joaquin Valley Air Pollution Control District Board and programs it is promoting, including free air purifiers to qualified applicants. She encouraged the public to check their website at valleyair.org/roompurifier and apply. She also spoke regarding a community presentation she attended at King Kennedy Community Center coordinated by the Modesto Park Equity Project in collaboration with the Tuolumne River Trust and will be presenting a report to Council on the data they collect. She also spoke regarding an event that she, as well as Councilmembers Wright, Williams, and Bavaro attended in honor of Gould Medical Group's 75th Anniversary. And finally, she also was so proud of the Graffiti events, it was a wonderful experience.

Mayor Zwahlen also spoke regarding the Graffiti events. She was honored to have met Mackenzie Phillips in Modesto and is excited about the work she is currently involved in. She also spoke regarding hosting the quarterly meeting for the League of California Cities Central Valley Division at the McHenry Mansion, and was honored to have Ali Taj, the President of the League in attendance. Finally, she read the obituary of Andrew Ross Campell who recently passed away at the age of 96. He was a past employee who she wished to honor him and his service to the city.

CITY MANAGER COMMENTS & REPORTS

None.

Recessed: 6:56 pm
Reconvened: 7:01 pm

HEARINGS

Published in the Modesto on June 2, 2023

14. Hearing to consider approving the application and issuance of a Permit to operate as a Non-Emergency Medical Transport Company to America West Medical Transportation, Inc in the City of Modesto. (Funding Source: General Fund)
    - Resolution approving the application of America West Medical Transportation, Inc., and authorizing the issuance of a Permit to operate as a Non-Emergency Medical Transport Company in the City of Modesto.

    POLICE DEPARTMENT; Bob Meredith, 209-572-9500, meredithb@modestopd.com

    ACTION: (Alvarez/Ricci; 7/0) Resolution 2023-282 approving the application of America West Medical Transportation, Inc., and authorizing the issuance of a Permit to operate as a Non-Emergency Medical Transport Company in the City of Modesto.

Published in the Modesto Bee on June 2, 2023.

15. Hearing to consider approving the application and issuance of a Permit to operate as a Non-Emergency Medical Transport Company to Quality Care Transportation, Inc in the City of Modesto. (Funding Source: General Fund)

- Resolution approving the application Quality Care Transportation, Inc. and authorizing the issuance of a Permit to operate as a Non-Emergency Medical Transport Company in the City of Modesto.

POLICE DEPARTMENT; Bob Meredith, 209-572-9500, meredithb@modestopd.com

ACTION: (Williams/Wright; 7/0) Resolution 2023-283 approving the application Quality Care Transportation, Inc. and authorizing the issuance of a Permit to operate as a Non-Emergency Medical Transport Company in the City of Modesto.

NEW BUSINESS

16. Consider approving an Agreement including language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and Modesto City Employees Association (MCEA), Modesto Confidential and Management Association (MCMA), and Modesto Police and Fire Non-Sworn Association (MPNSA) all for terms of July 1, 2023, through June 30, 2027 (Funding Source: All Funds)
    - Resolution approving an Agreement including language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and the Modesto City Employees Association (MCEA) for a term of July 1, 2023, to June 30, 2027; and authorizing the City Manager or designee to take the necessary administrative action to implement the Agreement.
    - Resolution approving an Agreement including language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and the Modesto Confidential and Management Association (MCMA) for a term of July 1, 2023, to June 30, 2027; and authorizing the City Manager or designee to take the necessary administrative action to implement the Agreement.
    - Resolution approving an Agreement including language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and the Modesto Police and Fire Non-Sworn Association (MPNSA) for a term of July 1, 2023, to June 30, 2026, and authorizing the City Manager or designee to take the necessary administrative action to implement the Agreement.
    - Resolution approving changes to benefit offerings for unrepresented Non-Sworn Management and Confidential Employees, including Charter Officers and Executives consistent with those in represented units as set forth in attached exhibit A, "Summary of Benefit Offerings for Unrepresented Sworn Management and Non-Sworn Management and Confidential Employees, including Charter Officers and Executives"; and authorizing the City Manager or designee to take the necessary administrative action to implement the provisions of this resolution.
    - Resolution approving salary changes for Unrepresented Non-Sworn Management and Confidential Employees, including Charter Officers and Executives consistent with those in represented units, effective June 20, 2023; superseding Resolution No. 2022-267, and authorizing the City Manager or designee to take the necessary administrative action to implement the provisions of this resolution.

- Resolution amending the Class Range Table for General Classes to amend the salary range based on the labor market study
- Resolution amending the Class Range Table for Represented Management and Confidential Non-Sworn Classes to amend the salary range based on the labor market study
- Resolution amending the Class Range Table for Public Safety Non-Sworn Classes to amend the salary range based on the labor market study
- Resolution amending the Class Range Table for Executive Management Classes to amend the salary range based on the labor market study
- Resolution amending the Class Range Table for Unrepresented Management and Confidential Non-Sworn Classes to amend the salary range based on the labor market study
- Resolution amending the Fiscal Year 2023-24 Annual Operating Budget for the Memorandum of Understanding (MOU) Agreements and authorizing the City Manager to take the necessary steps to implement the required budget adjustments

HR; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Escutia-Braaton/Bavaro; 7/0) Resolution 2023-284 approving an Agreement including language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and the Modesto City Employees Association (MCEA) for a term of July 1, 2023, to June 30, 2027; and authorizing the City Manager or designee to take the necessary administrative action to implement the Agreement.

ACTION: (Escutia-Braaton/Bavaro; 7/0) Resolution 2023-285 approving an Agreement including language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and the Modesto Confidential and Management Association (MCMA) for a term of July 1, 2023, to June 30, 2027; and authorizing the City Manager or designee to take the necessary administrative action to implement the Agreement.

ACTION: (Escutia-Braaton/Bavaro; 7/0) Resolution 2023-286 approving an Agreement including language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and the Modesto Police and Fire Non-Sworn Association (MPNSA) for a term of July 1, 2023, to June 30, 2026, and authorizing the City Manager or designee to take the necessary administrative action to implement the Agreement.

ACTION: (Escutia-Braaton/Bavaro; 7/0) Resolution 2023-287 approving changes to benefit offerings for unrepresented Non-Sworn Management and Confidential Employees, including Charter Officers and Executives consistent with those in represented units as set forth in attached exhibit A, “Summary of Benefit Offerings for Unrepresented Sworn Management and Non-Sworn Management and Confidential Employees, including Charter Officers and Executives”; and authorizing the City

Manager or designee to take the necessary administrative action to implement the provisions of this resolution.

ACTION: (Escutia-Braaton/Bavaro; 7/0) Resolution 2023-288 approving salary changes for Unrepresented Non-Sworn Management and Confidential Employees, including Charter Officers and Executives consistent with those in represented units, effective June 20, 2023; superseding Resolution No. 2022-267, and authorizing the City Manager or designee to take the necessary administrative action to implement the provisions of this resolution.

ACTION: (Escutia-Braaton/Bavaro; 7/0) Resolution 2023-289 amending the Class Range Table for General Classes to amend the salary range based on the labor market study

ACTION: (Escutia-Braaton/Bavaro; 7/0) Resolution 2023-290 amending the Class Range Table for Represented Management and Confidential Non-Sworn Classes to amend the salary range based on the labor market study

ACTION: (Escutia-Braaton/Bavaro; 7/0) Resolution 2023-291 amending the Class Range Table for Public Safety Non-Sworn Classes to amend the salary range based on the labor market study

ACTION: (Escutia-Braaton/Bavaro; 7/0) Resolution 2023-292 amending the Class Range Table for Executive Management Classes to amend the salary range based on the labor market study

ACTION: (Escutia-Braaton/Bavaro; 7/0) Resolution 2023-293 amending the Class Range Table for Unrepresented Management and Confidential Non-Sworn Classes to amend the salary range based on the labor market study

ACTION: (Escutia-Braaton/Bavaro; 7/0) Resolution 2023-294 amending the Fiscal Year 2023-24 Annual Operating Budget for the Memorandum of Understanding (MOU) Agreements and authorizing the City Manager to take the necessary steps to implement the required budget adjustments

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 7:25 pm

CLOSED SESSION

All Closed Session matters heard prior to meeting.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
One Case (Pursuant to Section 54956.9(d)(1) of the Government Code)

Name of Case: 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 - EXISTING LITIGATION
One Case (Pursuant to Section 54956.9(a) of the Government Code)

Name of case(s): Michael Karsner v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ11774059, ADJ12373958

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: _____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Room 2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, June 26, 2023 at 4:00 PM

Roll Call: Present: Member Bavaro, Acting Chair Escutia-Braaton
Absent: Chair Wright
Also Present: Member Zwahlen (Alternate)

PUBLIC COMMENTS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 1-7 (Zwahlen/Bavaro; 3/0)

CONSENT

Consent
1. Consider approving the recommended budget adjustments to Fiscal Year 2022-23 Annual Operating and Capital Improvement Program Budgets; and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion approving the recommended budget adjustments to Fiscal Year 2022-23 Annual Operating and Capital Improvement Program Budgets; and forwarding to Council for approval.

    BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com

    ACTION: (Zwahlen/Bavaro; 3/0) Motion approving the recommended budget adjustments to Fiscal Year 2022-23 Annual Operating and Capital Improvement Program Budgets; and forwarding to Council for approval.

Consent
2. Consider the purchase of playground equipment for The Awesome Spot Playground from Landscape Structures, Inc., of Delano, MN, for a total amount not to exceed $226,786, and forwarding to Council for approval. (Funding Source: American Rescue Plan Act Funding)
    - Motion recommending the Competitive Bidding Process from Sourcewell (formerly National Joint Powers Alliance) who completed the bid and the State of California Multiple Award Schedule (CMAS) with Landscape Structures, Inc. for the Purchase and Delivery of playground equipment for The Awesome

Spot Playground at Beyer Community Park, for a total amount not to exceed $226,786, and forwarding to Council for approval.

PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Zwahlen/Bavaro; 3/0) Motion recommending the Competitive Bidding Process from Sourcewell (formerly National Joint Powers Alliance) who completed the bid and the State of California Multiple Award Schedule (CMAS) with Landscape Structures, Inc. for the Purchase and Delivery of playground equipment for The Awesome Spot Playground at Beyer Community Park, for a total amount not to exceed $226,786, and forwarding to Council for approval.

Consent

3. Consider the Parks, Recreation and Neighborhoods revised spending plan for the use of Phase 1 American Rescue Plan Act (ARPA) funds in the amount of $750,000 for Park Improvements in Tuolumne River Regional Park (TRRP) and forwarding to Council for approval. (Funding Source: American Rescue Plan Act Funding)
    - Motion recommending the Parks, Recreation and Neighborhoods revised spending plan for the use of American Rescue Plan Act (ARPA) funds in the amount of $750,000 for Park Improvements in Tuolumne River Regional Park (TRRP); amending the Fiscal Year 23/24 Capital Improvement Program and Non-Capital project budgets to fund the projects outlined in the attached ARPA Phase 1 Revised Spending Plan for TRRP and forwarding to Council for approval.

PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Zwahlen/Bavaro; 3/0) Motion recommending the Parks, Recreation and Neighborhoods revised spending plan for the use of American Rescue Plan Act (ARPA) funds in the amount of $750,000 for Park Improvements in Tuolumne River Regional Park (TRRP); amending the Fiscal Year 23/24 Capital Improvement Program and Non-Capital project budgets to fund the projects outlined in the attached ARPA Phase 1 Revised Spending Plan for TRRP and forwarding to Council for approval.

Consent

4. Consider the submittal of Grant Applications to the Federal Aviation Administration and the State of California Department of Transportation, Division of Aeronautics for eligible Airport Improvement Projects, and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending the submittal of applications to the Federal Aviation Administration (FAA) and State of California Department of Transportation (DOT) Division of Aeronautics for Airport Improvements, and authorizing the City Manager or his designee, to sign Grant Applications and related forms, and forwarding to Council for approval.

PUBLIC WORKS; Gabe da Silva, 209-577-5319, gdasilva@modestogov.com

ACTION: (Zwahlen/Bavaro; 3/0) Motion recommending the submittal of applications to the Federal Aviation Administration (FAA) and State of California Department of

Transportation (DOT) Division of Aeronautics for Airport Improvements, and authorizing the City Manager or his designee, to sign Grant Applications and related forms, and forwarding to Council for approval.

Consent

5. Consider On-Call Agreements for CEQA Environmental Planning and Compliance Services with GEI Consultants, of Rancho Cordova, CA, and Montrose Environmental, of Sacramento, CA, and forwarding to Council for approval. (Funding Source: Various Capital Improvement Program Projects)
    - Motion recommending an On-Call CEQA Environmental Planning and Compliance Services Agreement with GEI Consultants, of Rancho Cordova, CA, for one year, not to exceed $75,000, with two one-year extension options for a total cost not to exceed $225,000 over three years and forwarding to Council for approval.
    - Motion recommending an On-Call CEQA Environmental Planning and Compliance Services Agreement with Montrose Environmental, of Sacramento, CA, for one year, not to exceed $75,000, with two one-year extension options for a total cost not to exceed $225,000 over three years and forwarding to Council for approval.

    UTILITIES; Jim Alves, 209-571-5557, jalves@modestogov.com

    ACTION: (Zwahlen/Bavaro; 3/0) Motion recommending an On-Call CEQA Environmental Planning and Compliance Services Agreement with GEI Consultants, of Rancho Cordova, CA, for one year, not to exceed $75,000, with two one-year extension options for a total cost not to exceed $225,000 over three years and forwarding to Council for approval.

    ACTION: (Zwahlen/Bavaro; 3/0) Motion recommending an On-Call CEQA Environmental Planning and Compliance Services Agreement with Montrose Environmental, of Sacramento, CA, for one year, not to exceed $75,000, with two one-year extension options for a total cost not to exceed $225,000 over three years and forwarding to Council for approval.

Consent

6. Consider On-Call Agreements for Environmental Site Assessment Services with Atlas Consulting Group, of Modesto, CA, and Tetra Tech, of Rancho Cordova, CA, and forwarding to Council for approval. (Funding Source: Various Capital Improvement Program Projects)
    - Motion recommending an On-Call Agreement for Environmental Site Assessment Services with Atlas Consulting Group, of Modesto, CA, for one year, not to exceed $50,000, with two one-year extension options for a total cost not to exceed $150,000 over three years and forwarding to Council for approval.
    - Motion recommending an On-Call Agreement for Environmental Site Assessment Services with Tetra Tech, of Rancho Cordova, CA for one year, not

to exceed $50,000, with two one-year extension options for a total cost not to exceed $150,000 over three years and forwarding to Council for approval.

UTILITIES; Jim Alves, 209-571-5557, jalves@modestogov.com

ACTION: (Zwahlen/Bavaro; 3/0) Motion recommending an On-Call Agreement for Environmental Site Assessment Services with Atlas Consulting Group, of Modesto, CA, for one year, not to exceed $50,000, with two one-year extension options for a total cost not to exceed $150,000 over three years and forwarding to Council for approval.

ACTION: (Zwahlen/Bavaro; 3/0) Motion recommending an On-Call Agreement for Environmental Site Assessment Services with Tetra Tech, of Rancho Cordova, CA for one year, not to exceed $50,000, with two one-year extension options for a total cost not to exceed $150,000 over three years and forwarding to Council for approval.

Consent

7. Consider Agreements for the Purchase and Delivery of Wastewater Treatment Chemicals with Univar Solutions, USA Inc., Kent, WA, Brenntag Pacific, Inc., Santa Fe Springs, CA and Hasa Inc., Saugus, CA, for a total amount not to exceed $210,674, and forwarding to Council for approval. (Funding Source: Sewer Operations Fund)
    - Motion recommending Agreements for the Purchase and Delivery of Chemicals for Wastewater Treatment with Univar Solutions, USA Inc., Kent, WA, Brenntag Pacific, Inc., Santa Fe Springs, CA and Hasa Inc., Saugus, CA, for a one-year Agreement for a total amount not to exceed $210,674 and forwarding to Council for approval.

    UTILITIES; Jason Farnsworth, 209-577-6255, jfarnsworth@modestogov.com

ACTION: (Zwahlen/Bavaro; 3/0) Motion recommending Agreements for the Purchase and Delivery of Chemicals for Wastewater Treatment with Univar Solutions, USA Inc., Kent, WA, Brenntag Pacific, Inc., Santa Fe Springs, CA and Hasa Inc., Saugus, CA, for a one-year Agreement for a total amount not to exceed $210,674 and forwarding to Council for approval.

NEW BUSINESS

8. Consider an Ordinance amending Title 8, Chapter 3 of the Modesto Municipal Code to increase the City Manager's authority for all Contracts and Purchase Orders from $50,000 to $100,000 for goods/services and $600,000 for Emergency Projects; increasing the formal bidding authority from $50,000 to $100,000; updating the list and increase the City Manager's authority for Public Works projects including the City Manager's authority for emergency Public Works contracts to $600,000; expanding the definition of Professional Services; and adding language to allow for electronic bidding and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending an Ordinance amending Title 8, Chapter 3 of the Modesto Municipal Code to increase the City Manager's authority for all Contracts and Purchase Orders from $50,000 to $100,000 for goods/services and $600,000 for Emergency Projects; increasing the formal bidding authority

from $50,000 to $100,000; updating the list and increase the City Manager's authority for Public Works projects including the City Manager's authority for emergency Public Works contracts to $600,000; expanding the definition of Professional Services; and adding language to allow for electronic bidding and forwarding to Council for approval.

FINANCE; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com

ACTION: (Bavaro/Zwahlen; 3/0) Motion recommending an Ordinance amending Title 8, Chapter 3 of the Modesto Municipal Code to increase the City Manager's authority for all Contracts and Purchase Orders from $50,000 to $100,000 for goods/services and $600,000 for Emergency Projects; increasing the formal bidding authority from $50,000 to $100,000; updating the list and increase the City Manager's authority for Public Works projects including the City Manager's authority for emergency Public Works contracts to $600,000; expanding the definition of Professional Services; and adding language to allow for electronic bidding and forwarding to Council for approval.

9. Consider an Agreement for the Purchase of ONEVIEW Enterprise Citizen Request Management Application, to Granicus, LLC, Saint Paul, MN for an amount not to exceed $299,364 over five years, and forwarding to Council for approval. (Funding Source: Information Technology Fund)
    - Motion recommending the Award of Proposal and Agreement for the Purchase of ONEVIEW Enterprise Citizen Request Management Application to Granicus, LLC., Saint Paul, MN for a two year Agreement with three subsequent one-year extension options for a total of five years for an amount not to exceed $299,364 and forwarding to Council for approval.

IT; James Dotson, 209-571-5508, jadotson@modestogov.com

ACTION: (Zwahlen/Bavaro; 3/0) Motion recommending the Award of Proposal and Agreement for the Purchase of ONEVIEW Enterprise Citizen Request Management Application to Granicus, LLC., Saint Paul, MN for a two year Agreement with three subsequent one-year extension options for a total of five years for an amount not to exceed $299,364 and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:38p.m.

Attest: _____
Andrea Cook, Deputy City Clerk

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, June 27, 2023 at 5:30 PM

Roll Call – Present: Councilmembers Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

Pledge of Allegiance to the Flag

Invocation: Matt Fraze, The Church of Jesus Christ of Latter-Day Saints

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: No reportable action.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation declaring June as Portuguese Heritage Month. (Funding Source: Not Applicable)
CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

ACTION: Mayor Zwahlen presented a proclamation declaring June as Portuguese Heritage Month.

2. Proclamation declaring July as Parks and Recreation Month. (Funding Source: Not Applicable)
CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

ACTION: Mayor Zwahlen presented a proclamation declaring July as Parks and Recreation Month.

MISCELLANEOUS

3. Consider approving the appointments of Alexandra von Stade, Galen Carroll, Kirstie Boyett, Chris Guptill, Mike Kelly, Jesse Franco, Aaron Anguiano, Michael Moradian,

and Tom Hallinan for the Measure H Oversight Board beginning June 30, 2023, to serve their respective terms. (Funding Source: Not Applicable)

Staff Recommendation:

- Resolution approving the appointments of Alexandra von Stade, Galen Carroll, Kirstie Boyett, Chris Guptill, Mike Kelly, Jesse Franco, Aaron Anguiano, Tom Hallinan, and Michael Moradian for the Measure H Oversight Board beginning on June 30, 2023, to serve their respective terms.

BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com

ACTION: (Wright/Williams; 7/0) Resolution 2023-295 approving the appointments of Alexandra von Stade, Galen Carroll, Kirstie Boyett, Chris Guptill, Mike Kelly, Jesse Franco, Aaron Anguiano, Tom Hallinan, and Michael Moradian for the Measure H Oversight Board beginning on June 30, 2023, to serve their respective terms.

4. Consider approving the appointments of Jennifer Barillas and Camille Garcia for the City of Modesto Public Members of the Audit Committee with four-year terms with term expirations of June 30, 2027. (Funding Source: Not Applicable)

Staff Recommendation:

- Resolution approving the appointments of Jennifer Barillas and Camille Garcia for the City of Modesto Public Members of the Audit Committee with four-year terms with term expirations of June 30, 2027.

FINANCE DEPARTMENT; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com

ACTION: (Wright/Alvarez; 7/0) Resolution 2023-296 approving the appointments of Jennifer Barillas and Camille Garcia for the City of Modesto Public Members of the Audit Committee with four-year terms with term expirations of June 30, 2027.

PUBLIC COMMENT PERIOD

- Derek Castle spoke regarding the refurbishment of the tennis courts at Graceada Park. He also spoke regarding an idea for a Safe Sleep Site. His proposal allows the homeless to sleep near the Day Center overnight, until something more suitable is implemented.

- Steve spoke regarding the upcoming Fourth of July holiday, and the different perspectives people may have regarding the meaning of the holiday. He spoke regarding an incident that happened on the 4th of July a year ago, when Officer Mertz and his partner responded to a call for service of a person with mental health issues and knives that resulted in an officer involved shooting. He asked the Council to keep the police accountable.

- Ramon Rodriguez spoke regarding parks in West and South Modesto that need to be revitalized. He also expressed support for a stadium and affordable housing at Municipal Golf Course. He also spoke against hate crimes and bigotry against LGBTQ+ community.

- Alissia Hager spoke regarding the importance of being healthy. She expressed her feelings regarding the police, and the need for them to have mental health evaluations, as well as training for how to handle people with mental health issues. She expressed concerns

regarding the appointments to the Community Police Review Board and Police Auditor and feels there needs to be a safety plan for the police.

- Brittoni Chavez agreed with the previous speaker, and spoke regarding police issues, and the shooting of Paul Chavez. She asked what the Council is going to do about it.

- Teresa Clutter spoke regarding the death of her son-in-law Paul Chavez. She expressed the sadness they feel over how their lives have been without him, especially at holidays like Father's Day. She asked for accountability in the police department, and justice for Paul Chavez.

- Nico Solorio spoke regarding the Measure H Oversight Committee. He spoke against former Chief of Police; Galen Carroll being appointed on the Measure H Oversight Committee. He feels there will be a conflict of interest.

- Loretta Carhart spoke regarding the audio in the Chambers. She also asked that the online speakers come down and speak directly to the Council. She also asked if garbage was going to be on the agenda.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 5-14: (Bavaro/Wright; 7/0)

CONSENT

Consent
5. Consider approving the minutes from the June 13, 2023 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the June 13, 2023 Council Meeting.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Bavaro/Wright; 7/0) Motion approving the minutes from the June 13, 2023 Council Meeting.

Consent
6. Consider an Ordinance amending Section 2-1.18 and adding Section 2-1.28 to Chapter 1 of Title 2 of the Modesto Municipal Code regarding the Audit Committee. (Funding Source: Not Applicable)
    - Motion introducing and waiving the first reading of an Ordinance amending Section 2-1.18 and adding Section 2-1.28 to Chapter 1 of Title 2 of the Modesto Municipal Code regarding the Audit Committee.

    CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

    ACTION: (Bavaro/Wright; 7/0) Motion introducing and waiving the first reading of an **Ordinance 3765-C.S.** amending Section 2-1.18 and adding Section 2-1.28 to Chapter 1 of Title 2 of the Modesto Municipal Code regarding the Audit Committee.

Consent

7. Consider approving the renewal of eight Commercial Cannabis Retail Permits for dispensaries in the City for a further two-year period ending June 30, 2025; approving a change in ownership policy for Commercial Cannabis Permits within the City of Modesto; and approving changes in ownership for Jonesa, LLC and CV Wellness, LLC. (Funding Source: Cannabis Permit Fees)
    - Resolution approving a renewal of the eight Commercial Cannabis Retail Permits for dispensaries in the City for a further two-year period ending June 30, 2025.
    - Resolution approving a change in ownership policy for Commercial Cannabis Permits within the City of Modesto.
    - Resolution approving a change in ownership for Jonesa, LLC.
    - Resolution approving a change in ownership for CV Wellness, LLC.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

    ACTION: (Bavaro/Wright; 7/0) Resolution 2023-297 approving a renewal of the eight Commercial Cannabis Retail Permits for dispensaries in the City for a further two-year period ending June 30, 2025.

    ACTION: (Bavaro/Wright; 7/0) Resolution 2023-298 approving a change in ownership policy for Commercial Cannabis Permits within the City of Modesto.

    ACTION: (Bavaro/Wright; 7/0) Resolution 2023-299 approving a change in ownership for Jonesa, LLC.

    ACTION: (Bavaro/Wright; 7/0) Resolution 2023-300 approving a change in ownership for CV Wellness, LLC.

Consent

8. Consider approving a Will Serve Letter and an Outside Service Agreement for sewer connection for the property located at 1008 Panama Drive, in unincorporated Stanislaus County just outside of the city limits of Modesto (APN: 030-015-030). (Funding Source: Sewer Fund, General Fund)
    - Resolution approving a Will Serve letter and an Outside Service Agreement between the City of Modesto and Mr. Benjamin Jimenez, a single man, to connect to the City of Modesto's existing sewer system for the property located at 1008 Panama Drive (APN: 030-015-030), and authorizing the City Manager, or his designee, to execute the Will Serve Letter and Outside Service Agreement.

    CED; Toby Wells, 209-571-5542, twells@modestogov.com

    ACTION: (Bavaro/Wright; 7/0) Resolution 2023-301 approving a Will Serve Letter and an Outside Service Agreement between the City of Modesto and Mr. Benjamin Jimenez, a single man, to connect to the City of Modesto's existing sewer system for the property located at 1008 Panama Drive (APN: 030-015-030), and authorizing the

City Manager, or his designee, to execute the Will Serve Letter and Outside Service Agreement.

Consent

9. Consider approving the submission of a Grant Application for the Organized Retail Theft Prevention Grant Program to the Board of State and Community Corrections for up to $6.125 million in grant funds. (Funding Source: Grant Funds)
    - Resolution approving the submission of a Grant Application for the Organized Retail Theft Prevention Grant Program to the Board of State and Community Corrections for up to $6.125 million in grant funds, and authorizing the City Manager, or his designee, as agent to execute and submit all documents which may be necessary for the completion of the grant application.

    POLICE DEPARTMENT; Bob Meredith, 209-572-9500, meredithb@modestopd.com

    ACTION: (Bavaro/Wright; 7/0) Resolution 2023-302 approving the submission of a Grant Application for the Organized Retail Theft Prevention Grant Program to the Board of State and Community Corrections for up to $6.125 million in grant funds, and authorizing the City Manager, or his designee, as agent to execute and submit all documents which may be necessary for the completion of the grant application.

Consent

10. Consider approving an Agreement with West Yost Associates, Davis, CA, for Engineering Services for the Pump Station at Jennings Water Quality Control Plant Project for a total amount not to exceed $510,177. (Funding Source: Wastewater Fund)
    - Resolution approving an Agreement with West Yost Associates, Davis, CA, for Engineering Services for the Pump Station at Jennings WQCP Project in the amount of $463,797, plus $46,380 in additional services, if needed, for a total amount not to exceed $510,177 and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution amending the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $3,005,177 to be transferred into the Project from Wastewater Reserves to fund the Pump Station at Jennings Water Quality Control Plant Project and authorizing the City Manager, or his designee, to implement the provisions of the Resolution.

    UTILITIES; Cristian Ciotau, 209-577-5260, cciotau@modestogov.com

    ACTION: (Bavaro/Wright; 7/0) Resolution 2023-303 approving an Agreement with West Yost Associates, Davis, CA, for Engineering Services for the Pump Station at Jennings WQCP Project in the amount of $463,797, plus $46,380 in additional services, if needed, for a total amount not to exceed $510,177 and authorizing the City Manager, or his designee, to execute the Agreement.

    ACTION: (Bavaro/Wright; 7/0) Resolution 2023-304 amending the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $3,005,177 to be transferred into the Project from Wastewater Reserves to fund the Pump Station at

Jennings Water Quality Control Plant Project and authorizing the City Manager, or his designee, to implement the provisions of the Resolution.

Consent

11. Consider approving an Agreement for the furnishing of Cathodic Protection Testing and Reporting Services to Corrpro Companies, Inc., Hayward, CA, for a total amount not to exceed $896,192 over five years. (Funding Source: Sewer Operations Fund)
    - Resolution approving the Award of Bid and Agreement for the furnishing of Cathodic Protection Testing and Reporting Services to Corrpro Companies, Inc., Hayward, CA, for a two year Agreement with three one-year extension options, for an annual estimated amount of $240,000 for the first year, and a total amount not to exceed $896,192 over five years, and authorizing the City Manager, or his designee, to execute the Agreement.

    UTILITIES; Jason Farnsworth, 209-577-6255, jfarnsworth@modestogov.com

    ACTION: (Bavaro/Wright; 7/0) Resolution 2023-305 approving the Award of Bid and Agreement for the furnishing of Cathodic Protection Testing and Reporting Services to Corrpro Companies, Inc., Hayward, CA, for a two year Agreement with three one-year extension options, for an annual estimated amount of $240,000 for the first year, and a total amount not to exceed $896,192 over five years, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

12. Consider approving a Memorandum of Understanding (MOU) for a Mutual Pay Agreement for the Far-Field Dilution and Constituents of Emerging Concern Studies between the City of Modesto, the City of Turlock and the Del Puerto Water District to comply with State Permit requirements. (Funding Source: Sewer Operations Fund)
    - Resolution approving a Memorandum of Understanding (MOU) for a Mutual Pay Agreement for the Far-Field Dilution and Constituents of Emerging Concern Studies between the City of Modesto, the City of Turlock and the Del Puerto Water District to comply with State Permit requirements and authorizing the City Manager, or his designee, to execute the Agreement.

    UTILITIES; Jason Farnsworth, 209-577-6255, jfarnsworth@modestogov.com

    ACTION: (Bavaro/Wright; 7/0) Resolution 2023-306 approving a Memorandum of Understanding (MOU) for a Mutual Pay Agreement for the Far-Field Dilution and Constituents of Emerging Concern Studies between the City of Modesto, the City of Turlock and the Del Puerto Water District to comply with State Permit requirements and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

13. Consider accepting the Jennings Emergency Bypass as complete, and authorizing all payments to Rain for Rent, Stockton, CA and Americore Inc., Hilmar, CA, for a total cost of $72,820. (Funding Source: Sewer Operations Fund)
    - Resolution accepting the Jennings Emergency Bypass as complete and authorizing all payments totaling $62,973 to Rain for Rent, Stockton, CA, and

authorizing all payments totaling $9,847 to Americore Inc., Hilmar, CA, for a total cost not to exceed $72,820, and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

UTILITIES; Jason Farnsworth, 209-577-6255, jfarnsworth@modestogov.com

ACTION: (Bavaro/Wright; 7/0) Resolution 2023-307 accepting the Jennings Emergency Bypass as complete and authorizing all payments totaling $62,973 to Rain for Rent, Stockton, CA, and authorizing all payments totaling $9,847 to Americore Inc., Hilmar, CA, for a total cost not to exceed $72,820, and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

Consent

14. Consider accepting the Well 71 Surface Improvements Project as complete, releasing securities, and releasing payments totaling $2,511,017 to Conco West, Inc., Manteca, CA. (Funding Source: Water Fund)
    - Resolution accepting the Well 71 Surface Improvements Project as complete, releasing securities, and releasing payments totaling $2,511,017 to Conco West, Inc., of Manteca, CA. and authorizing the City Clerk to file a Notice of Completion.

    UTILITIES; Peter Kambel, 209-577-5444, pkambel@modestogov.com

    ACTION: (Bavaro/Wright; 7/0) Resolution 2023-308 accepting the Well 71 Surface Improvements Project as complete, releasing securities, and releasing payments totaling $2,511,017 to Conco West, Inc., of Manteca, CA. and authorizing the City Clerk to file a Notice of Completion.

COUNCIL COMMENTS & REPORTS

Councilmember Bavaro spoke regarding the Meet the Mayor in his district at East La Loma Park, and the opportunity to meet with constituents. He also met with constituents from Lincoln Estates and listened to their concerns, of which blue recycle cans were a popular topic.

Vice Mayor Ricci thanked staff for proactive strategies that have been enacted over the last couple of weeks at Graceada Park. He has heard from constituents that they are seeing improvements in safety at that park. He also spoke regarding 4th of July and the upcoming parade. He encouraged the public to purchase Safe and Sane fireworks from local non-profits, such as the Beyer High School Band where his son marches. He also noted that illegal fireworks result in $1000 fine, and asked the public to report illegal fireworks on the GoModesto app. or by calling the Non-Emergency line at 209-552-2470. He also wished Good Luck to Modesto Marching Brigade who will proudly be representing Modesto in Washington D.C. at the National Fourth of July Celebration.

Councilmember Escutia-Braaton had honor to speak at a Women's Empowerment Luncheon. The theme was how women can overcome adversities in life through strength and perseverance. Also, she and the Mayor visited Chrysler Elementary School and

addressed traffic safety issues including speeding around the campus. They were delighted to inform them that they would be receiving Flashing School Zone signs indicating 15 mph, through the Traffic Calming Program. She wished everyone a Happy Fourth of July, and encouraged everyone to stay cool,

Mayor Zwahlen spoke regarding cooling zones available in the County as the weather is anticipated to be excessive. Two cooling centers she mentioned are the StanRTA bus station on 9th Street, as well as the library. Also, she mentioned what a festive and well attended ceremony the official re-opening of the Transit Center was on June 15th.

Councilmember Williams praised Councilmember Escutia-Braaton for her speech at the women's luncheon. He thanked Councilmember Alvarez for attending the Juneteenth festivities and representing the City. They did a march around the park, and had a great turnout. He also congratulated Riverbank for their first Annual Juneteenth festivities. He also mentioned that MoBand is happening every Thursday. He also thanked Vice- Mayor Ricci for mentioning the students going to Washington, D.C. to represent Modesto. Also, the Fourth of July Parade is coming. He encouraged everyone to get there early, and also to visit the Graffiti Car Museum. He also thanked Bryan and Laura Genie for all the things they have done for the community. He also congratulated DaRon Bland and mentioned him as a Hometown Hero who was just recruited to the Dallas Cowboys. He also thanked Steve Christensen and all the staff that worked on Measure H. He also mentioned the Stanislaus County Faire is coming, and there is Free Admission from 12-3 on Sundays. And lastly he thanked the Parks and Rec department for their partnership with the Kiwanis for the Fourth of July Parade. The theme is Sunshine, Stars and Stripes, and looking forward to Deputy City Manager Allison Van Guilder who will be singing the National Anthem to begin the Parade, and there will be fireworks show at John Thurman Field that evening.

Councilmember Alvarez reiterated what Councilmember Williams said, and expressed having a great time at Juneteenth march and festivities. He also is looking forward to participating in the Fourth of July Parade. He also spoke regarding affordable housing on Muni Golf Course, and the possibility of a stadium that Modesto High is advocating in favor of. He is advocating Public/Private partnership with investors for development. And lastly he invited Modesto City Schools to contact him to discuss a possible partnership for a stadium.

CITY MANAGER COMMENTS & REPORTS

None

HEARINGS

Published in the Modesto Bee on June 16, 2023.

15. Hearing to consider approving Fiscal Year 2023-24 Diagram and Annual Assessment, and ordering the Levy and Collection of Charges within Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6. (Funding Source: Landscape Maintenance District No. 1)

- Resolution approving the Fiscal Year 2023-24 Diagram and Annual 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; Peter Ibrahim, 209-577-5211, pibrahim@modestogov.com

ACTION: (Wright/Alvarez; 7/0) Resolution 2023-309 approving the Fiscal Year 2023-24 Diagram and Annual Assessment and ordering the Levy and Collection of Charges within Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6.

Published in the Modesto Bee on June 16, 2023.

16. Hearing to consider approving Fiscal Year 2023-24 Diagram and Annual 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 Subdivisions Units 1 and 2. (Funding Source: Landscape Maintenance District No. 2)
    - Resolution approving the Fiscal Year 2023-24 Diagram and Annual 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 and 2.

    CED; Peter Ibrahim, 209-577-5211, pibrahim@modestogov.com

    ACTION: (Wright/Ricci; 7/0) Resolution 2023-310 approving the Fiscal Year 2023-24 Diagram and Annual 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 and 2.

Published in the Modesto Bee on June 16, 2023.

17. Hearing to consider approving Fiscal Year 2023-24 Diagram and Annual Assessment, and ordering the Levy and Collection of Charges within Shackelford Landscape and Lighting District. (Funding Source: Shackelford Landscape and Lighting District)
    - Resolution approving the Fiscal Year 2023-24 Diagram and Annual Assessment, and ordering the Levy and Collection of Charges within Shackelford Landscape and Lighting District.

    CED; Peter Ibrahim, 209-577-5211, pibrahim@modestogov.com

    ACTION: (Bavaro/Escutia-Braaton; 7/0) Resolution 2023-311 approving the Fiscal Year 2023-24 Diagram and Annual Assessment and ordering the Levy and Collection of Charges within Shackelford Landscape and Lighting District.

Recessed: 6:50 p.m.
Resumed: 6:55 p.m.

Published in the Modesto Bee on June 16, 2023

18. Hearing to consider approving the Annual Rate Adjustment to the Maximum Rate Schedule for City Solid Waste Collection Services provided by the solid waste haulers, for an increase of $4.76 per month for residential services with weekly green/organics container collection, an increase of $1.52 per cubic yard for commercial services, and an increase of $36.82 per pull for industrial services, to become effective August 1, 2023, and rescinding Resolution No. 2022-276 for the July 1, 2022 annual rate adjustment, and adjusting the fuel rates for an adjustment of $0.04 per month for residential services, and an adjustment of $0.08 per cubic yard for commercial services, to become effective August 1, 2023, and rescinding Resolution No. 2022-277 for the July 1, 2022 annual rate adjustment, and an agreement with HF&H Consultants LLC., to conduct an audit and performance review for the solid waste haulers, to analyze the current rate setting methodology and test it for validity, and develop new rates methodology, for a total amount not to exceed $150,000. (Funding Source: General Fund, Solid Waste Fund, Geer Road Landfill Fund, Green Waste Fund,)

    - Resolution approving the Annual Rate Adjustment to the Maximum Rate Schedule for City Solid Waste Collection Services provided by the solid waste haulers, for an increase of $4.76 per month for residential services with weekly green/organics container collection, an increase of $1.52 per cubic yard for commercial services, and an increase of $36.82 per pull for industrial services, to become effective August 1, 2023, and rescinding Resolution No. 2022-276 for the July 1, 2022 annual rate adjustment.
    - Resolution approving a quarterly fuel rate adjustment to the maximum rate schedule for City Solid Waste Collection Services provided by the haulers, for an adjustment of $0.04 per month for residential services, and an adjustment of $0.08 per cubic yard for commercial services, to become effective August 1, 2023, and rescinding Resolution No. 2022-277 for the July 1, 2022 annual rate adjustment.
    - Resolution approving an agreement with HF&F Consultants LLC., to conduct an audit and performance review for the solid waste haulers, to analyze the current rate setting methodology and test it for validity, and develop new rates methodology, for a total amount not to exceed $150,000 and authorizing the City Manager, or his designee, to execute the agreement.

    PUBLIC WORKS; Rosene Nguyen, 209-577-5453, rnguyen@modestogov.com

    ACTION: (Bavaro/Ricci; 7/0) Resolution 2023-312 approving the Annual Rate Adjustment to the Maximum Rate Schedule for City Solid Waste Collection Services provided by the solid waste haulers, for an increase of $4.76 per month for residential services with weekly green/organics container collection, an increase of $1.52 per cubic yard for commercial services, and an increase of $36.82 per pull for industrial services, to become effective August 1, 2023, and rescinding Resolution No. 2022-276 for the July 1, 2022 annual rate adjustment.

    ACTION: (Bavaro/Ricci; 7/0) Resolution 2023-313 approving a quarterly fuel rate adjustment to the maximum rate schedule for City Solid Waste Collection Services provided by the haulers, for an adjustment of $0.04 per month for residential services,

and an adjustment of $0.08 per cubic yard for commercial services, to become effective August 1, 2023, and rescinding Resolution No. 2022-277 for the July 1, 2022, annual rate adjustment.

ACTION: (Bavaro/Ricci; 7/0) Resolution 2023-314 approving an agreement with HF&F Consultants LLC., to conduct an audit and performance review for the solid waste haulers, to analyze the current rate setting methodology and test it for validity, and develop new rates methodology, for a total amount not to exceed $150,000 and authorizing the City Manager, or his designee, to execute the agreement.

UNFINISHED BUSINESS

19. Consider approving the Water System Engineer's Report prepared by West Yost as complete; the Water Rate Study prepared by Bartle Wells Associates as complete and authorizing Staff to initiate the Proposition 218 process to adjust the City's Water Rates beginning in Fiscal Year 2023-24 through Fiscal Year 2027-28. (Funding Source: Water Fund)
    - Resolution approving the Water Engineer's Report prepared by West Yost Associates as complete.
    - Resolution approving the Water 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 Water Rates to be effective October 1, 2023 through Fiscal Year 2027-28.

    UTILITIES; William Wong, 209-571-5801, wwong@modestogov.com

    ACTION: (Bavaro/Alvarez; 6/1; Ricci-No) Resolution 2023-315 approving the Water Engineer's Report prepared by West Yost Associates as complete.

    ACTION: (Bavaro/Alvarez; 6/1; Ricci-No) Resolution 2023-316 approving the Water Rate and Fee Study prepared by Bartle Wells Associates as complete.

    ACTION: (Bavaro/Alvarez; 6/1; Ricci-No) Resolution 2023-317 authorizing Staff to initiate a Proposition 218 process to adjust the City's Water Rates to be effective October 1, 2023, through Fiscal Year 2027-28.

NEW BUSINESS

20. Consider accepting an update on available funding for the Utility Billing Assistance Program (UBAP) with an increase to the monthly discount amount; and approving two new Utility Billing discount programs for customers who enroll in Auto-Pay and Paperless Billing for their City of Modesto Utility Bill. (Funding Source: Water and Wastewater Funds)
    - Resolution approving an update on available funding for the Utility Billing Assistance Program (UBAP) with an increase to the monthly discount amount from $35 to $45.

- Resolution approving two new Utility Billing discount programs for customers who enroll in Auto-Pay and Paperless Billing for their City of Modesto Utility Bill.

FINANCE DEPARTMENT; Jeni Martin, 209-571-5892, jmartin@modestogov.com

ACTION: (Escutia-Braaton/Wright; 7/0) Resolution 2023-318 approving an update on available funding for the Utility Billing Assistance Program (UBAP) with an increase to the monthly discount amount from $35 to $45.

ACTION: (Escutia-Braaton/Wright; 7/0) Resolution 2023-319 approving two new Utility Billing discount programs for customers who enroll in Auto-Pay and Paperless Billing for their City of Modesto Utility Bill.

21. Consider approving a successor Memorandum of Understanding (MOU) between the City of Modesto and Modesto City Police Officers Association (MPOA) for a term of July 1, 2023, to June 30, 2027; granting salary changes and benefit offerings to unrepresented sworn police management; and amending the Fiscal Year 2023-24 Operating Budget. (Funding Source: General Fund, Traffic Safety Fund, American Rescue Plan Act Fund)
    - Resolution approving an agreement including language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and the Modesto Police Officers Association (MPOA) for a term of July 1, 2023, to June 30, 2027, and related salary schedules; and authorizing the City Manager or designee to take the necessary administrative action to implement the agreement.
    - Resolution approving salary changes for Unrepresented Sworn Police Management and Confidential employees, including executives consistent with those in represented units, effective June 20, 2023, as set forth in attached Exhibit A, “Summary of Salary Ranges and Schedules for Unrepresented Sworn Management and Non-Sworn Management and Confidential Employees, Including Charter Officers and Executives”; amending the Summary of Salary Ranges and Schedules previously approved by Resolution 2023-288, and authorizing the City Manager or designee to take the necessary administrative action to implement the provisions of this resolution.
    - Resolution approving changes to benefit offerings for Unrepresented Sworn Police Management and Confidential employees, including executives consistent with those in represented units as set forth in attached Exhibit A, “Summary of Benefit Offerings for Unrepresented Sworn Management and Non-Sworn Management and Confidential Employees, Including Charter Officers and Executives”; and authorizing the City Manager or designee to take the necessary administrative action to implement the provisions of this resolution.
    - Resolution amending the fiscal year 2023-24 annual operating budget for the necessary adjustments required to appropriate the funds for the approved Memorandum of Understanding (MOU) between the City of Modesto and Modesto City Police Officers Association (MPOA) for the term of July 1, 2023,

through June 30, 2027; and authorizing the City Manager to take the necessary steps to implement the required budget adjustments.

HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Wright/Ricci; 7/0) Resolution 2023-320 approving an agreement including language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and the Modesto Police Officers Association (MPOA) for a term of July 1, 2023, to June 30, 2027, and related salary schedules; and authorizing the City Manager or designee to take the necessary administrative action to implement the agreement.

ACTION: (Wright/Ricci; 7/0) Resolution 2023-321 approving salary changes for Unrepresented Sworn Police Management and Confidential employees, including executives consistent with those in represented units, effective June 20, 2023, as set forth in attached Exhibit A, "Summary of Salary Ranges and Schedules for Unrepresented Sworn Management and Non-Sworn Management and Confidential Employees, Including Charter Officers and Executives"; amending the Summary of Salary Ranges and Schedules previously approved by Resolution 2023-288, and authorizing the City Manager or designee to take the necessary administrative action to implement the provisions of this resolution.

ACTION: (Wright/Ricci; 7/0) Resolution 2023-322 approving changes to benefit offerings for Unrepresented Sworn Police Management and Confidential employees, including executives consistent with those in represented units as set forth in attached Exhibit A, "Summary of Benefit Offerings for Unrepresented Sworn Management and Non-Sworn Management and Confidential Employees, Including Charter Officers and Executives"; and authorizing the City Manager or designee to take the necessary administrative action to implement the provisions of this resolution.

ACTION: (Wright/Ricci; 7/0) Resolution 2023-323 amending the fiscal year 2023-24 annual operating budget for the necessary adjustments required to appropriate the funds for the approved Memorandum of Understanding (MOU) between the City of Modesto and Modesto City Police Officers Association (MPOA) for the term of July 1, 2023, through June 30, 2027; and authorizing the City Manager to take the necessary steps to implement the required budget adjustments.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 8:43 p.m.

Closed Session Matters Head Prior to the 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: ALL US TACOS, INC. v. CITY OF MODESTO
Stanislaus County Superior Court
Case No.: CV-23-001171

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 11, 2023 at 5:30 PM

Roll Call – Present: Councilmembers Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

Pledge of Allegiance to the Flag

Invocation: Stuart Welch, Life Connection Church

City Clerk's Announcements: City Clerk announced that public comment was received for Item 34, and it was forwarded to the Council.

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Sanchez reported that there was no reportable action taken.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation proclaiming August 1, 2023, as National Night Out. (Funding Source: Not Applicable)
   POLICE; Brandon Gillespie, 209-572-9533, gillespieb@modestopd.com

   ACTION: Mayor Zwahlen presented proclamation declaring August 1, 2023 as National Night Out.

MISCELLANEOUS

2. Consider approving the appointments of Yelitza Pena to the role of Event Planning and Marketing Specialist and Michelle Buer to the role of Alternate Non-Permit Holder to the Entertainment Commission for a four-year term with term expiration of June 30, 2027. (Funding Source: Not Applicable)
   Staff Recommendation:
   - Resolution approving the appointments of Yelitza Pena to the role of Event Planning and Marketing Specialist and Michelle Buer to the role of Alternate Non-Permit Holder to the Entertainment Commission for a four-year term with term expiration of June 30, 2027.

   CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-324 approving the appointments of Yelitza Pena to the role of Event Planning and Marketing Specialist and Michelle Buer to the role of Alternate Non-Permit Holder to the Entertainment Commission for a four-year term with term expiration of June 30, 2027.

PUBLIC COMMENT PERIOD

- Eric Cane spoke about homelessness and the elderly. Most homeless people are local people and from our community. There has been a rise in homelessness that is also affecting the elderly due to increased rents and lack of housing.

- Theresa Clutter spoke about the shooting of Paul Chavez and asked for justice. This Friday will be the one-year anniversary of this death.

- Derek Castle spoke about tents for the homeless and spoke about how tents could be a temporary option for the homeless. Tents are a better option for homeless than sleeping on the streets or in their cars. He asked why the homeless are not allowed to sleep in a tent.

- Brittoni Chavez spoke about the shooting of her husband, Paul Chavez Jr. She further commented about Officers Muncy and Valencia and asked for justice. She asked if the Community Police Review Board would be looking into the death of Paul Chavez, Jr.

- Ron DeLoach, People of Action Council referenced the City of Modesto Housing Element dated June 16, 2023, and cited where it says 412 Vine Street was designated for the development of two apartment complexes for a total of 34 units project called Helen White Cottages. He further spoke about how many units would be dedicated to seniors and disabled military veterans. He stated that it was switched to behavioral health and recovery services. He stated that the rehab center would be next to a park where 8.5 million dollars is being invested. There trying to get people into the parks and not push them away. He asked why it was switched from military and senior housing to rehabilitation.

- Patrick stated the City Council does not try and help anyone or address any situations. He also commented that this Friday will be one year since Paul Chavez was killed. He further commented on Officers Muncy and Valencia and referenced the bodycam video of the shooting of Paul Chavez, Jr. He also cited free speech and civil rights.

- Steve spoke about the Modesto Police Department. He stated that people like himself that work hard to fight against police corruption come to speak about incidents such as the shooting of Trevor Seever by Officer Lamantia and when Officer Muncy shot Paul Chavez, Jr. He also mentioned a situation that involved Officer Mertz responding to a mental health call.

- Dez Martinez, from We are Not Invisible “WANI” commented that she is with a father of an unhoused daughter that was ran over by a mower and died from her injuries. She stated that on Friday, Christine Chavez was asleep in the park when she was run over. She spoke about the injuries and incident of that day. She further commented on the response of the Modesto Police Department. She asked why the father had to go out to the scene and find pieces of his

daughter. She asked for an investigation to be opened and asked what the City of Modesto is going to do about addressing homelessness.

- Ramon Rodriguez spoke about the death of Paul Chavez, Jr. He asked for accountability and spoke about Officers Valencia, Muncy and Espinoza. He also spoke about acts of excessive force and asked for justice for Trevor Seever and Paul Chavez, Jr.

- Cristobal Chavez father of Christine Chavez stated that this weekend his daughter was killed in the park. He went to the park and found pieces of her remains. The police didn't even tell him where she was at. He cannot even see the face of his daughter because she was killed by a tractor. The person driving the tractor should have seen her because he was a tractor driver. He knows how to drive a tractor. You can easily see a rock on the ground let alone a person laying down. He asked for justice and stated that he wants them to apprehend the person and the police be responsible because they were only at the scene for half an hour. It appears to him like there's bad government in Modesto.

- John Lucas spoke about the homeless crisis in Modesto. The point in time count in January counted 441 unsheltered people in Modesto. The City does not have the resources and there needs to be a place where people can go where they have safety and a place to lay down and know they are not going to be roused out. He appreciates there is going to be an access center now. He's hoping the City Council and County have a safe place that allows people to have a safe place in the City.

- Flavio from the California Low Rider Alliance stated that he wanted to applaud the City of Modesto, Chief of Police and the Council for working with the cruisers to move forward. He thanked the Council for moving forward with the repeal on the cruising ban.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 3-32: (Williams/Alvarez; 7/0)

CONSENT

Consent

3. Consider approving the minutes from the June 27, 2023 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the June 27, 2023 Council Meeting.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Williams/Alvarez; 7/0) Motion approving the minutes from the June 27, 2023 Council Meeting.

Consent

4. Consider approving Final Adoption of Ordinance 3765-C.S. amending Section 2-1.18 and adding Section 2-1.28 to Chapter 1 of Title 2 of the Modesto Municipal Code regarding the Audit Committee. (Funding Source: Not Applicable)

- Motion approving Final Adoption of Ordinance 3765-C.S. amending Section 2-1.18 and adding Section 2-1.28 to Chapter 1 of Title 2 of the Modesto Municipal Code regarding the Audit Committee.

CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Williams/Alvarez; 7/0) Motion approving Final Adoption of Ordinance 3765-C.S. amending Section 2-1.18 and adding Section 2-1.28 to Chapter 1 of Title 2 of the Modesto Municipal Code regarding the Audit Committee.

Consent

5. Consider appointing a voting delegate to the 2023 League of California Cities Annual Conference to be held in Sacramento, CA on September 20-22, 2023; and approving the Second Amendment to the Mayor's Appointments to the City of Modesto's City Council Liaison Committees list for the 2023 calendar year. (Funding Source: Not Applicable)
    - Motion approving Councilmember Alvarez as a voting delegate and Vice Mayor Ricci and City Manager Lopez as the alternates for the 2023 League of California Cities Annual Conference to be held in Sacramento, CA on September 20-22, 2023.
    - Motion approving the Second Amendment to the Mayor's Appointments to the City of Modesto's City Council Liaison Committees list for the 2023 calendar year.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Williams/Alvarez; 7/0) Motion approving Councilmember Alvarez as a voting delegate and Vice Mayor Ricci and City Manager Lopez as the alternates for the 2023 League of California Cities Annual Conference to be held in Sacramento, CA on September 20-22, 2023.

    ACTION: (Williams/Alvarez; 7/0) Motion approving the Second Amendment to the Mayor's Appointments to the City of Modesto's City Council Liaison Committees list for the 2023 calendar year.

Consent

6. Consider approving a Legal Services Agreement with Norton Rose Fulbright US LLP, for continued representation in relation to financing matters, for an Agreement total not to exceed $450,000 and a Fifth Amendment to the Legal Services Agreement with Bartkiewicz, Kronick & Shanahan P.C. for a revised Agreement total not to exceed $292,300 for continued representation in water related matters. (Funding Source: Redevelopment Successor Agency, General Fund, Employee Benefits Fund, Wastewater, Water, and Golf Fund))
    - Resolution approving a Legal Services Agreement with Norton Rose Fulbright US LLP, for continued representation in relation to financing matters, for an Agreement total not to exceed $450,000 and authorizing the City Manager or his designee, to execute the Agreement.

- Resolution approving a Fifth Amendment to the Legal Services Agreement with Bartkiewicz, Kronick & Shanahan P.C. in the amount of $75,000, for a revised Agreement total not to exceed $292,300 for continued representation in water related matters and authorizing the City Manager or his designee, to execute the Agreement.

CITY ATTORNEY; Jose M. Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Williams/Alvarez; 7/0) Resolution 2023-325 approving a Legal Services Agreement with Norton Rose Fulbright US LLP, for continued representation in relation to financing matters, for an Agreement total not to exceed $450,000 and authorizing the City Manager or his designee, to execute the Agreement.

ACTION: (Williams/Alvarez; 7/0) Resolution 2023-326 approving a Fifth Amendment to the Legal Services Agreement with Bartkiewicz, Kronick & Shanahan P.C. in the amount of $75,000, for a revised Agreement total not to exceed $292,300 for continued representation in water related matters and authorizing the City Manager or his designee, to execute the Agreement.

Consent

7. Consider approving the recommended Budget adjustments to Fiscal Year 2022-23 Annual Operating and Capital Improvement Program Budgets. (Funding Source: Various Funds)
    - Resolution amending Fiscal Year 2022-23 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: (Williams/Alvarez; 7/0) Resolution 2023-327 amending Fiscal Year 2022-23 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

8. Consider approving a ten-year lease Agreement with Stanislaus County Affordable Housing Corporation (STANCO) in the amount of $1 per year, for the property located at 308 Locust Street, for the operation of affordable housing. (Funding Source: Community Development Block Grant Funds)
    - Resolution approving a ten-year Lease Agreement with Stanislaus County Affordable Housing Corporation (STANCO) in the amount of $1 per year, for the property located at 308 Locust Street, for the operation of affordable housing and authorizing the City Manager or his designee to execute the Agreement.

CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

ACTION: (Williams/Alvarez; 7/0) Resolution 2023-328 approving a ten-year Lease Agreement with Stanislaus County Affordable Housing Corporation (STANCO) in the

amount of $1 per year, for the property located at 308 Locust Street, for the operation of affordable housing and authorizing the City Manager or his designee to execute the Agreement.

Consent

9. Consider approving an Agreement with the Stanislaus Community Foundation for the implementation of the Stanislaus 2030 Investment Blueprint for a total amount not to exceed $225,000 over three years and approving an Agreement with Digital Nest to provide technical and professional skills to underserved youth for a total amount not to exceed $150,000 over three years. (Funding Source: American Rescue Plan Act Funds)
    - Resolution approving an Agreement with The Stanislaus Community Foundation for the implementation of the Stanislaus 2030 Investment Blueprint for a total amount not to exceed $225,000 over three years and approving an Agreement with Digital Nest to provide Technical and Professional Skills to underserved youth for a total amount not to exceed $150,000 over three years and authorizing the City Manager or his designee to execute the Agreements.

    CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

    ACTION: (Williams/Alvarez; 7/0) Resolution 2023-329 approving an Agreement with The Stanislaus Community Foundation for the implementation of the Stanislaus 2030 Investment Blueprint for a total amount not to exceed $225,000 over three years and approving an Agreement with Digital Nest to provide Technical and Professional Skills to underserved youth for a total amount not to exceed $150,000 over three years and authorizing the City Manager or his designee to execute the Agreements.

Consent

10. Consider approving a funding commitment for the development of 45 units at Morris Village (APN: 111005073) by Self-Help Enterprises for an amount not to exceed $3,500,000 in loans, $100,000 in activity delivery costs, for a grand total of $3,600,000 to apply for the State of California Multifamily Housing Program. (Funding Source: Permanent Local Housing Allocation and American Rescue Plan HOME Investment Partnership)
    - Resolution approving a funding commitment for the development of 45 units at Morris Village (APN: 111005073) by Self-Help Enterprises for an amount not to exceed $3,500,000 in loans, $100,000 in activity delivery costs for a grand total of $3,600,000 to apply for the State of California Multifamily Housing Program and authorizing the City Manager or his designee to execute any documentation to support the City's commitment.

    CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

    ACTION: (Williams/Alvarez; 7/0) Resolution 2023-330 approving a funding commitment for the development of 45 units at Morris Village (APN: 111005073) by Self-Help Enterprises for an amount not to exceed $3,500,000 in loans, $100,000 in activity delivery costs for a grand total of $3,600,000 to apply for the State of California Multifamily Housing Program and authorizing the City Manager or his designee to execute any documentation to support the City's commitment.

Consent

11. Consider approving the Consultant Services Agreement with De Novo Planning Group for Environmental Planning Services, for a total amount not to exceed $900,000 over five years. (Funding Source: Developer Fees)
    - Resolution approving the Consultant Services Agreement with De Novo Planning Group for Environmental Planning Services, for a two (2) year Agreement with three (3) one-year extension options, for a total amount not to exceed $900,000 over five years and authorizing the City Manager or his designee to execute the Consultant Services Agreement.

    CED; Peter Ibrahim, 209-577-5211, pibrahim@modestogov.com

    ACTION: (Williams/Alvarez; 7/0) Resolution 2023-331 approving the Consultant Services Agreement with De Novo Planning Group for Environmental Planning Services, for a two-year Agreement with three one-year extension options, for a total amount not to exceed $900,000 over five years and authorizing the City Manager or his designee to execute the Consultant Services Agreement.

Consent

12. Consider approving the First Amendment to the Professional Services Agreement with Kosmont Companies, for an Enhanced Infrastructure Financing District (EIFD) Feasibility Study, increasing the not to exceed amount of the Agreement by $150,266 from $49,734 for a new total amount of $200,000. (Funding Source: American Rescue Plan Act (ARPA) Funds)
    - Resolution approving the First Amendment to the Professional Services Agreement with Kosmont Companies, for an Enhanced Infrastructure Financing District (EIFD) Feasibility Study, increasing the not to exceed amount of the Agreement by $150,266 from $49,734 for a new total amount of $200,000; and authorizing the City Manager, or his designee to execute the amendment.

    CED; Robert Kimball, 209-571-5540, rkimball@modestogov.com

    ACTION: (Williams/Alvarez; 7/0) Resolution 2023-332 approving the First Amendment to the Professional Services Agreement with Kosmont Companies, for an Enhanced Infrastructure Financing District (EIFD) Feasibility Study, increasing the not to exceed amount of the Agreement by $150,266 from $49,734 for a new total amount of $200,000; and authorizing the City Manager, or his designee to execute the amendment.

Consent

13. Consider accepting the Public Improvements of Villa D'Este Subdivision located in Village One, east of Roselle Avenue and north of Kodiak Drive and releasing securities upon expiration of statutory periods. (Funding Source: Not Applicable)
    - Resolution accepting the public improvements for Villa D'Este Subdivision, located east of Roselle Avenue and north of Kodiak Drive, 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.

ENGINEERING SERVICES; Toby Wells, 209-571-5542, twells@modestogov.com

ACTION: (Williams/Alvarez; 7/0) Resolution 2023-333 accepting the public improvements for Villa D'Este Subdivision, located east of Roselle Avenue and north of Kodiak Drive, 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

14. Consider accepting the Public Improvements of Woodglen Subdivision Village One and Woodglen Subdivision Village Three located at an area bounded by Pelandale Avenue, Carver Road, Bangs Avenue, and Tully Road and releasing securities upon expiration of statutory periods. (Funding Source: Not Applicable)
    - Resolution accepting the public improvements for Woodglen Subdivision Village One Subdivision, located an area bounded by Pelandale Avenue, Carver Road, Bangs Avenue, and Tully Road, 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.
    - Resolution accepting the public improvements for Woodglen Subdivision Village Three Subdivision, located an area bounded by Pelandale Avenue, Carver Road, Bangs Avenue, and Tully Road, 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.

    ENGINEERING SERVICES; Toby Wells, 209-571.5542, twells@modestogov.com

    ACTION: (Williams/Alvarez; 7/0) Resolution 2023-334 accepting the public improvements for Woodglen Subdivision Village One Subdivision, located an area bounded by Pelandale Avenue, Carver Road, Bangs Avenue, and Tully Road, 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.

    ACTION: (Williams/Alvarez; 7/0) Resolution 2023-335 accepting the public improvements for Woodglen Subdivision Village Three Subdivision, located an area bounded by Pelandale Avenue, Carver Road, Bangs Avenue, and Tully Road, 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

15. Consider approving the Amended and Restated Measure L Regional Control Project Cooperative Agreement with Stanislaus Council of Governments (StanCOG) for the Project Initiation Document (PID) and Project Approval and Environmental Document (PAED) Phases of the Standiford Avenue at State Route 99 Interchange Improvement Project. (Funding Source: Capital Facilities Fees (CFF) and Regional Measure L funds)

- Resolution approving the Amended and Restated Measure L Regional Control Project Cooperative Agreement with Stanislaus Council of Governments (StanCOG) for the Project Initiation Document (PID) and Project Approval and Environmental Document (PAED) Phases of the Standiford Avenue at State Route 99 Interchange Improvement Project and authorizing the City Manager, or his designee, to execute the Agreement.

ENGINEERING SERVICES; Toby Wells, 209-571-5542, twells@modestogov.com

ACTION: (Williams/Alvarez; 7/0) Resolution 2023-336 approving the Amended and Restated Measure L Regional Control Project Cooperative Agreement with Stanislaus Council of Governments (StanCOG) for the Project Initiation Document (PID) and Project Approval and Environmental Document (PAED) Phases of the Standiford Avenue at State Route 99 Interchange Improvement Project and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

16. Consider approving the Amended and Restated Measure L Regional Control Project Cooperative Agreement with Stanislaus Council of Governments (StanCOG) for the Project Initiation Document (PID) and Project Approval and Environmental Document (PAED) Phases of the Briggsmore Avenue at State Route 99 Interchange Reconstruction Project including additional $2,000,000 in Regional Measure L funding and authorizing all task items of work for the AECOM Design Services Agreement. (Funding Source: Regional Surface Transportation Funds (RSTP) and Regional Measure L funds)

    - Resolution approving the Amended and Restated Measure L Regional Control Project Cooperative Agreement with Stanislaus Council of Governments (StanCOG) for the Project Initiation Document (PID) and Project Approval and Environmental Document (PAED) Phases of the Briggsmore Avenue at State Route 99 Interchange Reconstruction Project, including additional $2,000,000 in Regional Measure L funding, and authorizing the City Manager, or his designee, to execute the Agreement, and authorizing all task items of work for the AECOM Design Services Agreement

ENGINEERING SERVICES; Toby Wells, 209-571-5542, twells@modestogov.com

ACTION: (Williams/Alvarez; 7/0) Resolution 2023-337 approving the Amended and Restated Measure L Regional Control Project Cooperative Agreement with Stanislaus Council of Governments (StanCOG) for the Project Initiation Document (PID) and Project Approval and Environmental Document (PAED) Phases of the Briggsmore Avenue at State Route 99 Interchange Reconstruction Project, including additional $2,000,000 in Regional Measure L funding, and authorizing the City Manager, or his designee, to execute the Agreement, and authorizing all task items of work for the AECOM Design Services Agreement

Consent

17. Consider approving three Agreements for On-Call Land Surveying Services with Siegfried Engineering, Inc., of Modesto, CA., NorthStar Engineering, Inc., of Modesto,

CA., and O'Dell Engineering of Modesto, CA., for a one-year Agreement with two (2) one-year extension options, for an annual estimated amount of $75,000 per consultant, and a total amount not to exceed $225,000 per consultant over three years. (Funding Source: Various Capital Improvement Program Projects)

- Resolution approving an Agreement with Siegfried Engineering, Inc., Modesto, CA., for On-Call Land Surveying Services for a one-year Agreement with two one-year extension options, for an annual estimated amount of $75,000, and a total amount not to exceed $225,000 per consultant over three years, and authorizing the City Manager, or his designee, to execute the Agreement.
- Resolution approving an Agreement with NorthStar Engineering, Inc., Modesto, CA., for On-Call Land Surveying Services for a one-year Agreement with two one-year extension options, for an annual estimated amount of $75,000, and a total amount not to exceed $225,000 per consultant over three years, and authorizing the City Manager, or his designee, to execute the Agreement.
- Resolution approving an Agreement with O'Dell Engineering, Inc., Modesto, CA., for On-Call Land Surveying Services for a one-year Agreement with two one-year extension options, for an annual estimated amount of $75,000, and a total amount not to exceed $225,000 per consultant over three years, and authorizing the City Manager, or his designee, to execute the Agreement.

ENGINEERING SERVICES; Peter Kambel, 209-577-5444, pkambel@modestogov.com

ACTION: (Williams/Alvarez; 7/0) Resolution 2023-338 approving an Agreement with Siegfried Engineering, Inc., Modesto, CA., for On-Call Land Surveying Services for a one-year Agreement with two one-year extension options, for an annual estimated amount of $75,000, and a total amount not to exceed $225,000 per consultant over three years, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Williams/Alvarez; 7/0) Resolution 2023-339 approving an Agreement with NorthStar Engineering, Inc., Modesto, CA., for On-Call Land Surveying Services for a one-year Agreement with two one-year extension options, for an annual estimated amount of $75,000, and a total amount not to exceed $225,000 per consultant over three years, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Williams/Alvarez; 7/0) Resolution 2023-340 approving an Agreement with O'Dell Engineering, Inc., Modesto, CA., for On-Call Land Surveying Services for a one-year Agreement with two one-year extension options, for an annual estimated amount of $75,000, and a total amount not to exceed $225,000 per consultant over three years, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

18. Consider approving the purchase for various Fleet Replacements and Additions for Fleet Vehicles which includes three (3) One-Ton Trucks, two (2) Loaders with Claw

Attachment, one (1) Grapple Loader Truck, and one (1) Stump Grinder in the amount not to exceed $1,011,344. (Funding Source: Fleet Replacement Fund, American Rescue Plan Act and Measure H)

- Resolution approving the Award of Bid for the purchase of three (3) One-Ton Trucks to American Chevrolet, Modesto, CA for a total amount not to exceed $214,251, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order; and authorizing the Purchasing Manager or her designee to execute any change orders not to exceed 15% of the total purchase price.
- Resolution approving the competitive bidding process from Sourcewell to Caterpillar Inc. under the authorized dealer Holt to California, Stockton, CA, for Two (2) Loaders with Claw Attachment for an amount not to exceed $291,388; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order; and authorizing the Purchasing Manager or her designee to execute any change orders not to exceed 15% of the total purchase price.
- Resolution approving the competitive bidding process from Sourcewell with Municipal Maintenance Equipment, Sacramento, CA to purchase One (1) Grapple Loader Truck for an amount not to exceed $284,236; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order; and authorizing the Purchasing Manager or her designee to execute any change orders not to exceed 15% of the total purchase price.
- Resolution approving the competitive bidding process from Sourcewell with Manufacture Bandit Industries, Inc. under the authorized dealer Cal-Line Equipment Inc, Livermore, CA to purchase one (1) Stump Grinder for an amount not to exceed $89,554; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order; and authorizing the Purchasing Manager or her designee to execute any change orders not to exceed 15% of the total purchase price.

FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

ACTION: (Williams/Alvarez; 7/0) Resolution 2023-341 approving the Award of Bid for the purchase of three (3) One-Ton Trucks to American Chevrolet, Modesto, CA for a total amount not to exceed $214,251, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order; and authorizing the Purchasing Manager or her designee to execute any change orders not to exceed 15% of the total purchase price.

ACTION: (Williams/Alvarez; 7/0) Resolution 2023-342 approving the competitive bidding process from Sourcewell to Caterpillar Inc. under the authorized dealer Holt to California, Stockton, CA, for Two (2) Loaders with Claw Attachment for an amount not to exceed $291,388; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order; and authorizing the Purchasing Manager or her designee to execute any change orders not to exceed 15% of the total purchase price.

ACTION: (Williams/Alvarez; 7/0) Resolution 2023-343 approving the competitive bidding process from Sourcewell with Municipal Maintenance Equipment, Sacramento, CA to purchase One (1) Grapple Loader Truck for an amount not to

exceed $284,236; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order; and authorizing the Purchasing Manager or her designee to execute any change orders not to exceed 15% of the total purchase price.

ACTION: (Williams/Alvarez; 7/0) Resolution 2023-344 approving the competitive bidding process from Sourcewell with Manufacture Bandit Industries, Inc. under the authorized dealer Cal-Line Equipment Inc, Livermore, CA to purchase one (1) Stump Grinder for an amount not to exceed $89,554; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order; and authorizing the Purchasing Manager or her designee to execute any change orders not to exceed 15% of the total purchase price.

Consent

19. Consider accepting an informational report for the May 2023 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the May 2023 Accounts Payable Payment Register and Void report.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

    ACTION: (Williams/Alvarez; 7/0) Motion accepting an informational report for the May 2023 Accounts Payable Payment Register and Void report.

Consent

20. Consider accepting the Monthly Investment Report for April 2023. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for April 2023.

    FINANCE DEPARTMENT; Calogero Maniscalco, 209-577-5219, cmaniscalco@modestogov.com

    ACTION: (Williams/Alvarez; 7/0) Motion accepting the Monthly Investment Report for April 2023.

Consent

21. Consider an Ordinance amending sections of Title 8, Chapter 3 of the Modesto Municipal Code to increase the City Manager's authority for all contracts and purchase orders from $50,000 to $100,000 for goods/services and $600,000 for emergency projects; increasing the formal bidding authority from $50,000 to $100,000; updating the list and increasing the City Manager's authority for public works projects including the City Manager's authority for emergency public works contracts to $600,000; expanding the definition of professional services; and adding language to allow for electronic bidding. (Funding Source: Not Applicable)
    - Motion introducing and waiving the first reading of an Ordinance amending sections of Title 8, Chapter 3 of the Modesto Municipal Code to increase the City Manager's authority for all contracts and purchase orders from $50,000 to $100,000 for goods/services and $600,000 for emergency projects; increasing

the formal bidding authority from $50,000 to $100,000; updating the list and increase the City Manager's authority for public works projects including the City Manager's authority for emergency public works contracts to $600,000; expanding the definition of professional services; and adding language to allow for electronic bidding.

FINANCE DEPARTMENT; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com

ACTION: (Williams/Alvarez; 7/0) Motion introducing and waiving the first reading of Ordinance 3766-C.S. amending sections of Title 8, Chapter 3 of the Modesto Municipal Code to increase the City Manager's authority for all contracts and purchase orders from $50,000 to $100,000 for goods/services and $600,000 for emergency projects; increasing the formal bidding authority from $50,000 to $100,000; updating the list and increase the City Manager's authority for public works projects including the City Manager's authority for emergency public works contracts to $600,000; expanding the definition of professional services; and adding language to allow for electronic bidding.

Consent

22. Consider approving the Award of Proposal and Agreement for the purchase of ONEVIEW Enterprise Citizen Request Management application, to Granicus, LLC, Saint Paul, MN for a two (2) year Agreement with three (3) subsequent one-year extension options for a total of five (5) years in an amount not to exceed $299,364. (Funding Source: Information Technology Fund)
    - Resolution approving the Award of Proposal and Agreement for the purchase of ONEVIEW Enterprise Citizen Request Management application to Granicus, LLC., Saint Paul, MN for a two (2) year Agreement with three (3) subsequent one-year extension options for a total of five (5) years for an annual estimated amount of $59,873 and a total amount not to exceed $299,364 over five years; and authorizing the City Manager or designee to execute the Agreement.

    IT; James Dotson, 209-571-5508, jadotson@modestogov.com

    ACTION: (Williams/Alvarez; 7/0) Resolution 2023-345 approving the Award of Proposal and Agreement for the purchase of ONEVIEW Enterprise Citizen Request Management application to Granicus, LLC., Saint Paul, MN for a two (2) year Agreement with three (3) subsequent one-year extension options for a total of five (5) years for an annual estimated amount of $59,873 and a total amount not to exceed $299,364 over five years; and authorizing the City Manager or designee to execute the Agreement.

Consent

23. Consider approving the Plans and Specifications for the Tuolumne River Regional Park (TRRP) Non-Motorized Boat Launch Project located at Neece Drive, accepting the Bid and approving a Construction Contract with Harris Builders, Inc. of Hilmar, CA. for a total amount not to exceed $1,791,671 and approving payment in an amount not to exceed $70,000 to the National Fish and Wildlife Foundation to mitigate for the loss of

critical fish habitat. (Funding Source: TRRP CIP Fund, Parks CFF Fund, and Non-Motorized Boating Facilities Grant Program Funds)

- Resolution approving the Plans and Specifications for the Tuolumne River Regional Park (TRRP) Non-Motorized Boat Launch Project located at Neece Drive, accepting the Bid and approving a Construction Contract with Harris Builders, Inc. of Hilmar, CA., in the amount of $1,658,955 plus $132,716 in contingency (if needed), for a total amount not to exceed $1,791,671 and authorizing the City Manager, or his designee, to execute the Contract.
- Resolution approving a payment not to exceed $70,000, to the National Fish and Wildlife Foundation to mitigate for the loss of critical fish habitat due to the construction of the TRRP Non-Motorized Boat Launch Project and authorizing for the City Manager, or his designee, to sign all necessary documentation to secure the permits for the construction of this project.
- Resolution amending the Fiscal Year 2023-2024 Capital Improvement Program Budget to fund Project #101071 (TRRP Neece Drive Boat Launch) in an amount not to exceed $1,440,000 in transfers, revenue, and to budget expenditures to fully fund the project, and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Williams/Alvarez; 7/0) Resolution 2023-346 approving the Plans and Specifications for the Tuolumne River Regional Park (TRRP) Non-Motorized Boat Launch Project located at Neece Drive, accepting the Bid and approving a Construction Contract with Harris Builders, Inc. of Hilmar, CA., in the amount of $1,658,955 plus $132,716 in contingency (if needed), for a total amount not to exceed $1,791,671 and authorizing the City Manager, or his designee, to execute the Contract.

ACTION: (Williams/Alvarez; 7/0) Resolution 2023-347 approving a payment not to exceed $70,000, to the National Fish and Wildlife Foundation to mitigate for the loss of critical fish habitat due to the construction of the TRRP Non-Motorized Boat Launch Project and authorizing for the City Manager, or his designee, to sign all necessary documentation to secure the permits for the construction of this project.

ACTION: (Williams/Alvarez; 7/0) Resolution 2023-348 amending the Fiscal Year 2023-2024 Capital Improvement Program Budget to fund Project #101071 (TRRP Neece Drive Boat Launch) in an amount not to exceed $1,440,000 in transfers, revenue, and to budget expenditures to fully fund the project, and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

Consent

24. Consider approving the Parks, Recreation and Neighborhoods Department revised spending plan for the use of Phase 1 American Rescue Plan Act (ARPA) funds in the amount of $750,000 for Park Improvements in Tuolumne River Regional Park (TRRP). (Funding Source: American Rescue Plan Act Funding)

    - Resolution approving the Parks, Recreation and Neighborhoods revised spending plan for the use of American Rescue Plan Act (ARPA) funds in the

amount of $750,000 for Park Improvements in Tuolumne River Regional Park (TRRP) and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this Resolution.

PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Williams/Alvarez; 7/0) Resolution 2023-349 approving the Parks, Recreation and Neighborhoods revised spending plan for the use of American Rescue Plan Act (ARPA) funds in the amount of $750,000 for Park Improvements in Tuolumne River Regional Park (TRRP) and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this Resolution.

Consent

25. Consider approving the purchase of playground equipment for The Awesome Spot Playground from Landscape Structures, Inc., of Delano, MN, for a total amount not to exceed $226,786. (Funding Source: American Rescue Plan Act Funding)
    - Resolution approving the Competitive Bidding Process from Sourcewell (formerly National Joint Powers Alliance) who completed the bid and the State of California Multiple Award Schedule (CMAS) with Landscape Structures, Inc. for the Purchase and Delivery of playground equipment for The Awesome Spot Playground at Beyer Community Park, for a total amount not to exceed $226,786, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Williams/Alvarez; 7/0) Resolution 2023-350 approving the Competitive Bidding Process from Sourcewell (formerly National Joint Powers Alliance) who completed the bid and the State of California Multiple Award Schedule (CMAS) with Landscape Structures, Inc. for the Purchase and Delivery of playground equipment for The Awesome Spot Playground at Beyer Community Park, for a total amount not to exceed $226,786, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

Consent

26. Consider approving a Second Amendment to the Annual Agreement with West Coast Arborists, Inc., of Anaheim, CA for the Furnishing of On-Call Vegetation Management Services for the Parks, Recreation and Neighborhoods Department and Public Works Department for a one-time increase of $600,000 to year two of the Agreement for a year two total of $1,200,000, and for a total revised amount not to exceed $2,200,000 over the term of the Agreement. (Funding Source: Measure H)
    - Resolution approving a Second Amendment to the Annual Agreement with West Coast Arborists, Inc., of Anaheim, CA for the Furnishing of On-Call Vegetation Management Services for the Parks, Recreation and Neighborhoods Department and Public Works Department for a one-time increase of $600,000 to year two of the Agreement for a year two total of $1,200,000, and for a total revised amount not to exceed $2,200,000 over the term of the Agreement and authorizing the City Manager, or his designee, to execute the Amendment.

PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Williams/Alvarez; 7/0) Resolution 2023-351 approving a Second Amendment to the Annual Agreement with West Coast Arborists, Inc., of Anaheim, CA for the Furnishing of On-Call Vegetation Management Services for the Parks, Recreation and Neighborhoods Department and Public Works Department for a one-time increase of $600,000 to year two of the Agreement for a year two total of $1,200,000, and for a total revised amount not to exceed $2,200,000 over the term of the Agreement and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

27. Consider approving the First Amendment to the Memorandum of Understanding with the King-Kennedy Memorial Center Board of Directors to increase the total financial support by $6,000, from $22,000 to $28,000 by the City. (Funding Source: General Fund)
    - Resolution approving the First Amendment to the Memorandum of Understanding with the King-Kennedy Memorial Center Board of Directors to increase the total financial support by $6,000, from $22,000 to $28,000 by the City, and authorizing the City Manager or his designee to execute the First Amendment.

    PRN; Ashley Weaver, 209-577-5428, aweaver@modestogov.com

    ACTION: (Williams/Alvarez; 7/0) Resolution 2023-352 approving the First Amendment to the Memorandum of Understanding with the King-Kennedy Memorial Center Board of Directors to increase the total financial support by $6,000, from $22,000 to $28,000 by the City, and authorizing the City Manager or his designee to execute the First Amendment.

Consent

28. Consider approving the Second Amendment to the Agreement for the Operation of the King-Kennedy Memorial Center with the West Modesto Community Collaborative to extend the Agreement for one (1) year. (Funding Source: General Fund)
    - Resolution approving the Second Amendment to the Agreement for the Operation of the King-Kennedy Memorial Center with the West Modesto Community Collaborative to extend the Agreement for one (1) year and authorizing the City Manager or his designee to execute this second amendment.

    PRN; Ashley Weaver, 209-577-5428, aweaver@modestogov.com

    ACTION: (Williams/Alvarez; 7/0) Resolution 2023-353 approving the Second Amendment to the Agreement for the Operation of the King-Kennedy Memorial Center with the West Modesto Community Collaborative to extend the Agreement for one year and authorizing the City Manager or his designee to execute this second amendment.

Consent

29. Consider ratifying approval of the Agreement with and authorizing payment to PNC Equipment Finance on behalf of E-Z-Go a Division of Textron Inc., for the Rental of Golf Carts in the total amount not to exceed $661,634 over four years. (Funding Source: Golf Fund)
    - Resolution ratifying approval of the Agreement with and authorizing payment to PNC Equipment Finance on behalf of E-Z-Go a Division of Textron Inc., for the Rental of Golf Carts in the total amount not to exceed $661,634 over four years.

    PRN; Laurie Smith, 209-577-5437, lsmith@modestogov.com

    ACTION: (Williams/Alvarez; 7/0) Resolution 2023-354 ratifying approval of the Agreement with and authorizing payment to PNC Equipment Finance on behalf of E-Z-Go a Division of Textron Inc., for the Rental of Golf Carts in the total amount not to exceed $661,634 over four years.

Consent

30. Consider approving adjustments to various Airport rates and fees for specific activities and services at the Modesto City-County Airport, effective July 12, 2023, and rescinding Resolution No. 2020-350. (Funding Source: Airport Operating Fund)
    - Resolution approving adjustments to various Airport rates and fees for specific activities and services at the Modesto City-County Airport (Airport), effective July 12, 2023, and rescinding Resolution No: 2020-350.

    PUBLIC WORKS; Gabe da Silva, 209-577-5319, gdasilva@modestogov.com

    ACTION: (Williams/Alvarez; 7/0) Resolution 2023-355 approving adjustments to various Airport rates and fees for specific activities and services at the Modesto City-County Airport (Airport), effective July 12, 2023, and rescinding Resolution No: 2020-350.

Consent

31. Consider the submittal of Grant Applications to the Federal Aviation Administration and the State of California Department of Transportation, Division of Aeronautics for eligible Airport Improvement Projects. (Funding Source: Not Applicable)
    - Resolution approving the submittal of applications to the Federal Aviation Administration (FAA) and State of California Department of Transportation (DOT) Division of Aeronautics for Airport Improvements, and authorizing the City Manager or his designee, to sign Grant Applications and related forms.

    PUBLIC WORKS; Gabe da Silva, 209-577-5319, gdasilva@modestogov.com

    ACTION: (Williams/Alvarez; 7/0) Resolution 2023-356 approving the submittal of applications to the Federal Aviation Administration (FAA) and State of California Department of Transportation (DOT) Division of Aeronautics for Airport Improvements, and authorizing the City Manager or his designee, to sign Grant Applications and related forms.

Consent

32. Consider approving the purchase of 1.38 acres of real property at 131 9th Street owned by Varni Brothers Corporation for $2,500,000, plus $100,000 in closing costs to be used for the River Trunk Pump Station Project. (Funding Source: Wastewater Fund)
    - Resolution approving the purchase of 1.38 Acres of real property located at 131 9th Street owned by Varni Brothers Corporation for $2,500,000, plus $100,000 in closing costs, to be used for the River Trunk Pump Station Project, and authorizing the City Manager, or his designee, to execute the Purchase and Sale Agreement and all related documents required to complete the transaction.

    UTILITIES; Cristian Ciotau, 209-577-5260, cciotau@modestogov.com

    ACTION: (Williams/Alvarez; 7/0) Resolution 2023-357 approving the purchase of 1.38 Acres of real property located at 131 9th Street owned by Varni Brothers Corporation for $2,500,000, plus $100,000 in closing costs, to be used for the River Trunk Pump Station Project, and authorizing the City Manager, or his designee, to execute the Purchase and Sale Agreement and all related documents required to complete the transaction.

COUNCIL COMMENTS & REPORTS

Councilmember Bavaro commented on illegal fireworks on the Fourth of July. It was like a war zone throughout the City. He stated he received numerous calls and texts regarding fireworks and talked about several constituents and their various concerns. He reported there were 45 citations for use of illegal fireworks, of which 23 of those were results of Sky 1 aircraft. He also stated that Fire Chief Jasper reported that they multiple calls on July 4th through July 5th and was told that the purchasing of illegal fireworks can cost several thousand dollars. If someone is caught setting off illegal fireworks in Modesto, the fine is only $1,000 and that does not seem to be a deterrent. He asked the City Manager, and City Attorney along with the Police Chief and Fire Chief to review the policy. He stated he would support increasing the fine to as much as $10,000, and up to $50,000 for the sale and distribution of illegal fireworks.
Vice Mayor Ricci agreed with Councilmember Bavaro on the fireworks issue and feels illegal fireworks have been an ongoing problem in the City. He is pleased with the progress by the Police Department on improving enforcement, and the big increase in citations this year, mainly, as a result of Sky 1's work. He thinks they need to continue to innovate and continue to build enforcement mechanisms to break down this issue. He also agrees with Councilmember Bavaro that higher fines are needed.

Councilmember Williams stated that he also agrees with the sentiments and comments of his colleagues about illegal fireworks, but he also wanted to say thank you to the citizens of Modesto, who came out to the 4th of July parade. They had an outstanding time and estimates there were about 30,000 people in attendance. There were no incidents, and the weather was beautiful. He thanked the City of Modesto and particularly the Kiwanis Club of Modesto, as well as the Council. He also thanked the sponsors of the event and the Committee. He further thanked the Parks and Recreation Department for their assistance and also thanked Allison Van

Guilder, Deputy City Manager for singing the National Anthem. He also encouraged the public to attend the Fair.

Councilmember Escutia-Braaton stated that Councilmember Williams played a pivotal role in the success of this year's Fourth of July parade. She thanked him for his leadership in making it such a successful event for the community. She agrees with her peers on how pervasive illegal fireworks were in Modesto and what a negative impact they have to the entire community, including poor air quality. She thanked the Police and Firefighters who were very active that day and ensured that families and the community were safe. She also reported on attending the Police promotion a couple of weeks ago, and how impressed she was with the ceremony. She also reported on the upcoming heat wave and encouraged the public to look at the City's website for cooling center locations. There's going to be a lot of people in need of someplace to stay cool and there will be free bus rides if anyone wants to go to the mall and do some window shopping there to stay cool.

Council Member Alvarez echoed the sentiments of his colleagues about the Fourth of July parade. It was a goodtime and he was out there with family and nieces and nephews. He also stated that he agrees that the City needs to take action to mitigate the negative effects of illegal fireworks. He reported that in regard to housing, he's been discussing this issue of this topic with a lot of folks in his district. He's pleased to announce that the rental inspection ordinance will be activated this month. and described elements of the program. He urged all residents of Modesto, not exclusive just to District 2 residents to contact his office if they are dealing with any substandard rental housing including mold, pest infestations and the like. He shared information about several housing projects that are in the works and commended the Housing Department for their diligent work in competing for funding for those projects. and it reported on the 54 acres at the Municipal Golf Course and that he communicated how he felt about it at the last council meeting and it being a public private partnership with the City of Modesto. He's keeping that invitation open. He knows that folks are advocating for a stadium of some kind which would be utilized by Modesto, but he thinks a stadium there would be transformative.

Mayor Zwahlen reported that she along with the other Councilmembers attended the Fourth of July parade. She thoroughly enjoyed having the children in the room this evening and they are most welcome. She wishes that the room was full of children at every meeting. It's been so great to see them here enjoying the meeting and hopefully learning a lot about how City government works. So, they are always welcome and encouraged them to come back as they bring life and all the good things to this world.

CITY MANAGER COMMENTS & REPORTS

None.

NEW BUSINESS

33. Consider an Ordinance amending the Modesto Municipal Code to Repeal Article 18, "Regulation of Cruising," in its entirety, from Chapter 2, "Vehicles and Traffic Regulations," of Title 3, "Public Safety," relating to the City's cruising ban (Funding Source: Not Applicable)

- Motion introducing and waiving the first reading of an Ordinance amending the Modesto Municipal Code to Repeal Article 18, "Regulation of Cruising," in its entirety, from Chapter 2, "Vehicles and Traffic Regulations," of Title 3, "Public Safety," relating to the City's cruising ban.

POLICE; Steven Stanfield, 209-572-9612, Stanfields@modestopd.com

ACTION: (Ricci/Alvarez; 7/0) Motion introducing and waiving the first reading of an Ordinance 3767-C.S. amending the Modesto Municipal Code to Repeal Article 18, "Regulation of Cruising," in its entirety, from Chapter 2, "Vehicles and Traffic Regulations," of Title 3, "Public Safety," relating to the City's cruising ban.

Recessed: 7:45 p.m.
Resumed: 7:50 p.m.

34. Consider an Ordinance amending the Modesto Municipal Code to add Article 21, titled "Sideshows, Street Races, and Reckless Driving Exhibition", to Chapter 2, "Vehicles and Traffic Regulations," to Title 3 "Public Safety", to establish regulations and penalties related to Sideshows, Street Races, and Reckless Driving Exhibition. (Funding Source: Not Applicable)
    - Motion introducing and waiving the first reading of an Ordinance amending the Modesto Municipal Code to add Article 21, titled "Sideshows, Street Races, and Reckless Driving Exhibition", to Chapter 2, "Vehicles and Traffic Regulations," to Title 3 "Public Safety", to establish regulations and penalties related to Sideshows, Street Races, and Reckless Driving Exhibition.

POLICE; Steven Stanfield, 209-572-9612, Stanfields@modestopd.com

ACTION: (Escutia-Braaton/Williams; 7/0) Motion introducing and waiving the first reading of an Ordinance 3768-C.S. amending the Modesto Municipal Code to add Article 21, titled "Sideshows, Street Races, and Reckless Driving Exhibition", to Chapter 2, "Vehicles and Traffic Regulations," to Title 3 "Public Safety", to establish regulations and penalties related to Sideshows, Street Races, and Reckless Driving Exhibition.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:11 p.m.

Closed Session Matters Heard Prior to the 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: Martinez v. City of Modesto
Case No. 19-006820

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

Property: 131 9th Street, Modesto, CA 95351, APN: 103-006-002

Property Owners: Varni Bros Corporation

Negotiating Parties:

For City: Will Wong, Director of Utilities
Jose M. Sanchez, City Attorney

For Owner: Property Owner

Under Negotiation: Price and Terms

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL
Room 2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California

Monday, August 07, 2023 at 4:00 PM

Roll Call: Present: Chair Zwahlen, Vice-Chair Ricci, Committee Member Alvarez

PUBLIC COMMENTS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEMS 1-6 (Alvarez/Ricci; 3/0)

CONSENT

Consent

1. Consider an Agreement for the Purchase and Implementation of a Construction Project Management Software with e-Builder, Inc., of Sunrise, FL., for a total amount not to exceed $620,183 for a period of five years and forwarding to Council for approval. (Funding Source: Various Capital Improvement Program Projects)
    - Motion recommending the Award of Proposal and Agreement for a Construction Project Management Software to e-Builder, Inc., Sunrise, FL, for a total amount not to exceed $620,183 for a period of three years, with two one-year extension options at the written approval of the Director of Engineering Services and forwarding to Council for approval.

    ENGINEERING SERVICES; Pete Kambel, 209-577-5444, pkambel@modestogov.com

    ACTION: (Alvarez/Ricci; 3/0) Motion recommending the Award of Proposal and Agreement for a Construction Project Management Software to e-Builder, Inc., Sunrise, FL, for a total amount not to exceed $620,183 for a period of three years, with two one-year extension options at the written approval of the Director of Engineering Services and forwarding to Council for approval.

Consent

2. Consider a Pre-Qualified Consultant List for Construction Management and Inspection Services for various Capital Improvement Program Projects for a period of five years and forwarding to Council for approval. (Funding Source: Various Capital Improvement Program Projects)
    - Motion recommending a Pre-Qualified Consultant List for Construction Management and Inspection Services, with Brown and Caldwell, HDR Inc., TRC Companies, and West Yost, for a period of three years with two one-year

extension options at the discretion of the Director of Engineering Services and forwarding to Council for approval.

ENGINEERING SERVICES; Pete Kambel, 209-577-5444, pkambel@modestogov.com

ACTION: (Alvarez/Ricci; 3/0) Motion recommending a Pre-Qualified Consultant List for Construction Management and Inspection Services, with Brown and Caldwell, HDR Inc., TRC Companies, and West Yost, for a period of three years with two one-year extension options at the discretion of the Director of Engineering Services and forwarding to Council for approval.

Consent

3. Consider the submittal of a Grant Application(s) to the State of California Governor's Office of Planning and Research and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending the submittal of Grant Application(s) to the State of California Governor's Office of Planning and Research and forwarding to Council for approval.

PUBLIC WORKS; Rosene Nguyen, 209-577-5453, rnguyen@modestogov.com

ACTION: (Alvarez/Ricci; 3/0) Motion recommending the submittal of Grant Application(s) to the State of California Governor's Office of Planning and Research and forwarding to Council for approval.

Consent

4. Consider the submittal of a Grant Application(s) to the State of California Strategic Growth Council and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending the submittal of Grant Application(s) to the State of California Strategic Growth Council and forwarding to Council for approval.

PUBLIC WORKS; Rosene Nguyen, 209-577-5453, rnguyen@modestogov.com

ACTION: (Alvarez/Ricci; 3/0) Motion recommending the submittal of Grant Application(s) to the State of California Strategic Growth Council and forwarding to Council for approval.

Consent

5. Consider accepting a Report on the Bid Results for the Empire Yosemite Boulevard Water Main Crossings Strengthen and Replace Construction Project and forwarding to Council for approval. (Funding Source: Water Fund)
    - Motion recommending the approval of a Report on the Bid Results for the Empire Yosemite Boulevard Water Main Crossings Strengthen and Replace Construction Project and forwarding to Council for approval.

UTILITIES; Edgar Vargas, 209-577-5424, evargas@modestogov.com

ACTION: (Alvarez/Ricci; 3/0) Motion recommending the approval of a Report on the Bid Results for the Empire Yosemite Boulevard Water Main Crossings Strengthen and Replace Construction Project and forwarding to Council for approval.

Consent

6. Consider an Agreement with All Season Lawn Landscaping for Landscape Maintenance Services at Water Wells and Tank Sites, for a total amount not to exceed $450,000 over five years and forwarding to Council for approval. (Funding Source: Water Fund)
    - Motion recommending the Award of Bid and Agreement with All Season Lawn Landscaping, Escalon, CA for Landscape Maintenance Services at Water Wells and Tank Sites, for an estimated annual amount of $90,000 and a total not to exceed $450,000 over five years and forwarding to Council for approval.

    UTILITIES; Jeff Daniels, 209-342-4585, jdaniels@modestogov.com

    ACTION: (Alvarez/Ricci; 3/0) Motion recommending the Award of Bid and Agreement with All Season Lawn Landscaping, Escalon, CA for Landscape Maintenance Services at Water Wells and Tank Sites, for an estimated annual amount of $90,000 and a total not to exceed $450,000 over five years and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:02 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, August 08, 2023 at 5:30 PM

Roll Call - Councilmembers Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

Pledge of Allegiance to the Flag

Invocation: Cindy Marks, Pray Modesto

City Clerk's Announcements - City Clerk announced the Item 3 is being moved to a future date.

Declaration of Conflicts of Interest: None

Reports from Closed Session – City Attorney Sanchez reported No Reportable Action was taken.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation declaring August 6 - 12, 2023 as National Health Center Week. (Funding Source: Not Applicable)
CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

PUBLIC COMMENT PERIOD

- Derek Castle commented on the unsheltered people that have nowhere to sleep. He stated that City policy does not allow the unsheltered to sleep in tents to be out of the weather and safe. He further spoke about the need for allowing the unhoused to sleep in tents in the City as other cities allow. He referenced pallet shelters, huts, and micro shelters as examples.

- Allison Seever spoke about the shooting of Trevor Seever and stated how disappointed she is in the recent ruling by the Judge that proceeded over the Lamantia case. She also commented on the District Attorney.

- Diane Kroeze stated that she is here representing the homeless. She spoke about the many issues the unhoused face. She also spoke about having safe place for them to sleep.

- Joseph Stewart, brother-in-law of Trevor Seever expressed his disappointment on the judges ruling of the Lamantia case. He is also disappointed in the District Attorney that he believes was not willing to do the work. He is scared for the safety of the Modesto residents.

- James Costello spoke about the Trevor Seever and Joseph Lamantia case and states that it should have gone to trial. He further commented on the homeless and stated that Modesto needs to address the issues and initiate something to assist.

- Gigi Crowder, Executive Director at NAMI Contra Costa County spoke about Trevor Seever. She also spoke about mental illness and how it impacts families. They are working very hard to make sure there is nonpolice response to calls involving mental health challenges, and expressed her support for the family of Trevor Seever.

- Lynelle Solomon, advocate for the homeless stated that homeless should be a priority. She spoke about the struggle to rest, eat, and sleep. She also spoke about the death of Christy Chavez. The homeless just want a safe space to sleep, and feels Modesto needs to be a leader of this crisis. She asked that the City Council and public join them out in the City to see what is happening at the street level.

- Robert Collins stated that his son was also killed during a mental health crisis. He reported statistics that four out of five police officers never shoot their guns during their career. He asked how an officer that shot and killed five people could still be on the force for the fifth shooting. He hopes he's not hired back and believes he should be convicted.

- Steve spoke about a march from Turlock for Trevor Seever that he participated in. He stated that he was going to be there to support the family. He further stated that he is known to the police and wants to know that he is safe. He asked what the City is going to do when this happens again. He also commented regarding the number of Police Officers at the Community Police Review Board meeting and expressed that this town needs to be able to feel safe.

- Theresa Clutter spoke about the court proceedings of former Officer Lamantia, and expressed she hopes that the City does not rehire him. She asked for accountability and

asked what the City cares about. She further asked for justice for Trevor Seever and Paul Chavez.

- John Frailing spoke about homeless and the cause and why it persists. He clarified some of the myths about the homeless. He commented on the very limited affordable housing in the City and inadequate mental health staff. Many of the homeless are working people that are disabled and many want jobs.

- Suzie spoke on behalf of the Trevor Seever family. She spoke about his shooting and former Officer Lamantia. She also expressed her disappointment in the justice system. She asked that the City not reinstate Joseph Lamantia to the police force.

- John Lucas spoke about the homeless in the community. He appreciates what the City has done so far. However, even with safe parking many of the homeless are vulnerable and especially those that do not have vehicles. He hopes they can get safe camping and sleeping places established.

- Marla Seever spoke about the shooting of Trevor Seever. She also commented on the court proceedings of former Officer Lamantia. She stated that they were not given adequate representation and hopes the City does not reinstate Lamantia.

- Tom Helm spoke about Trevor Seever. He stated that he was part of the Forward Together Committee, and voiced his frustration on the recent ruling that former Officer Lamantia is not going to face trial. He asked that the City not allow him back into the police force. He asked that Council use their voice to draw attention to this issue.

- Patrick spoke about the shooting of Paul Chavez, Jr. He also stated that he is also here to speak about former Officer Lamantia and stated that he should not be allowed back onto the force. He asked what is being done for the citizens.

- Darlene Ruiz expressed her feelings that she is angry and outraged at the ruling made by the Judge presiding over the Joseph Lamantia case. The District Attorney did not want to take the case and she also questioned the action of the lead investigator. She does not believe they had proper representation. She stated that the ruling is a complete injustice. She will never feel safe in this town and will never have faith in the system.

- Megan Tezer stated that she's known Joseph Lamantia for a long time. She commends the Judge for her ruling. She suggested that all members of the public read the decision, and spoke in support of Joseph Lamantia.

- Ray Ruiz spoke about the ruling from Judge Stephens. He stated that the District Attorney had no intention of prosecuting Joseph Lamantia. He hopes that the

independent police auditor works out.

- Cassandra Aquinto Collins spoke in support of the family of Trevor Seever. She stated it is shameful Joseph Lamantia is not being brought to justice for the consequences of his actions.

- Tina Perez-Tateo from the Cruiser's Council thanked the Council for lifting the ban on cruising.

- Dixie, stated that she is the grandmother of Trevor Seever. She spoke about the shooting of Trevor. She stated that he was a great kid with a future ahead of him. She asked how anyone can trust the Judge and the District Attorney.

- Steven Finch stated that his grandfather served in the Stanislaus Sheriff Department. He loves this community, but feels if Joseph Lamantia is reinstated, he will be scared to live in Modesto and his grandchildren should be scared to come here. He also spoke about families that need services and shared that St. Vincent De Paul is currently offering services to families, but they do not have recuperative beds for those that are too well for hospital, but too sick for a shelter. Those families need someplace to temporarily go. They need to be able place these people in a safe place.

- Brittoni Chavez, spoke about Trevor Seever. She stated that the Council is supposed to make the community better. She stands in solidarity with the Trevor Seever family. She asked for justice.

- Ramon Rodriguez spoke about his disappointment that the system failed on Trevor Seever, Alonzo Nunez, Paul Chavez, and Christy Chavez. He stated that if Joseph Lamantia is rehired nothing will change. He also spoke about Officer Espinoza and Officer Muncy. He further commented on the unhoused and stated Modesto needs housing and services for the homeless.

- Samuel Ephrain, Chairman of the NAACP stated that Officer Lamantia did not follow policy and procedure. He expressed as a citizen of this City, he is shocked and appalled at the decision of Judge Carrie Stephens. He feels the City should not allow Joseph Lamantia to return to the City of Modesto Police Department. He did not serve and protect and should not be allowed on the force. Citizens of Modesto should be outraged and ask to recall Judge Stephens.

- Bella Quinto Collins, spoke in support of the family of Trevor Seever. She referenced the bodycam footage of the shooting of Trevor Seever. She is disappointed on his apparent impunity. She also commented that this has impacted family member and it's hard to convey just how large and nuanced each story is.

- Kayla commented that she is Trevor Seever's cousin. She stated that the police policy and guidelines were not followed and is discouraged that there is no justice. She has lived in Modesto all her life and is scared for her son. There's nothing that can replace her cousin. She hopes Joseph Lamantia does not get his job back.

- Timothy stated that Trevor was his nephew. He never thought of a Police Department as a department that needed to be feared. He does not see what Lamantia's defense is. This is devastating to the family. Trevor has never been violent and the decision by the Judge is a miscarriage of justice. He stated that he hopes the City can do something about it.

- Bianca Lopez spoke about the decision of Judge Carrie Stephens. She stated that the public can ask the Community Police Review Board to establish a policy to not allow Joseph Lamantia back on the force. The public can also ask Judge Carrie Stephens to step down and/or ask the Governor to remove her from office. They can also start a recall. She further cited all the prior officer involved shootings of Joseph Lamantia and stated that they can ask the California Attorney General to take the case. She further commented that Joseph Lamantia must not be allowed to come back to the Modesto Police Department and that the Judge must be held accountable for her decision. She asked for justice for all the victims of Joseph Lamantia.

Recess 7:09 p.m.
Reconvene 7:16 p.m.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 2, 4-16: (Wright/Escutia-Braaton; 7/0)

CONSENT

Consent

2. Consider approving the minutes from the July 11, 2023 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the July 11, 2023 Council Meeting.

CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Motion approving the minutes from the July 11, 2023 Council Meeting.

Removed from Agenda-Item Continued to a Future Meeting

Consent

3. Consider approving Final Adoption of Ordinance 3766-C.S. amending title 8, chapter 3 of the Modesto Municipal Code to increase the City Manager’s authority for all Contracts and Purchases Orders from $50,000 to $100,000 for Goods/Services and $600,000 for Emergency Projects; increasing the formal bidding authority from $50,000 to $100,000; updating the list and increase the City Manager’s authority for

Public Works Projects including the City Manager's authority for Emergency Public Works contracts to $600,000; expanding the definition of Professional Services; and adding language to allow electronic bidding. (Funding Source: Not Applicable)

- Motion approving Final Adoption of Ordinance 3766-C.S. amending title 8, chapter 3 of the Modesto Municipal Code to increase the City Manager's authority for all Contracts and Purchases Orders from $50,000 to $100,000 for Goods/Services and $600,000 for Emergency Projects; increasing the formal bidding authority from $50,000 to $100,000; updating the list and increase the City Manager's authority for Public Works Projects including the City Manager's authority for Emergency Public Works contracts to $600,000; expanding the definition of Professional Services; and adding language to allow electronic bidding.

CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

Consent

4. Consider approving Final Adoption of Ordinance 3767-C.S. amending the Modesto Municipal Code to repeal Article 18, "Regulation of Cruising," in its entirety, from Chapter 2, "Vehicles and Traffic Regulations," of Title 3, "Public Safety," relating to the City's cruising ban. (Funding Source: Not Applicable)

   - Motion approving Final Adoption of Ordinance 3767-C.S. amending the Modesto Municipal Code to repeal Article 18, "Regulation of Cruising," in its entirety, from Chapter 2, "Vehicles and Traffic Regulations," of Title 3, "Public Safety," relating to the City's cruising ban.

   CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

   ACTION: (Wright/Escutia-Braaton; 7/0) Motion approving Final Adoption of **Ordinance 3767-C.S.** amending the Modesto Municipal Code to repeal Article 18, "Regulation of Cruising," in its entirety, from Chapter 2, "Vehicles and Traffic Regulations," of Title 3, "Public Safety," relating to the City's cruising ban.

Consent

5. Consider approving Final Adoption of Ordinance 3768-C.S. amending the Modesto Municipal Code to add Article 21, titled "Sideshows, Street Races, and Reckless Driving Exhibition", to Chapter 2, "Vehicles and Traffic Regulations," to Title 3 "Public Safety", to establish regulations and penalties related to sideshows, street races, and reckless driving exhibition. (Funding Source: Not Applicable)

   - Motion approving Final Adoption of Ordinance 3768-C.S. amending the Modesto Municipal Code to add Article 21, titled "Sideshows, Street Races, and Reckless Driving Exhibition", to Chapter 2, "Vehicles and Traffic Regulations," to Title 3 "Public Safety", to establish regulations and penalties related to sideshows, street races, and reckless driving exhibition.

   CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

   ACTION: (Wright/Escutia-Braaton; 7/0) Motion approving Final Adoption of **Ordinance 3768-C.S.** amending the Modesto Municipal Code to add Article 21, titled "Sideshows, Street Races, and Reckless Driving Exhibition", to Chapter 2, "Vehicles

and Traffic Regulations," to Title 3 "Public Safety", to establish regulations and penalties related to sideshows, street races, and reckless driving exhibition.

Consent

6. Consider acknowledging Receipt of Notification of the Annual Inflationary Adjustment for Development User Fees for Fiscal Year 2023-24. (Funding Source: Development User Fees)
    - Resolution acknowledging Receipt of Notification of the Annual Inflationary Adjustment for Development User Fees for Fiscal Year 2023-24.

    CED; Peter Ibrahim, 209-577-5211, pibrahim@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-358 acknowledging Receipt of Notification of the Annual Inflationary Adjustment for Development User Fees for Fiscal Year 2023-24.

Consent

7. Consider approving a Purchase and Sale Agreement with Northern Suncrest Apartments, LLC for $21,600; a Grant Deed and Certificate of Acceptance for the Paradise Road ATP Cycle III Project. (Funding Source: Measure L)
    - Resolution approving a Purchase and Sale Agreement with Northern Suncrest Apartments, LLC for partial acquisition of a 935 square foot portion of real property, located at the intersection of Paradise Road and Chicago Avenue (APN 037-050-018), in the amount of $21,600, plus closing costs, for the Paradise Road ATP Cycle III Project, 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 escrow.
    - Resolution approving a Grant Deed with Northern Suncrest Apartments, LLC for partial acquisition of a 935 square foot portion of real property, located at the intersection of Paradise Road and Chicago Avenue (APN 037-050-018), for the Paradise Road ATP Cycle III Project, and authorizing the City Manager, or his designee, to accept the Grant Deed.
    - Resolution approving a Certificate of Acceptance for the Grant Deed, for partial acquisition of a 935 square foot portion of real property owned by Northern Suncrest Apartments, LLC, located at the intersection of Paradise Road and Chicago Avenue (APN 037-050-018), for the Paradise Road ATP Cycle III Project and authorizing the City Manager, or his designee, to sign the Certificate of Acceptance.

    ENGINEERING SERVICES; Michael Sacuskie, 209-571-5552, msacuskie@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution2023-359 approving a Purchase and Sale Agreement with Northern Suncrest Apartments, LLC for partial acquisition of a 935 square foot portion of real property, located at the intersection of Paradise Road and Chicago Avenue (APN 037-050-018), in the amount of $21,600, plus closing costs, for the Paradise Road ATP Cycle III Project, 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 escrow.

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-360 approving a Grant Deed with Northern Suncrest Apartments, LLC for partial acquisition of a 935 square foot portion of real property, located at the intersection of Paradise Road and Chicago Avenue (APN 037-050-018), for the Paradise Road ATP Cycle III Project, and authorizing the City Manager, or his designee, to accept the Grant Deed.

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-361 approving a Certificate of Acceptance for the Grant Deed, for partial acquisition of a 935 square foot portion of real property owned by Northern Suncrest Apartments, LLC, located at the intersection of Paradise Road and Chicago Avenue (APN 037-050-018), for the Paradise Road ATP Cycle III Project and authorizing the City Manager, or his designee, to sign the Certificate of Acceptance.

Consent

8. Consider accepting the Automatic Transfer Switch Replacement at Sutter Wastewater Treatment Plant Project as complete, releasing securities, and releasing payments totaling $677,224 to Clyde G. Steagall, Inc., of Loomis, CA. and authorizing the City Clerk to file a Notice of Completion. (Funding Source: Wastewater Fund)
    - Resolution accepting the Automatic Transfer Switch Replacement at Sutter Wastewater Treatment Plant Project as complete, releasing securities, and releasing payments totaling $677,224 to Clyde G. Steagall, Inc., of Loomis, CA., and authorizing the City Clerk to file a Notice of Completion.

ENGINEERING SERVICES; Peter Kambel, 209-577-5444, pkambel@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-362 accepting the Automatic Transfer Switch Replacement at Sutter Wastewater Treatment Plant Project as complete, releasing securities, and releasing payments totaling $677,224 to Clyde G. Steagall, Inc., of Loomis, CA., and authorizing the City Clerk to file a Notice of Completion.

Consent

9. Consider accepting the High Voltage Improvements at Sutter Wastewater Treatment Plant Project as complete, releasing securities, and releasing payments totaling $313,873 to Clyde G. Steagall, Inc., of Loomis, CA. and authorizing the City Clerk to file a Notice of Completion. (Funding Source: Wastewater Fund)
    - Resolution accepting the High Voltage Improvements at Sutter Wastewater Treatment Plant Project as complete, releasing securities, and releasing payments totaling $313,873 to Clyde G. Steagall, Inc., of Loomis, CA., and authorizing the City Clerk to file a Notice of Completion.

ENGINEERING SERVICES; Peter Kambel, 209-577-5444, pkambel@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-363 accepting the High Voltage Improvements at Sutter Wastewater Treatment Plant Project as complete,

releasing securities, and releasing payments totaling $313,873 to Clyde G. Steagall, Inc., of Loomis, CA., and authorizing the City Clerk to file a Notice of Completion.

Consent

10. Consider accepting an Informational Report for the June 2023 Accounts Payable Payment Register and Void Report. (Funding Source: Not Applicable)
    - Motion accepting an Informational Report for the June 2023 Accounts Payable Payment Register and Void Report.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 7/0) Motion accepting an Informational Report for the June 2023 Accounts Payable Payment Register and Void Report.

Consent

11. Consider accepting an Informational Report on the March and April 2023 Grant Applications and Awards. (Funding Source: Not Applicable)
    - Motion accepting an Informational Report for the March and April 2023 Grant Applications and Awards.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 7/0) Motion accepting an Informational Report for the March and April 2023 Grant Applications and Awards.

Consent

12. Consider accepting the Monthly Investment Report for May 2023. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for May 2023.

    FINANCE DEPARTMENT; Calogero Maniscalco, 209-577-5219, cmaniscalco@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 7/0) Motion accepting the Monthly Investment Report for May 2023.

Consent

13. Consider approving Task Order Number One for the Master Agreement for Consulting Services to VFA, Inc., an affiliate of The Gordian Group, Inc., ("VFA"), Greenville, SC for City of Modesto Facility Condition Assessment in an amount not to exceed $358,037 over a five-year period. (Funding Source: Measure H Funds)
    - Resolution approving Task Order Number One for the Master Agreement for Consulting Services to VFA, Inc., an affiliate of The Gordian Group, Inc., ("VFA"), Greenville, SC for City of Modesto Facility Condition Assessment in an amount not to exceed $358,037 over a five-year period and authorizing the City Manager, or his designee, to execute the Master Agreement Task Order Number One.

PUBLIC WORKS; Patrick Crowley, 209-402-6812, pcrowley@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-364 approving Task Order Number One for the Master Agreement for Consulting Services to VFA, Inc., an affiliate of The Gordian Group, Inc., ("VFA"), Greenville, SC for City of Modesto Facility Condition Assessment in an amount not to exceed $358,037 over a five-year period and authorizing the City Manager, or his designee, to execute the Master Agreement Task Order Number One.

Consent

14. Consider approving two On-Call CEQA Environmental Planning and Compliance Services Agreements with GEI Consultants, of Rancho Cordova, CA, and Montrose Environmental, of Sacramento, CA for a total not to exceed $450,000 over three years. (Funding Source: Various Capital Improvement Program Projects)
    - Resolution approving an On-Call CEQA Environmental Planning and Compliance Services Agreement with GEI Consultants, of Rancho Cordova, CA, for one year, not to exceed $75,000, with two one-year extension options for a total cost not to exceed $225,000 over three years, and authorizing the City Manager, or his designee to execute the Agreement.
    - Resolution approving an On-Call CEQA Environmental Planning and Compliance Services Agreement with Montrose Environmental, of Sacramento, CA, for one year, not to exceed $75,000, with two one-year extension options for a total cost not to exceed $225,000 over three years, and authorizing the City Manager, or his designee to execute the Agreement.

    UTILITIES; Jim Alves, 209-571-5557, jalves@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-365 approving an On-Call CEQA Environmental Planning and Compliance Services Agreement with GEI Consultants, of Rancho Cordova, CA, for one year, not to exceed $75,000, with two one-year extension options for a total cost not to exceed $225,000 over three years, and authorizing the City Manager, or his designee to execute the Agreement.

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-366 approving an On-Call CEQA Environmental Planning and Compliance Services Agreement with Montrose Environmental, of Sacramento, CA, for one year, not to exceed $75,000, with two one-year extension options for a total cost not to exceed $225,000 over three years, and authorizing the City Manager, or his designee to execute the Agreement.

Consent

15. Consider approving two On-Call Agreements for Environmental Site Assessment Services with Atlas Consulting Group, of Modesto, CA, and Tetra Tech, of Rancho Cordova, CA for a total amount not to exceed $300,000 over three years. (Funding Source: Various Capital Improvement Program Projects)
    - Resolution approving an On-Call Agreement for Environmental Site Assessment Services with Atlas Consulting Group, of Modesto, CA, for one year, not to exceed $50,000, with two one-year extension options for a total

cost not to exceed $150,000 over three years, and authorizing the City Manager, or his designee to execute the Agreement.

- Resolution approving an On-Call Agreement for Environmental Site Assessment Services with Tetra Tech, of Rancho Cordova, CA for one year, not to exceed $50,000, with two one-year extension options for a total cost not to exceed $150,000 over three years, and authorizing the City Manager, or his designee to execute the Agreement.

UTILITIES; Jim Alves, 209-571-5557, jalves@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-367 approving an On-Call Agreement for Environmental Site Assessment Services with Atlas Consulting Group, of Modesto, CA, for one year, not to exceed $50,000, with two one-year extension options for a total cost not to exceed $150,000 over three years, and authorizing the City Manager, or his designee to execute the Agreement.

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-368 approving an On-Call Agreement for Environmental Site Assessment Services with Tetra Tech, of Rancho Cordova, CA for one year, not to exceed $50,000, with two one-year extension options for a total cost not to exceed $150,000 over three years, and authorizing the City Manager, or his designee to execute the Agreement.

Consent

16. Consider approving a Purchasing Agreement with Univar Solutions, USA Inc., Kent, WA, and Hasa Inc., Saugus, CA, for the Purchase and Delivery of Wastewater Treatment Chemicals for a total amount not to exceed $199,242 over one year. (Funding Source: Sewer Operations Fund)

    - Resolution approving a Purchasing Agreement with Univar Solutions, USA Inc., Kent, WA, by utilizing the Competitive Bid Process with Bay Area Clean Water Agencies, for the Purchase and Delivery of Chemicals for Wastewater Treatment, for a one-year Agreement for a total amount not to exceed $65,325, and authorizing the Director of Finance, or her designee, to execute the Agreement.
    - Resolution approving a Purchasing Agreement with Hasa Inc., Saugus, CA, by utilizing the Competitive Bid Process with Bay Area Clean Water Agencies, for the Purchase and Delivery of Chemicals for Wastewater Treatment, for a one-year Agreement for a total amount not to exceed $133,917, and authorizing the Director of Finance, or her designee, to execute the Agreement.

    UTILITIES; Jason Farnsworth, 209-577-6255, jfarnsworth@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-369 approving a Purchasing Agreement with Univar Solutions, USA Inc., Kent, WA, by utilizing the Competitive Bid Process with Bay Area Clean Water Agencies, for the Purchase and Delivery of Chemicals for Wastewater Treatment, for a one-year Agreement for a total amount not to exceed $65,325, and authorizing the Director of Finance, or her designee, to execute the Agreement.

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-370 approving a Purchasing Agreement with Hasa Inc., Saugus, CA, by utilizing the Competitive Bid Process with Bay Area Clean Water Agencies, for the Purchase and Delivery of Chemicals for Wastewater Treatment, for a one-year Agreement for a total amount not to exceed $133,917, and authorizing the Director of Finance, or her designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

Vice Mayor Ricci stated that there were a lot of comments tonight and the City does not have jurisdiction over the courts. The voters have a voice and should vote the way that makes a difference in the direction of your community. He also stated that there is a homeless crisis, and they are failing to effectively address it. An explicit homeless strategy is needed. The government houses about 30% of the homeless, every night and the rest are the responsibility of neighbors and business owner, police department, the fire department, and local hospitals. They've been in this crisis for a long time and it's time for decisive action in the immediate term. A triage is needed, and jail isn't a solution. He further stated the issue of homelessness is in a state of emergency and they need to make safe spaces. Safe camping needs to happen immediately.

Mayor Zwahlen reported recently attending a Modesto City Schools field trip. She was able to see a lot of construction around the City and in community schools. She stated that it is to be commended because much of it has to do with the safety of students. There is also a lot of construction on city roads, and she read some of the comments on Facebook about that construction and it can be frustrating for people to get around town. But as she and Councilmember Wright discussed one day, that's what everyone wanted, and that it is making the City better. She also reported on attending the City's National Night Out with the Modesto Police Department directing all of them to the many homes and neighborhoods. She also reported on attending City Ministry Network and there was a discussion about the mental health needs of the youth. She knows that many of them are suffering and it's good to be aware of our youth. If each person would smile at a young person and give them a word of encouragement that makes a huge impression.

Councilmember Escutia-Braaton reported on attending National Night Out and acknowledged the efforts made in the coordination of an exceptional National Night Out. She was one of many Councilmembers that participated. She enjoyed immensely the engagement with law enforcement and community members that she spoke to and family alike. They all came out just to have a one-on-one conversation with the elected, executive staff, City law enforcement, and so forth. She also spoke with a lot of Neighborhood Watch Coordinators in her district. One of her focuses was to increase those wanting to get more engaged with neighborhood watch. She acknowledged a few people that are very engaged in the program. She further stated there are several other neighborhood watch coordinators that at some point in time she would love to acknowledge. She also reported that she serves as the Chair of the Appointments Committee and encouraged the public to apply to serve and get involved with local civic government. She

encouraged everyone to go to the City's website for more information on how to serve on a citizen advisory group.

Councilmember Williams reported on attending National Night Out. He visited many neighborhoods with Officer Meredith for about three hours. There were about 87 National Night Out parties and about a third of them were in District 5. He was very fortunate to visit 13 of those. He commented that school is starting and wanted to wish all of those who are going back to school a safe school year. He wants to make sure that everyone keeps their eyes on traffic.

Councilmember Wright reported that tomorrow night the Stanislaus Housing Alliance will meet here in this chamber at 5:30 p.m. and invited the public to attend. One of the things that they're having in September is a housing seminar with all the cities and the county on affordable housing. He is going to be pushing for a safe camping agenda for Stanislaus Housing to look at to give some direction to nonprofits that may want to do safe camping and maybe a template and some guidelines on what they can do to have safe camping in their area. He encouraged those that spoke this evening to attend. It a good place to be at to discuss not only the issues in Modesto, but in all the other cities. He knows that all the cities are working hard and it's a big problem and appreciates the concerns.

Councilmember Bavaro stated that he agrees with Vice Mayor Ricci's comments on homelessness. Modesto Day Center is coming about, and he's impressed on how fast a lot of these things are moving within the City. The Day Center and Dignity Moves is coming around hopefully sometime around the first of the year. He also reported on attending National Night Out.

Councilmember Alvarez stated that he echoes the sentiments of his colleagues, National Night Out was his first time participating in an official capacity. As a councilmember he was with Captain Robert Rayna and visited Maddox Youth Center's National Night Out event. He acknowledged Bruce Lockard for hosting it every year for the last two decades. He then visited the National Night Out event on Paradise Road that a church held and after that made his way to Theresa Gamboa's event. He also reported on homelessness. It's one of the issues that he thinks is one of the most prevalent issues in District 2. It disproportionately affects District 2 and often hears that a safe camping location should be put on 10th Street. He agrees with his colleagues that something needs to be done about the crisis. However, he thinks they need to identify locations to set up the safe camping locations. If they do move in that direction, he thinks that the distribution of homeless should be distributed across the City equitably and not just in District 2, as historically has been the case. Homelessness is something that really hits close to home for him. He provided personal insight about his biological mother being absent from his life and her struggle with homelessness. As a Council they serve the community because they care. It's a community problem and that's why they ran campaigns. He hopes to have more dialogue with his colleagues about safe camping and more dialogue with stakeholders because it's real to the entire city, state, and country.

CITY MANAGER COMMENTS & REPORTS

City Manager Lopez welcomed Forrest Ebbs, New Deputy City Manager. He also announced that Fire Chief Alan Ernst is retiring. Chief Ernst has served the community with tremendous dignity and humility while protecting the lives of the residents and businesses of Modesto. He's done so admirably in all of his work. He invited Chief Ernst to give some parting comments.

HEARINGS

Published in the Modesto Bee on July 19, 2023.

17. Hearing to consider the Proposal to Rezone properties located at 3431 and 3419 Millbrook Avenue from Specific Plan-Holding (SP-H) Zone to Specific Plan (SP) Zone, to allow two parcels totaling 4.98-acres to be subdivided into nine residential lots, with each lot being not less than 0.50-acres. (Funding Source: Development User Fees)
    - Resolution finding that the Rezone of properties located at 3431 and 3419 Millbrook Avenue from Specific Plan-Holding Zone, SP-H, to Specific Plan Zone, SP, is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2014042081).
    - Motion introducing and waiving the first reading of an Ordinance amending Section 12-03-09 of the Zoning Map of the City of Modesto to rezone properties located at 3431 and 3419 Millbrook Avenue from Specific Plan-Holding Zone, SP-H, to Specific Plan Zone, SP.

    CED; Diana Lowrance, 209-577-5302, dlowrance@modestogov.com

    ACTION: (Wright/Williams; 7/0) Resolution 2023-371 finding that the Rezone of properties located at 3431 and 3419 Millbrook Avenue from Specific Plan-Holding Zone, SP-H, to Specific Plan Zone, SP, is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2014042081).

    ACTION: (Williams/Wright; 7/0) Motion introducing and waiving the first reading of an **Ordinance 3769-C.S**. amending Section 12-03-09 of the Zoning Map of the City of Modesto to rezone properties located at 3431 and 3419 Millbrook Avenue from Specific Plan-Holding Zone, SP-H, to Specific Plan Zone, SP.

Published in the Modesto Bee on July 28, 2023

18. Hearing to consider 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. (Funding Source: General Fund)
    - Resolution approving the Application of NorCal Ambulance, and authorizing the Issuance of a Permit to Operate as a Non-Emergency Medical Transport Company in the City of Modesto.

    POLICE DEPARTMENT; Bob Meredith, 209-572-9500, meredithb@modestopd.com

ACTION: (Wright/Alvarez; 7/0) Resolution 2023-372 approving the Application of NorCal Ambulance, and authorizing the Issuance of a Permit to Operate as a Non-Emergency Medical Transport Company in the City of Modesto.

Published in the Modesto Bee on July 28, 2023.

19. Hearing to consider an Ordinance amending Sections of Article 6 "Vacant and Boarded Buildings" of Title 9 "Building Regulations", Chapter 9, "Property Maintenance Code," of the Modesto Municipal Code, to enhance maintenance and security of vacant buildings and establishing a tiered fee schedule for the registration of vacant commercial buildings. (Funding Source: General Fund)
    - Motion introducing and waiving the first reading of an Ordinance amending Sections of Article 6, "Vacant and Boarded Buildings" of Title 9 "Building Regulations", Chapter 9, "Property Maintenance Code," of the Modesto Municipal Code, to enhance maintenance and security of vacant buildings.
    - Resolution establishing a Tiered Fee Schedule for the Registration of Vacant Commercial Buildings.
    - Resolution amending the position allocation for Fiscal Year 2023-24 as adopted in the Operating Budget to add one Code Enforcement Officer II to the Neighborhood Preservation Unit Division of the Modesto Police Department.
    - Resolution amending the Fiscal Year 2023-24 Annual Operating Budget to increase Measure H Funding for the additional Code Enforcement Officer being added to the Measure H – Neighborhood Preservation Unit Cost Center (19228) in the Measure H Fund (0160) in the amount of $93,708 and authorizing the City Manager to take the necessary steps to implement the required budget adjustments.

    POLICE DEPARTMENT; Brian Kleiber, 209-572-9500, kleiberb@modestopd.com

    ACTION: (Ricci/Escutia-Braaton; 7/0) Motion introducing and waiving the first reading of an **Ordinance 3770-C.S.** amending Sections of Article 6, "Vacant and Boarded Buildings" of Title 9 "Building Regulations", Chapter 9, "Property Maintenance Code," of the Modesto Municipal Code, to enhance maintenance and security of vacant buildings.

    ACTION: (Wright/Alvarez; 7/0) Resolution 2023-373 establishing a Tiered Fee Schedule for the Registration of Vacant Commercial Buildings.

    ACTION: (Wright/Alvarez; 7/0) Resolution 2023-374 amending the position allocation for Fiscal Year 2023-24 as adopted in the Operating Budget to add one Code Enforcement Officer II to the Neighborhood Preservation Unit Division of the Modesto Police Department.

    ACTION: (Wright/Alvarez; 7/0) Resolution 2023-375 amending the Fiscal Year 2023-24 Annual Operating Budget to increase Measure H Funding for the additional Code Enforcement Officer being added to the Measure H – Neighborhood Preservation Unit Cost Center (19228) in the Measure H Fund (0160) in the amount of $93,708 and

authorizing the City Manager to take the necessary steps to implement the required budget adjustments.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 8:04 p.m.

All Closed Session Matters Heard Prior to the 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: 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 - EXISTING LITIGATION
One Case (Pursuant to Section 54956.9(a) of the Government Code)

Name of case(s): Eduardo Corral v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ13604168, ADJ7736988

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:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
SPECIAL APPOINTMENTS COMMITTEE / COUNCIL WORKSHOP
Room 2001-40 Del Puerto Room.
Tenth Street Place, 1010 10th Street
Modesto, California

Thursday, August 10, 2023 at 4:00 PM

Roll Call: Present: Committee Members Escutia-Braaton, Williams, and Wright (Alternate)

Absent: Committee Member Ricci

PUBLIC COMMENTS

None.

CONSENT

Consent

1. Consider the appointment of Sarah Aaronson to the Downtown Improvement District (DID) Advisory Board, as recommended by the DID Advisory Board, for the remainder of a four-year term to expire on December 31, 2026 and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending the appointment of Sarah Aaronson to the Downtown Improvement District Advisory Board, as recommended by the DID Advisory Board, for the remainder of a four-year term to expire on December 31, 2026 and forwarding to Council for approval.

    PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Wright/Williams; 3/0) recommending the appointment of Sarah Aaronson to the Downtown Improvement District Advisory Board, as recommended by the DID Advisory Board, for the remainder of a four-year term to expire on December 31, 2026 and forwarding to Council for approval.

Consent

2. Consider the appointment of Denise Nordell and Roman Messick to the Blight Abatement Advisory Committee for a four-year term with an expiration date of September 12, 2027 and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending the appointment of Denise Nordell and Roman Messick to the Blight Abatement Advisory Committee for a four-year term with an expiration date of September 12, 2027 and forwarding to Council for approval.

PUBLIC WORKS; Rosene Nguyen, 209-577-5453, rnguyen@modestogov.com

ACTION: (Wright/Williams; 3/0) recommending the appointment of Denise Nordell and Roman Messick to the Blight Abatement Advisory Committee for a four-year term with an expiration date of September 12, 2027 and forwarding to Council for approval.

Consent

3. Consider the appointment of Ivan Valencia to the Modesto City-County Airport Advisory Committee for a four-year term with an expiration date of September 12, 2027 and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending the appointment of Ivan Valencia to the Airport Advisory Committee for the position of Commercial Carrier/Service Provider for a four-year term with an expiration date of September 12, 2027 and forwarding to Council for approval.

PUBLIC WORKS; Gabe DaSilva, 209-577-5319, gdasilva@modestogov.com

ACTION: (Wright/Williams; 3/0) recommending the appointment of Ivan Valencia to the Airport Advisory Committee for the position of Commercial Carrier/Service Provider for a four-year term with an expiration date of September 12, 2027 and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:03 p.m.

Attest: _____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP
Room 2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California

Monday, August 14, 2023 at 4:00 PM

Meeting called to order at 4:10 p.m. due to technical difficulties.

Roll Call: Present: Vice-Chair Escutia-Braaton, Committee Member Williams, Chair Ricci

PUBLIC COMMENTS

None

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

CONSENT

Consent

1. Consider the First Amendment for Backflow Prevention Testing Services to a revised total amount not to exceed $225,000 and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion recommending the First Amendment increasing the Agreement amount with Sameday Backflow Service, for Backflow Prevention Testing Services by $100,000 from $125,000 to a new total amount not to exceed $225,000 and forwarding to Council for approval.

    PRN; Kelly Gallagher, 209-342-2270, kgallagher@modestogov.com

    ACTION: (Escutia-Braaton/Williams; 3/0) Motion recommending the First Amendment increasing the Agreement amount with Sameday Backflow Service, for Backflow Prevention Testing Services by $100,000 from $125,000 to a new total amount not to exceed $225,000 and forwarding to Council for approval.

NEW BUSINESS

2. Consider a report on upcoming Parks, Recreation and Neighborhoods Department Capital Improvement Program Projects planned for bidding and construction. (Funding Source: Various CIPs)
    - Motion accepting a report on upcoming Parks, Recreation and Neighborhoods Department Capital Improvement Program Projects planned for bidding and construction.

PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Escutia-Braaton/Williams; 3/0) Motion accepting a report on upcoming Parks, Recreation and Neighborhoods Department Capital Improvement Program Projects planned for bidding and construction.

ADJOURNMENT

This meeting adjourned at 4:40 p.m.

Attest: _____
Dana Sanchez, Assistant City Clerk

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Room 2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, August 21, 2023 at 4:00 PM

Roll Call: Present: Member Bavaro, Vice-Chair Escutia-Braaton, and Chair Wright
Absent: None
Also Present: None

PUBLIC COMMENTS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 1-14 (Escutia-Braaton/Bavaro; 3/0)

CONSENT

Consent
1. Consider the recommended Budget Adjustments to Fiscal Year 2022-23 and Fiscal Year 2023-24 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion recommending the Budget Adjustments to Fiscal Year 2022-23 and Fiscal Year 2023-24 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval.

BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com

ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion recommending the Budget Adjustments to Fiscal Year 2022-23 and Fiscal Year 2023-24 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval.

Consent
2. Consider Agreements for Rental Fleet Services with Herc Rentals, Modesto, California (CA), Holt of California, Salida, California and United Rentals, Modesto, California for a total amount not to exceed $2,000,000 over five years and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion recommending Agreements with Herc Rentals, Modesto, CA, Caterpillar Inc, Deerfield, IL with Holt of CA, Salida, CA being the Rental Facilitator, and United Rentals, Modesto, CA, by utilizing the Competitive Bid Process with OMNIA Partners and Sourcewell, for Rental Fleet Services for a one-year Agreement with four one-year extension options, for an annual

estimated amount of $400,000 and a total amount not to exceed $2,000,000 over five years; and forwarding to Council for approval.

FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion recommending Agreements with Herc Rentals, Modesto, CA, Caterpillar Inc, Deerfield, IL with Holt of CA, Salida, CA being the Rental Facilitator, and United Rentals, Modesto, CA, by utilizing the Competitive Bid Process with OMNIA Partners and Sourcewell, for Rental Fleet Services for a one-year Agreement with four one-year extension options, for an annual estimated amount of $400,000 and a total amount not to exceed $2,000,000 over five years; and forwarding to Council for approval.

Consent

3. Consider the Purchasing Agreement for Janitorial Supplies to Central Sanitary Supply doing business as (dba) BradyIFS, Las Vegas, NV, for a total amount not to exceed $733,326 and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion recommending the Award of Bid and Purchasing Agreement for Janitorial Supplies to Central Sanitary Supply dba Brady IFS, Las Vegas, NV for a two year Agreement with three one-year extension options, for an annual estimated amount of $147,000 and a total amount not to exceed $733,326 over five years and forwarding to Council for approval.

FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

ACTION: (Escutia-Braaton/Bavaro; 3/0) recommending the Award of Bid and Purchasing Agreement for Janitorial Supplies to Central Sanitary Supply dba Brady IFS, Las Vegas, NV for a two year Agreement with three one-year extension options, for an annual estimated amount of $147,000 and a total amount not to exceed $733,326 over five years and forwarding to Council for approval.

Consent

4. Consider updates to the Change Order Approval Policy for the City of Modesto Capital Improvement Program (CIP) Projects and forwarding to Council for approval. (Funding Source: Capital Improvement Projects)
    - Motion recommending updates to the Change Order Approval Policy for the City of Modesto CIP Projects and forwarding to Council for approval.

FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion recommending updates to the Change Order Approval Policy for the City of Modesto CIP Projects and forwarding to Council for approval.

Consent

5. Consider a report detailing City personal property sold, donated, or disposed of during Fiscal Year 2022-23 and forwarding to Council for approval. (Funding Source: Various Funds)

- Motion recommending a report detailing City personal property sold, donated, or disposed of during Fiscal Year 2022-23 and forwarding to Council for approval.

FINANCE DEPARTMENT; Vanessa Ferrel, 209-571-5174, vferrel@modestogov.com

ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion recommending a report detailing City personal property sold, donated, or disposed of during Fiscal Year 2022-23 and forwarding to Council for approval.

Consent

6. Consider a report on Fiscal Year 2022-2023 Unclaimed Funds of $11,601 that can be transferred to the General Fund and forwarding to Council for approval. (Funding Source: General Fund)
    - Motion recommending a report on Fiscal Year 2022-2023 Unclaimed Funds of $11,601 that can be transferred to the General Fund and forwarding to Council for approval.

FINANCE DEPARTMENT; Vanessa Ferrel, 209-571-5174, vferrel@modestogov.com

ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion recommending a report on Fiscal Year 2022-2023 Unclaimed Funds of $11,601 that can be transferred to the General Fund and forwarding to Council for approval.

Consent

7. Consider the Fiscal Year 2022-23 Write-Off and Adjustments Reports through Fiscal Year-End June 30, 2023, in the total amount of $1,310,155 and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion recommending acceptance of the Fiscal Year 2022-23 Write-Off and Adjustments Reports through Fiscal Year-End June 30, 2023 in the total amount of $1,310,155 and forwarding to Council for approval.

FINANCE DEPARTMENT; Vanessa Ferrel, 209-571-5174, vferrel@modestogov.com

ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion recommending acceptance of the Fiscal Year 2022-23 Write-Off and Adjustments Reports through Fiscal Year-End June 30, 2023 in the total amount of $1,310,155 and forwarding to Council for approval.

Consent

8. Consider a Third Amendment to the Agreement with Employee Relations, Glendale, CA to conduct Pre-Employment Background Checks for a revised Agreement total amount not to exceed $64,900 and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion recommending a Third Amendment to the Agreement with Employee Relations, Glendale, CA for conducting Pre-Employment Background Checks

to increase the not to exceed amount by $15,000 from $49,900 to a new total amount of $64,900 and forwarding to Council for approval.

HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion recommending a Third Amendment to the Agreement with Employee Relations, Glendale, CA for conducting Pre-Employment Background Checks to increase the not to exceed amount by $15,000 from $49,900 to a new total amount of $64,900 and forwarding to Council for approval.

Consent

9. Consider Agreements for Executive Level Recruitment Services with Ralph Andersen & Associates, Rocklin, CA; CPS HR Consulting, Inc. Sacramento, CA; GVP Ventures, Inc. dba Bob Murray and Associates, Roseville, CA; Koff and Associates, a Gallagher Company, Berkeley, CA; and Neher and Associates, Sacramento, CA in a total amount between all Agreements combined not to exceed $343,000 over five years and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion recommending the Agreements for Executive Level Recruitment Services to Ralph Andersen & Associates, Rocklin, CA; CPS HR Consulting, Inc. Sacramento, CA; GVP Ventures, Inc. dba Bob Murray and Associates, Roseville, CA; Koff and Associates, a Gallagher Company, Berkeley, CA; and Neher and Associates, Sacramento, CA to conduct Citywide Executive Level Recruitment Services, on an as needed basis, for a two year Agreement with three one-year extension options, at the sole discretion of the City, for an annual estimated average amount of $81,366 in an amount not to exceed $343,000 over five years for the combined total of all Agreements and forwarding to Council for approval.

HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion recommending the Agreements for Executive Level Recruitment Services to Ralph Andersen & Associates, Rocklin, CA; CPS HR Consulting, Inc. Sacramento, CA; GVP Ventures, Inc. dba Bob Murray and Associates, Roseville, CA; Koff and Associates, a Gallagher Company, Berkeley, CA; and Neher and Associates, Sacramento, CA to conduct Citywide Executive Level Recruitment Services, on an as needed basis, for a two year Agreement with three one-year extension options, at the sole discretion of the City, for an annual estimated average amount of $81,366 in an amount not to exceed $343,000 over five years for the combined total of all Agreements and forwarding to Council for approval.

Consent

10. Consider an Agreement for Building Intrusion Alarm Services to Audeamus DBA Sebastian, Fresno, CA, for a total amount not to exceed $83,998 over five years and forwarding to Council for approval. (Funding Source: Building Maintenance Fund)
    - Motion recommending the Award of Bid and Agreement for Building Intrusion Alarm Services to Audeamus DBA Sebastian, Fresno, CA, for a two-year Agreement with three one-year extension options, for an annual estimated

amount of $33,149 for the first year and a total amount not to exceed $83,998 over five years, with any new site additions, removals, or substantive service changes to be authorized by the Director of Finance, or her designee, and forwarding to Council for approval.

PUBLIC WORKS; Patrick Crowley, 209-342-2274, pcrowley@modestogov.com

ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion recommending the Award of Bid and Agreement for Building Intrusion Alarm Services to Audeamus DBA Sebastian, Fresno, CA, for a two-year Agreement with three one-year extension options, for an annual estimated amount of $33,149 for the first year and a total amount not to exceed $83,998 over five years, with any new site additions, removals, or substantive service changes to be authorized by the Director of Finance, or her designee, and forwarding to Council for approval.

Consent

11. Consider the submittal of application(s) to Federal, State, and Local agencies or organizations for applicable Solid Waste and Compost Grants and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending the submittal of application(s) to Federal, State, and Local agencies or organizations for applicable Solid Waste and Compost Grants, and authorizing the City Manager, or his designee, to sign Grant Applications and related forms, and forwarding to Council for approval.

PUBLIC WORKS; Rosene Nguyen, 209-577-5453, rnguyen@modestogov.com

ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion recommending the submittal of application(s) to Federal, State, and Local agencies or organizations for applicable Solid Waste and Compost Grants, and authorizing the City Manager, or his designee, to sign Grant Applications and related forms, and forwarding to Council for approval.

Consent

12. Consider the Submittal of Application(s) to Waste Tire Program Grants offered by the California Department of Resources Recycling and Recovery and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending the Submittal of Application(s) to Waste Tire Program Grants offered by the California Department of Resources Recycling and Recovery, and authorizing the City Manager, or his designee, to sign Grant Applications and related forms, and forwarding to Council for approval.

PUBLIC WORKS; Rosene Nguyen, 209-577-5453, rnguyen@modestogov.com

ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion recommending the Submittal of Application(s) to Waste Tire Program Grants offered by the California Department of Resources Recycling and Recovery, and authorizing the City Manager, or his designee, to sign Grant Applications and related forms, and forwarding to Council for approval.

Consent

13. Consider the Award of Bid for Painting Services to HB Restoration, Rio Linda, CA at the Modesto City-County Airport for a two-year Agreement with three one-year extensions options, for an annual estimated amount of $50,000 and a total amount not to exceed $250,000 over five years and forwarding to Council for approval. (Funding Source: Stanislaus County Aircraft Tax Fund)
    - Motion recommending the Award of Bid and Agreement for Painting Services to HB Restoration, Rio Linda, CA, for a two-year Agreement with three one-year extensions options, for an annual estimated amount of $50,000 and a total amount not to exceed $250,000 over five years, and approving the City Manager, or his designee, to sign the Agreement and forwarding to Council for approval.

    PUBLIC WORKS; Gabe da Silva, 209-577-5319, gdasilva@modestogov.com

    ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion recommending the Award of Bid and Agreement for Painting Services to HB Restoration, Rio Linda, CA, for a two-year Agreement with three one-year extensions options, for an annual estimated amount of $50,000 and a total amount not to exceed $250,000 over five years, and approving the City Manager, or his designee, to sign the Agreement and forwarding to Council for approval.

Consent

14. Consider a report on the upcoming Regional Water Recycling Facility - Sutter Campus Parking Lot and Security Upgrade Construction Project and forwarding to Council for approval. (Funding Source: Wastewater Fund)
    - Motion recommending the approval of a report on the upcoming Regional Water Recycling Facility - Sutter Campus Parking Lot and Security Upgrade Construction Project and forwarding to Council for approval.

    UTILITIES; Cristian Ciotau, 209-577-5260, cciotau@modestogov.com

    ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion recommending the approval of a report on the upcoming Regional Water Recycling Facility - Sutter Campus Parking Lot and Security Upgrade Construction Project and forwarding to Council for approval.

NEW BUSINESS

15. Consider the Annual Investment Report for Fiscal Year 2022-2023 and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion recommending the Annual Investment Report for Fiscal Year 2022-2023 and forwarding to Council for approval.

    FINANCE DEPARTMENT; Calogero Maniscalco, 209-577-5219, cmaniscalco@modestogov.com

    ACTION: (Bavaro/Escutia-Braaton; 3/0) Motion recommending the Annual Investment Report for Fiscal Year 2022-2023 and forwarding to Council for approval.

16. Consider an Agreement with HDR Engineering, Inc., of Folsom, CA to complete assigned work and to gain regulatory compliance for the Carpenter Road Landfill, Modesto California for a total amount not to exceed $271,700 over a five-year period and forwarding to Council for approval. (Funding Source: Carpenter Road Landfill)
    - Motion recommending the Award of Proposal and Agreement with HDR Engineering, Inc., of Folsom, CA to complete assigned work and to gain regulatory compliance for the Carpenter Road Landfill located off of Carpenter Road and Robertson Road, Modesto, California for a total amount not to exceed $271,700 over a five-year period and forwarding to Council for approval.

    PUBLIC WORKS; Rosene Nguyen, 209-577-5453, rnguyen@modestogov.com

    ACTION: (Bavaro/Escutia-Braaton; 3/0) Motion recommending the Award of Proposal and Agreement with HDR Engineering, Inc., of Folsom, CA to complete assigned work and to gain regulatory compliance for the Carpenter Road Landfill located off of Carpenter Road and Robertson Road, Modesto, California for a total amount not to exceed $271,700 over a five-year period and forwarding to Council for approval.

17. Consider the Earth Day in the Park Event Fee Schedule and forwarding to Council for approval. (Funding Source: Solid Waste Fund)
    - Motion recommending the Earth Day in the Park Event Fee Schedule, authorizing the Public Works Director, or his designee, to negotiate and establish fees, and forwarding to Council for approval.

    PUBLIC WORKS; Rosene Nguyen, 209-577-5453, rnguyen@modestogov.com

    ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion recommending the Earth Day in the Park Event Fee Schedule, authorizing the Public Works Director, or his designee, to negotiate and establish fees, and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:43p.m.

Attest: _____
Andrea Cook, Deputy City Clerk

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, August 22, 2023 at 5:30 PM

Roll Call – PRESENT: Councilmembers Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

Pledge of Allegiance to the Flag

Invocation: Lance Lowell, Neighborhood Church

City Clerk's Announcements: City Clerk reported written public comment was received and forwarded to the Council.

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Sanchez reported No Reportable Action was taken.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation declaring August 26, 2023 as National Women's Equality Day. (Funding Source: Not Applicable)
   CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

   ACTION: Mayor Zwahlen presented the proclamation.

2. Proclamation declaring September 2023 as National Senior Center Month. (Funding Source: Not Applicable)
   CITY COUNCIL; Ariana Harbottle-Jarret, 209-571-5597, aharbottle@modestogov.com

   ACTION: Mayor Zwahlen presented the proclamation.

MISCELLANEOUS

3. Consider the appointment of Ivan Valencia to the Modesto City-County Airport Advisory Committee for a four-year term with an expiration date of June 30, 2027. (Funding Source: Not Applicable)

Staff Recommendation:

- Resolution approving the appointment of Ivan Valencia to the Modesto City-County Airport Advisory Committee for the position of Commercial Carrier/Service Provider for a four-year term with an expiration date of June 30, 2027.

PUBLIC WORKS; Gabe da Silva, 209-577-5319, gdasilva@modestogov.com

ACTION: (Wright/Alvarez; 7/0) Resolution 2023-376 approving the appointment of Ivan Valencia to the Modesto City-County Airport Advisory Committee for the position of Commercial Carrier/Service Provider for a four-year term with an expiration date of June 30, 2027.

PUBLIC COMMENT PERIOD

- Jerry Thompson thanked the Council for their final vote to make cruising official in Modesto. He also spoke about AB 436.

- Jenny Kenoyer spoke about the City's general plan. She asked for an update as a comprehensive general plan is overdue in the City.

- Diane Kroeze stated that she is here to speak about the homeless people. Unfortunately, she does not see a lot of progress toward safe sleeping. She spoke about safe parking and on the rules regarding safe parking.

- Steve spoke about advocating for Trevor Seever and his family. He also spoke about public comment period and the time allowed. He asked why the rules cannot be enforced equally.

- Lynelle Solomon stated that she is an advocate for the homeless. She spoke about what she did last Thursday. She and Steve Finch went on the streets with a car full of homemade food, drinks, clothing, shoes, and toiletries. They fed over 100 people. She stated that the community needs to learn from leaders on how to treat others. There is a need for safe place for the City's homeless and homeless should and need to be a priority.

- Jeff Solomon spoke about the work his spouse has been doing to help the homeless. He also spoke about the challenges that the homeless experience. He stated that the homeless needs safe space to park and sleep. The homeless people don't have anyone to speak on their behalf.

- Ramon Rodriguez stated that he has not seen any action with providing a safe space for the homeless. He further stated that homeless people are victims of crime, and they need a safe space to sleep.

- Brittoni Chavez stated that she wrote something on Facebook and wanted to recite it this evening. She recited what she posted Facebook.

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

CONSENT

Consent
4. Consider approving the minutes from the August 8, 2023 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the August 8, 2023 Council Meeting.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 7/0) Motion approving the minutes from the August 8, 2023 Council Meeting.

Consent
5. Consider approving Final Adoption of **Ordinance 3769-C.S**. amending Section 12-03-09 of the Zoning Map of the City of Modesto to rezone properties located at 3431 and 3419 Millbrook Avenue from Specific Plan-Holding Zone, SP-H, to Specific Plan Zone, SP. (Funding Source: Not Applicable)
    - Motion approving Final Adoption of Ordinance 3769-C.S. amending Section 12-03-09 of the Zoning Map of the City of Modesto to rezone properties located at 3431 and 3419 Millbrook Avenue from Specific Plan-Holding Zone, SP-H, to Specific Plan Zone, SP.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 7/0) Motion approving Final Adoption of **Ordinance 3769-C.S.** amending Section 12-03-09 of the Zoning Map of the City of Modesto to rezone properties located at 3431 and 3419 Millbrook Avenue from Specific Plan-Holding Zone, SP-H, to Specific Plan Zone, SP.

Consent
6. Consider approving Final Adoption of **Ordinance 3770-C.S.** amending Sections of Article 6, "Vacant and Boarded Buildings" of Title 9 "Building Regulations", Chapter 9, "Property Maintenance Code," of the Modesto Municipal Code, to enhance maintenance and security of vacant buildings. (Funding Source: Not Applicable)
    - Motion approving Final Adoption of Ordinance 3770-C.S. amending Sections of Article 6, "Vacant and Boarded Buildings" of Title 9 "Building Regulations", Chapter 9, "Property Maintenance Code," of the Modesto Municipal Code, to enhance maintenance and security of vacant buildings.

CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Motion approving Final Adoption of **Ordinance 3770-C.S.** amending Sections of Article 6, "Vacant and Boarded Buildings" of Title 9 "Building Regulations", Chapter 9, "Property Maintenance Code," of the Modesto Municipal Code, to enhance maintenance and security of vacant buildings.

Consent

7. Consider approving a First Amendment to the Stanislaus Animal Services Agency Joint Powers Agency Agreement to amend the manner of exercising its power currently subject to the restrictions applicable to the City of Modesto and being replaced by restrictions applicable to the County of Stanislaus. (Funding Source: Not Applicable)
    - Resolution approving a First Amendment to the Stanislaus Animal Services Agency Joint Powers Agency Agreement, with respect to the manner of exercising its powers currently subject to the restrictions applicable to the City of Modesto and being replaced by restrictions applicable to the County of Stanislaus and authorizing the City Manager, or his designee, to execute the Amendment.

CITY MANAGER; Allison Van Guilder, 209-577-5228, avanguilder@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-377 approving a First Amendment to the Stanislaus Animal Services Agency Joint Powers Agency Agreement, with respect to the manner of exercising its powers currently subject to the restrictions applicable to the City of Modesto and being replaced by restrictions applicable to the County of Stanislaus and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

8. Consider approving an Agreement for the Purchase and Implementation of a Construction Project Management Software with eBuilder, Inc., of Sunrise, FL., for a total amount not to exceed $620,183 for a period of five years. (Funding Source: Various Capital Improvement Program Projects)
    - Resolution approving the Award of Proposal and Agreement for a Construction Project Management Software to eBuilder, Inc., Sunrise, FL, for a total amount not to exceed $620,183 for a total period of five years, with an initial term of three years and two one-year extension options and authorizing the City Manager, or his designee, to execute the Agreement.

ENGINEERING SERVICES; Pete Kambel, 209-577-5444, pkambel@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-378 approving the Award of Proposal and Agreement for a Construction Project Management Software to eBuilder, Inc., Sunrise, FL, for a total amount not to exceed $620,183 for a total period of five years, with an initial term of three years and two one-year extension options and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

9. Consider approving a Pre-Qualified Consultant List for Construction Management and Inspection Services for various Capital Improvement Program Projects for a period of five years. (Funding Source: Various Capital Improvement Program Projects)
    - Resolution approving a Pre-Qualified Consultant List for Construction Management and Inspection Services, with Brown and Caldwell, HDR Inc., TRC Companies, and West Yost, for a period of three years with two one-year extension options at the discretion of the Director of Engineering Services.

ENGINEERING SERVICES; Pete Kambel, 209-577-5444, pkambel@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-379 approving a Pre-Qualified Consultant List for Construction Management and Inspection Services, with Brown and Caldwell, HDR Inc., TRC Companies, and West Yost, for a period of three years with two one-year extension options at the discretion of the Director of Engineering Services.

Consent

10. Consider approving the Plans and Specifications for the Paradise Road Area Pedestrian and Bicycle Safety Improvements, ATPL-5059(233) Project, Accepting the Bid, and Awarding a Contract to George Reed, Inc. of Modesto, CA, in the amount of $8,529,985; authorizing the Director of Utilities to approve Change Orders up to the cumulative amount of $852,998 (10% of the original contract price) for the project. (Funding Source: Active Transportation Program (ATP) and Local Measure L Funds)
    - Resolution approving the Plans and Specifications for the Paradise Road Area Pedestrian and Bicycle Safety Improvements, ATPL-5059(233) Project, Accepting the Bid, and Awarding a Contract to George Reed, Inc. of Modesto, CA, in the amount of $8,529,985, 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 $852,998 (10% of the original contract price) for the Paradise Road Area Pedestrian and Bicycle Safety Improvements, ATPL 5059(233) Project.

ENGINEERING SERVICES; Phillip Soares, 209-577-5258, psoares@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-380 approving the Plans and Specifications for the Paradise Road Area Pedestrian and Bicycle Safety Improvements, ATPL-5059(233) Project, Accepting the Bid, and Awarding a Contract to George Reed, Inc. of Modesto, CA, in the amount of $8,529,985, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-381 authorizing the Director of Utilities to approve Change Orders up to the cumulative amount of $852,998 (10% of the original contract price) for the Paradise Road Area Pedestrian and Bicycle Safety Improvements, ATPL 5059(233) Project.

Consent

11. Consider accepting an Informational Update on the purchase of nine Modesto Police Department Patrol Vehicles and one Modesto Fire Department Boat with Trailer replacement. (Funding Source: General Fund and Fleet Replacement Fund)
    - Motion accepting an Informational Update on the purchase of nine Modesto Police Department Patrol Vehicles and one Modesto Fire Department Boat with Trailer replacement.

    FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 7/0) Motion accepting an Informational Update on the purchase of nine Modesto Police Department Patrol Vehicles and one Modesto Fire Department Boat with Trailer replacement.

Consent

12. Consider approving the purchase for Fleet Addition and Replacements of thirteen Dump Truck, two Forklift Variable Reach and three Packers in the amount not to exceed $4,637,991. (Funding Source: Surface Transportation Fund and Fleet Replacement Fund)
    - Resolution approving the Competitive Bidding Process from Sourcewell with PB Loader Corporation, Fresno, CA for thirteen Dump Trucks for an amount not to exceed $2,803,943, authorizing the Purchasing Manager, or her designee, to issue the Purchase Order and execute any Change Orders not to exceed 15% of the total purchase price.
    - Resolution approving the Competitive Bidding Process from Sourcewell with Caterpillar Inc. Peoria, IL under authorized dealer Holt of California, Stockton, CA to purchase two Forklift Variable Reach for an amount not to exceed $241,893; authorizing the Purchasing Manager, or her designee, to issue the Purchase Order and execute any Change Orders not to exceed 15% of the total purchase price.
    - Resolution approving the Competitive Bidding Process from Sourcewell with Mack Trucks, Inc Greensboro, NC under the authorized dealer Western Truck Center, Sacramento, CA to purchase three Packers for an amount not to exceed $1,081,218; authorizing the Purchasing Manager, or her designee, to issue the Purchase Order and execute any Change Orders not to exceed 15% of the total purchase price.

    FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-382 approving the Competitive Bidding Process from Sourcewell with PB Loader Corporation, Fresno, CA for thirteen Dump Trucks for an amount not to exceed $2,803,943, authorizing the Purchasing Manager, or her designee, to issue the Purchase Order and execute any Change Orders not to exceed 15% of the total purchase price.

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-383 approving the Competitive Bidding Process from Sourcewell with Caterpillar Inc. Peoria, IL under authorized dealer Holt of California, Stockton, CA to purchase two Forklift Variable

Reach for an amount not to exceed $241,893; authorizing the Purchasing Manager, or her designee, to issue the Purchase Order and execute any Change Orders not to exceed 15% of the total purchase price.

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-384 approving the Competitive Bidding Process from Sourcewell with Mack Trucks, Inc Greensboro, NC under the authorized dealer Western Truck Center, Sacramento, CA to purchase three Packers for an amount not to exceed $1,081,218; authorizing the Purchasing Manager, or her designee, to issue the Purchase Order and execute any Change Orders not to exceed 15% of the total purchase price.

Consent

13. Consider approving a Side Letter Agreement with Modesto Firefighter' Association for two additional holidays and a Side Letter Agreement for an adjustment to compensation for a special assignment. (Funding Source: General Fund)
    - Resolution approving an Agreement with the Modesto Firefighters' Association to add Cesar Chavez and Juneteenth to the recognized City holidays effective July 1, 2023 and authorizing the City Manager or his designee to take the necessary administrative action to implement the Agreement.
    - Resolution approving an Agreement with the Modesto Firefighter's Association to adjust special assignment compensation effective July 1, 2023 and authorizing the City Manager or his designee to take the necessary administrative action to implement the Agreement.

    HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-385 approving an Agreement with the Modesto Firefighters' Association to add Cesar Chavez and Juneteenth to the recognized City holidays effective July 1, 2023, and authorizing the City Manager or his designee to take the necessary administrative action to implement the Agreement.

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-386 approving an Agreement with the Modesto Firefighter's Association to adjust special assignment compensation effective July 1, 2023, and authorizing the City Manager or his designee to take the necessary administrative action to implement the Agreement.

Consent

14. Consider authorizing the Submittal of Application(s) to the State of California Governor's Office of Planning and Research Grants. (Funding Source: Not Applicable)
    - Resolution authorizing the Submittal of Application(s) to the State of California Governor's Office of Planning and Research Grants, and authorizing the City Manager, or his designee, to sign grant applications and related documents.

    PUBLIC WORKS; Rosene Nguyen, 209-577-5453, rnguyen@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-387 authorizing the Submittal of Application(s) to the State of California Governor's Office of Planning

and Research Grants, and authorizing the City Manager, or his designee, to sign grant applications and related documents.

Consent

15. Consider accepting the Plans and Specifications for the Rebid La Loma Sewer Replacement Phase 1 Project and Awarding a Construction Contract to Mozingo Construction Inc, of Oakdale, CA, in the amount of $5,282,147 plus $792,322 in Contingency (if needed), for a total amount not to exceed $6,074,469. (Funding Source: Wastewater Fund)
    - Resolution approving Plans and Specifications for the Rebid La Loma Sewer Replacement Phase 1 Project, accepting the bid, and approving a Construction Contract with Mozingo Construction Inc, of Oakdale, CA, in the amount of $5,282,147 plus $792,322 in Contingency (if needed) for a total amount not to exceed $6,074,469 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 Rebid La Loma Sewer Replacement Phase 1 Project from 8% ($422,572) to 15% ($792,322) of the Construction Contract price of $5,282,147 with Mozingo Construction Inc, of Oakdale, CA.
    - Resolution amending the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $6,190,690 to be transferred into the Project from Wastewater Reserves to fund the Rebid La Loma Sewer Replacement Phase 1 Project and authorizing the City Manager, or his designee, to implement the provisions of the Resolution.

    UTILITIES; Cristian Ciotau, 209-577-5260, cciotau@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-388 approving Plans and Specifications for the Rebid La Loma Sewer Replacement Phase 1 Project, accepting the bid, and approving a Construction Contract with Mozingo Construction Inc, of Oakdale, CA, in the amount of $5,282,147 plus $792,322 in Contingency (if needed) for a total amount not to exceed $6,074,469 and authorizing the City Manager, or his designee, to execute the contract.

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-389 authorizing an increase in the Director's Authority to issue Change Orders for the Rebid La Loma Sewer Replacement Phase 1 Project from 8% ($422,572) to 15% ($792,322) of the Construction Contract price of $5,282,147 with Mozingo Construction Inc, of Oakdale, CA.

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-390 amending the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $6,190,690 to be transferred into the Project from Wastewater Reserves to fund the Rebid La Loma Sewer Replacement Phase 1 Project and authorizing the City Manager, or his designee, to implement the provisions of the Resolution.

COUNCIL COMMENTS & REPORTS

Councilmember Bavaro shared some comments that appeared in the Modesto Police Department, social media last week. In particular, the acknowledgment of the two-year anniversary since investigator Michael Rokaitis was shot while serving a search warrant with fellow officers at a at a resident in South-East Modesto.

Vice Mayor Ricci spoke about homelessness and stated the City needs to really look at adjusting expectations on homelessness and housing part of the homeless population isn't enough. He further spoke about having jurisdictional discussions and commented it's time they step forward so that neighbors, businesses, first responders, and hospitals don't have to deal with this crisis. He also commented on safe sleeping and safe spaces. Vice Mayor Ricci also spoke about forestry and how the City can improve it for residents and stated residents deserve to know when their trees will be dealt with. He also commented on the Downtown Parking Program and the goal of finding ways to increase Commerce in downtown with better parking management. There is a need for transparency about what the solutions are going to be, which include things like parking meters.

Mayor Zwahlen reported on attending the Stanislaus County Interfaith Council event learning and exploring the multi-faith and multi faith community. There were presenters from the Baha'i Faith, Modesto Church of the Brethren, Buddhist Society, and the Seventh Day Adventists. It was extremely informative and a real example of how the community comes together with people with many different beliefs. She also reported that she and the City Manager participated in the Kestrel Ridge Grand Opening, which is a homeless solution for people that are experiencing behavioral health issues. They are humble small places for people to live, but they're safe and provide services on site. It's another example of how the City is making progress to care for the vulnerable people in the community.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Hearing Notice mailed to all ratepayers.

16. Hearing to consider Proposed Water Rate Increases for Fiscal Year 2023-24 through 2027-28. (Funding Source: Water Fund)
    - Resolution adopting Water Service Rates, effective October 1, 2023, for Fiscal Years 2023-24 through 2027-28 in accordance with Proposition 218.

    UTILITIES; William Wong, 209-571-5801, wwong@modestogov.com

    ACTION: (Bavarro/Williams; 6/1; Ricci No) Resolution 2023-391 adopting Water Service Rates, effective October 1, 2023, for Fiscal Years 2023-24 through 2027-28 in accordance with Proposition 218.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 7:06 pm.

All Closed Session Matters heard prior to the 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: Chipponeri v. City of Modesto
Case No. 2028661

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP
Room 2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, September 11, 2023 at 4:00 PM

Roll Call: Present: Chair Zwahlen, Vice-Chair Ricci, Committee Member Alvarez

PUBLIC COMMENTS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEMS 1-2 (Alvarez/Ricci; 3/0)

CONSENT

Consent
1. Consider a Second Amendment to an Agreement with Harris & Associates to provide Community Facilities Districts Engineering Services, for a revised Agreement total amount not to exceed $350,000 and forwarding to Council for approval. (Funding Source: Various Community Facilities Districts and Developer Deposits)
    - Motion recommending a Second Amendment to an Agreement with Harris & Associates to provide Community Facilities Districts Engineering Services, increasing the Agreement amount by $100,000 from $250,000 to a revised amount not to exceed $350,000 and forwarding to Council for approval.

    CED; Peter Ibrahim, 209-577-5211, pibrahim@modestogov.com

    ACTION: (Alvarez/Ricci; 3/0) Motion recommending a Second Amendment to an Agreement with Harris & Associates to provide Community Facilities Districts Engineering Services, increasing the Agreement amount by $100,000 from $250,000 to a revised amount not to exceed $350,000 and forwarding to Council for approval.

Consent
2. Consider the First Amendment for On-Call Plumbing Services with Champion Industrial Contractors, Inc., Modesto, CA to a revised total amount of $432,370 through the Term of the Agreement and forwarding to Council for approval. (Funding Source: General Fund, Utility Funds, Centre Plaza, Golf Fund and Building Services Fund)
    - Motion recommending the First Amendment for On-Call Plumbing Services with Champion Industrial Contractors, Inc., Modesto, CA to increase the Agreement amount by $86,250 to a revised total amount of $432,370 through

the Term of the Agreement, extending the Term Date from November 6, 2023, to May 5, 2024, and forwarding to Council for approval.

FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

ACTION: (Alvarez/Ricci; 3/0) Motion recommending the First Amendment for On-Call Plumbing Services with Champion Industrial Contractors, Inc., Modesto, CA to increase the Agreement amount by $86,250 to a revised total amount of $432,370 through the Term of the Agreement, extending the Term Date from November 6, 2023, to May 5, 2024, and forwarding to Council for approval.

NEW BUSINESS

3. Consider the proposed plan and recommendations from HDR Engineering, Inc., of Folsom, CA to expand and improve the existing City of Modesto Compost Facility at 7001 Jennings Road and forwarding to Council for approval. (Funding Source: Compost Facility Improvement Fund)
    - Consider recommending the proposed plan and recommendations from HDR Engineering, Inc. of Folsom, CA to expand and improve the existing City of Modesto Compost Facility at 7001 Jennings Road and forwarding to Council for approval.

PUBLIC WORKS; Rosene Nguyen, 209-577-5453, rnguyen@modestogov.com

ACTION: (Ricci/Alvarez; 3/0) Consider recommending the proposed plan and recommendations from HDR Engineering, Inc. of Folsom, CA to expand and improve the existing City of Modesto Compost Facility at 7001 Jennings Road and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:22 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, September 12, 2023 at 5:30 PM

Roll Call – Present: Councilmembers Alvarez, Bavaro, *Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
Absent: None

Pledge of Allegiance to the Flag

Invocation: Pat Nagle, Redeemer

City Clerk's Announcements

Declaration of Conflicts of Interest: Councilmember Williams - Item 27

Reports from Closed Session: City Attorney Sanchez reported. No Reportable Action was taken.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Zwahlen asked for a moment of silence for late former Councilmember Frank Muratore.

1. Proclamation declaring September 10-16, 2023 as National Suicide Prevention Week. (Funding Source: Not Applicable)
   CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

   ACTION: Mayor Zwahlen presented proclamation declaring September 10-16, 2023 as National Suicide Prevention Week.

2. Proclamation declaring September 15 - October 15, 2023 as National Hispanic Heritage Month in recognition of the significant contributions of the Hispanic community who have enriched Modesto, the nation and the world. (Funding Source: Not Applicable)
   CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

ACTION: Mayor Zwahlen presented proclamation declaring September 15 - October 15, 2023 as National Hispanic Heritage Month in recognition of the significant contributions of the Hispanic community who have enriched Modesto, the nation and the world.

3. Proclamation declaring September 16, 2023 as National Clean Up Day. (Funding Source: Not Applicable)
CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

ACTION: Mayor Zwahlen presented proclamation declaring September 16, 2023 as National Clean Up Day.

MISCELLANEOUS

4. Consider accepting the resignation of Douglas Parman from the Citizens Housing Community Development Committee. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution accepting the resignation of Douglas Parman from the Citizens Housing Community Development Committee.

CED; Cynthia Formosa, 209-577-5211, cformosa@modestogov.com

ACTION: (Wright/Alvarez; 7/0) Resolution 2023-392 accepting the resignation of Douglas Parman from the Citizens Housing Community Development Committee.

5. Consider accepting the resignation of Stacey Sottero and Fallon Ferris from the City of Modesto's Equity Commission. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution accepting the resignation of Stacy Sottero and Fallon Ferris from the Equity Commission.

HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Wright/Ricci; 7/0) Resolution 2023-393 accepting the resignation of Stacy Sottero and Fallon Ferris from the Equity Commission.

6. Consider appointing Sarah Aaronson to the Downtown Improvement District Board of Directors for the remainder of a four-year term through December 31, 2026. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution appointing Sarah Aaronson to the Downtown Improvement District Board of Directors for the remainder of a four-year term through December 31, 2026.

PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Alvarez/Williams; 7/0) Resolution 2023-394 appointing Sarah Aaronson to the Downtown Improvement District Board of Directors for the remainder of a four-year term through December 31, 2026.

7. Consider approving the appointments of Denise Nordell and Roman Messick to the Blight Abatement Advisory Committee. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution approving the appointments of Denise Nordell and Roman Messick to the Blight Abatement Advisory Committee for a four-year term with an expiration date of December 31, 2027.

PUBLIC WORKS; Rosene Nguyen, 209-577-5453, rnguyen@modestogov.com

ACTION: (Wright/Ricci; 7/0) Resolution 2023-395 approving the appointments of Denise Nordell and Roman Messick to the Blight Abatement Advisory Committee for a four-year term with an expiration date of December 31, 2027.

PUBLIC COMMENT PERIOD

- Wyvonnia Dixon spoke about the large amount feral cats in the City and the need for spaying and neutering of cats.

- A citizen spoke about the shooting of Paul Chavez, Jr. He alco commented about Officer Muncy and the Council.

- Michael Ketcham spoke about feral cats in his neighborhood. He further commented about the TNR Program that has caused a surge in feral cats in his neighborhood.

- James Costello from Modesto Citizens Action Group asked Council to consider adopting a Safe Sleeping Space in Modesto. Other cities are addressing this problem and would like Modesto to do the same. He also commented on MOES and stated that homelessness is a national problem.

- Diane Kroeze spoke about the homelessness and commented on MOES. She spoke about the rules of Safe Parking and believes the rules are making it difficult for people to park there.

- Brittoni Chavez spoke about the shooting of her husband Paul Chavez, Jr. She spoke about the failure of the justice system. She asked what is being done for justice to be served.

- Lynelle Solomon spoke about homeless and the importance of having a safe place for them to sleep. She referenced the article recently published in the Modesto Bee. She stated now is the time before winter kicks in. She also spoke about a homeless person that was recently attacked and stated that very ill homeless persons that were treated and streeted by the hospital. She spoke about an organized crime ring that is attacking and targeting the homeless.

- Arthur Fabela spoke on the future of the Modesto Golf Course. He referenced a handout that he distributed to the Council that includes a development concept for the Municipal Golf Course that could change the stigma of West Modesto.

- Emerson Drake commented on the Modesto Bee video article about the homeless with Councilmembers Alvarez, Bavaro, Ricci. He spoke about the agenda review meetings. He also commented about past issues with SCAP funds, and other commented on Measure X.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 8-25: (Bavaro/Wright; 7/0)

CONSENT

Consent

8. Consider approving the minutes from the August 22, 2023 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the August 22, 2023 Council Meeting.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Bavaro/Wright; 7/0) Motion approving the minutes from the August 22, 2023 Council Meeting.

Consent

9. Consider Calling for the Holding of a Primary Municipal Election to be held on March 5, 2024 for the Election of the Mayor as required by the City Charter of the City of Modesto, Requesting the Stanislaus County Board of Supervisors Consolidate the City of Modesto Primary Municipal Election, Requesting the Services of the Registrar of Voters, Elections Division of the County of Stanislaus to Conduct the Election on behalf of the City of Modesto, and if necessary, the Calling and Giving Notice for the Holding of a Run-Off Municipal Election on November 5, 2024 for Said Office; and, a Resolution Adopting Regulations for Candidates for Elective Office Pertaining to Candidates Statements Submitted to the Voters at an Election to be held on Tuesday, March 5, 2024. (Funding Source: Election Fund)
    - Resolution Calling for the Holding of a Primary Municipal Election to be held on March 5, 2024 for the Election of the Mayor as Required by the City Charter of the City of Modesto, Requesting the Stanislaus County Board of Supervisors Consolidate the City of Modesto Primary Municipal Election to be held on March 5, 2024, Requesting the Services of the Registrar of Voters, Elections Division of the County of Stanislaus to Conduct the Election on behalf of the City of Modesto, and if necessary, the Calling and Giving Notice for the Holding of a Run-Off Municipal Election on November 5, 2024 for Said Office.
    - Resolution Adopting Regulations for Candidates for Elective Office Pertaining to Candidates Statements Submitted to the Voters at an Election to be Held on Tuesday, March 5, 2024.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

ACTION: (Bavaro/Wright; 7/0) Resolution 2023-396 Calling for the Holding of a Primary Municipal Election to be held on March 5, 2024 for the Election of the Mayor as Required by the City Charter of the City of Modesto, Requesting the Stanislaus County Board of Supervisors Consolidate the City of Modesto Primary Municipal Election to be held on March 5, 2024, Requesting the Services of the Registrar of Voters, Elections Division of the County of Stanislaus to Conduct the Election on behalf of the City of Modesto, and if necessary, the Calling and Giving Notice for the Holding of a Run-Off Municipal Election on November 5, 2024 for Said Office.

ACTION: (Bavaro/Wright; 7/0) Resolution 2023-397 Adopting Regulations for Candidates for Elective Office Pertaining to Candidates Statements Submitted to the Voters at an Election to be Held on Tuesday, March 5, 2024.

Consent

10. Consider approving the recommended Budget Adjustments to Fiscal Year 2022-23 and Fiscal Year 2023-24 Annual Operating and Capital Improvement Program Budgets; Amending the Position Classification Plan and Position Allocation for Fiscal Year 2023-24 as adopted in the Operating Budget. (Funding Source: Various Funds)
    - Resolution amending Fiscal Year 2022-23 and Fiscal Year 2023-24 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.
    - Resolution amending the Classification Plan for the City of Modesto to create new classifications and amend existing classifications.
    - Resolution amending the position allocation for Fiscal Year 2023-24 as adopted in the Operating Budget.

    BUDGET; Steve Christensen, 209-577-5390, schristensen@modestgov.com

    ACTION: (Bavaro/Wright; 7/0) Resolution 2023-398 amending Fiscal Year 2022-23 and Fiscal Year 2023-24 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.

    ACTION: (Bavaro/Wright; 7/0) Resolution 2023-399 amending the Classification Plan for the City of Modesto to create new classifications and amend existing classifications.

    ACTION: (Bavaro/Wright; 7/0) Resolution 2023-400 amending the position allocation for Fiscal Year 2023-24 as adopted in the Operating Budget.

Consent

11. Consider approving the Plans and Specifications for the Pelandale Avenue Pavement Rehabilitation - Dale Road to Detroit Lane, STPL 5059(242) Project, accepting the bid, and awarding a contract to Pavement Coatings Co. of Sacramento, CA, in the amount of $2,192,229; and authorizing the Director of Utilities to approve Change Orders up to

the cumulative amount of $219,223 (10% of the original contract price) for the project. (Funding Source: Regional Surface Transportation Program (RSTP) and Local Measure L Funds)

- Resolution approving the Plans and Specifications for the Pelandale Avenue Pavement Rehabilitation - Dale Road to Detroit Lane, STPL 5059(242) Project, accepting the bid, and awarding a contract to Pavement Coatings Co. of Sacramento, CA, in the amount of $2,192,229, 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 $219,223 (10% of the original contract price) for the Pelandale Avenue Pavement Rehabilitation - Dale Road to Detroit Lane, STPL 5059(242) project.
- Resolution amending the Fiscal Year 2023-2024 Capital Improvement Program (CIP) budget, Project #101269 in the amount of $800,000, and increasing the transfer from the Measure L – Local Road Tax Fund to fund the project and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this resolution.

ENGINEERING SERVICES; Toby Wells, 209-577-5258, twells@modestogov.com

ACTION: (Bavaro/Wright; 7/0) Resolution 2023-401 approving the Plans and Specifications for the Pelandale Avenue Pavement Rehabilitation - Dale Road to Detroit Lane, STPL 5059(242) Project, accepting the bid, and awarding a contract to Pavement Coatings Co. of Sacramento, CA, in the amount of $2,192,229, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Bavaro/Wright; 7/0) Resolution 2023-402 authorizing the Director of Utilities to approve Change Orders up to the cumulative amount of $219,223 (10% of the original contract price) for the Pelandale Avenue Pavement Rehabilitation - Dale Road to Detroit Lane, STPL 5059(242) project.

ACTION: (Bavaro/Wright; 7/0) Resolution 2023-403 amending the Fiscal Year 2023-2024 Capital Improvement Program (CIP) budget, Project #101269 in the amount of $800,000, and increasing the transfer from the Measure L – Local Road Tax Fund to fund the project and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this resolution.

Consent

12. Consider approving the Purchasing Agreement for Janitorial Supplies to Central Sanitary Supply doing business as (dba) Brady IFS, Las Vegas, NV, for a total amount not to exceed $733,326 over five years. (Funding Source: Various Funds)
    - Resolution approving the Award of Bid and Purchasing Agreement for Janitorial Supplies to Central Sanitary Supply dba Brady IFS, Las Vegas, NV for two year Agreement with three one-year extension options, for an annual estimated amount of $147,000 and a total amount not to exceed $733,326 over

five years and authorizing the City Manager or his designee to execute the Agreement.

FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

ACTION: (Bavaro/Wright; 7/0) Resolution 2023-404 approving the Award of Bid and Purchasing Agreement for Janitorial Supplies to Central Sanitary Supply dba Brady IFS, Las Vegas, NV for two year Agreement with three one-year extension options, for an annual estimated amount of $147,000 and a total amount not to exceed $733,326 over five years and authorizing the City Manager or his designee to execute the Agreement.

Consent

13. Consider approving the updates to the Change Order Approval Policy for the City of Modesto Capital Improvement Program (CIP) Projects. (Funding Source: Capital Improvement Projects)
    - Resolution approving the revised Change Order Approval Policy for the City of Modesto CIP Projects.

FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

ACTION: (Bavaro/Wright; 7/0) Resolution 2023-405 approving the revised Change Order Approval Policy for the City of Modesto CIP Projects.

Consent

14. Consider a Third Amendment to the Agreement with Employee Relations, Glendale, CA to conduct Pre-Employment Background Checks for a revised Agreement total amount not to exceed $64,900. (Funding Source: Various Funds)
    - Resolution approving a Third Amendment to the Agreement with Employee Relations, Glendale, CA for conducting Pre-Employment Background Checks to increase the amount by $15,000 from $49,900 to a new total amount not to exceed $64,900 and authorizing the City Manager, or his designee, to execute the Agreement.

HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Bavaro/Wright; 7/0) Resolution 2023-406 approving a Third Amendment to the Agreement with Employee Relations, Glendale, CA for conducting Pre-Employment Background Checks to increase the amount by $15,000 from $49,900 to a new total amount not to exceed $64,900 and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

15. Consider Agreements for Executive Level Recruitment Services with Ralph Andersen & Associates, Rocklin, CA; CPS HR Consulting, Inc. Sacramento, CA; GVP Ventures, Inc. dba Bob Murray and Associates, Roseville, CA; Koff and Associates, a Gallagher Company, Berkeley, CA; and Neher and Associates, Sacramento, CA in a total amount between all Agreements combined not to exceed $343,000 over five years. (Funding Source: Various Funds)

- Resolution approving Agreements with Ralph Andersen & Associates, Rocklin, CA; CPS HR Consulting, Inc. Sacramento, CA; GVP Ventures, Inc. dba Bob Murray And Associates, Roseville, CA; Koff And Associates, A Gallagher Company, Berkeley, CA; and Neher And Associates, Sacramento, CA to conduct Citywide Executive Level Recruitment Services, on an as needed basis, for a two year Agreement with three one-year extension options, at the sole discretion of the City, for an annual estimated average amount of $81,366 in an amount not to exceed $343,000 over five years for the combined total of all Agreements.

HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Bavaro/Wright; 7/0) Resolution 2023-407 approving Agreements with Ralph Andersen & Associates, Rocklin, CA; CPS HR Consulting, Inc. Sacramento, CA; GVP Ventures, Inc. dba Bob Murray And Associates, Roseville, CA; Koff And Associates, A Gallagher Company, Berkeley, CA; and Neher And Associates, Sacramento, CA to conduct Citywide Executive Level Recruitment Services, on an as needed basis, for a two year Agreement with three one-year extension options, at the sole discretion of the City, for an annual estimated average amount of $81,366 in an amount not to exceed $343,000 over five years for the combined total of all Agreements.

Consent

16. Consider approving a Third Amendment to the Agreement with Lafayette & Kumagai, LLP for Legal Services for a revised Agreement total amount not to exceed $545,000 and extending the term of the Agreement to December 31, 2025. (Funding Source: General Liability Insurance Fund)
    - Resolution approving a Third Amendment to the Legal Services Agreement with Lafayette & Kumagai, LLP in the amount of $300,000, for a revised Agreement total amount not to exceed $545,000, for continued representation in personnel matters, and extending the Agreement term from April 1, 2024, to December 31, 2025; and authorizing the City Manager, or his designee, to execute the Amendment.

    HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

    ACTION: (Bavaro/Wright; 7/0) Resolution 2023-408 approving a Third Amendment to the Legal Services Agreement with Lafayette & Kumagai, LLP in the amount of $300,000, for a revised Agreement total amount not to exceed $545,000, for continued representation in personnel matters, and extending the Agreement term from April 1, 2024, to December 31, 2025; and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

17. Consider approving amendments to the Equity Commission Bylaws (Funding Source: Not Applicable)
    - Resolution approving amendments to the Equity Commission Bylaws

    HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Bavaro/Wright; 7/0) Resolution 2023-409 approving amendments to the Equity Commission Bylaws.

Consent

18. Consider approving the First Amendment to the Tactical Flight Officer Training Agreement with Jeff Moring for a revised total amount of $25,000. (Funding Source: General Fund)
    - Resolution approving the First Amendment to the Agreement with Jeff Moring for the Tactical Flight Officer training, increasing the Agreement by $15,000 from $10,000 to a new total amount of $25,000; and authorizing the City Manager, or his designee to execute the Amendment.

    POLICE; Kalani Souza, 209-572-9500, souzak@modestopd.com

    ACTION: (Bavaro/Wright; 7/0) Resolution 2023-410 approving the First Amendment to the Agreement with Jeff Moring for the Tactical Flight Officer training, increasing the Agreement by $15,000 from $10,000 to a new total amount of $25,000; and authorizing the City Manager, or his designee to execute the Amendment.

Consent

19. Consider approving the First Amendment for Backflow Prevention Testing Services to a total revised amount not to exceed $225,000. (Funding Source: Various Funds)
    - Resolution approving the First Amendment increasing the Agreement amount with Sameday Backflow Service, for Backflow Prevention Testing Services by $100,000 from $125,000 to a new total amount not to exceed $225,000; and authorizing the City Manager, or his designee to execute the Amendment.

    PRN; Kelly Gallagher, 209-342-2270, kgallagher@modestogov.com

    ACTION: (Bavaro/Wright; 7/0) Resolution 2023-411 approving the First Amendment increasing the Agreement amount with Sameday Backflow Service, for Backflow Prevention Testing Services by $100,000 from $125,000 to a new total amount not to exceed $225,000; and authorizing the City Manager, or his designee to execute the Amendment.

Consent

20. Consider approving an Agreement with HDR Engineering, Inc., of Folsom, CA to complete assigned work and to gain regulatory compliance for the Carpenter Road Landfill, Modesto California for an amount not to exceed $271,700 over a five-year period, plus $27,170 for additional services authorized by the City Manager, for a total amount not to exceed $298,870. (Funding Source: Carpenter Road Landfill)
    - Resolution approving an Agreement with HDR Engineering, Inc., of Folsom, CA, to complete assigned work and to gain regulatory compliance for the Carpenter Road Landfill, Modesto, California for an amount not to exceed $271,700 over a five-year period, plus $27,170 for additional services authorized by the City Manager, for a total amount not to exceed $298,870, and authorizing the City Manager, or his designee, to execute the Agreement.

PUBLIC WORKS; Rosene Nguyen, 209-577-5453, rnguyen@modestogov.com

ACTION: (Bavaro/Wright; 7/0) Resolution 2023-412 approving an Agreement with HDR Engineering, Inc., of Folsom, CA, to complete assigned work and to gain regulatory compliance for the Carpenter Road Landfill, Modesto, California for an amount not to exceed $271,700 over a five-year period, plus $27,170 for additional services authorized by the City Manager, for a total amount not to exceed $298,870, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

21. Consider the Award of Bid and Agreement for Painting Services to HB Restoration, Rio Linda, CA at the Modesto City-County Airport, for an annual estimated amount of $50,000 and a total amount not to exceed $250,000 over five years. (Funding Source: Stanislaus County Aircraft Tax Fund)
    - Resolution approving the Award of Bid and Agreement for Painting Services to HB Restoration, Rio Linda, CA, for a two-year Agreement with three one-year extensions options, for an annual estimated amount of $50,000 and a total amount not to exceed $250,000 over five years, and authorizing the City Manager or his designee, to sign the Agreement.

    PUBLIC WORKS; Gabe da Silva, 209-577-5319, gdasilva@modestogov.com

    ACTION: (Bavaro/Wright; 7/0) Resolution 2023-413 approving the Award of Bid and Agreement for Painting Services to HB Restoration, Rio Linda, CA, for a two-year Agreement with three one-year extensions options, for an annual estimated amount of $50,000 and a total amount not to exceed $250,000 over five years, and authorizing the City Manager or his designee, to sign the Agreement.

Consent

22. Consider accepting the Plans and Specifications for the Empire Yosemite Boulevard Water Main Crossings Strengthen & Replace Project; and Awarding a Construction Contract to DSS Company dba Knife River Construction, of Stockton, CA, in a total amount not to exceed $1,260,475. (Funding Source: Water Fund)
    - Resolution approving Plans and Specifications for the Empire Yosemite Boulevard Water Main Crossings Strengthen & Replace Project, accepting the bid, and approving a Construction Contract with DSS Company dba Knife River Construction, of Stockton, CA, in the amount of $1,096,065, plus $164,410 in contingency (if needed), for a total amount not to exceed $1,260,475 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 Empire Yosemite Boulevard Water Main Crossings Strengthen & Replace Project from 8% ($87,686) to 15% ($164,410) of the Construction Contract amount of $1,096,065 with DSS Company dba Knife River Construction, of Stockton, CA.
    - Resolution amending the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $544,613 to be transferred into the Project from Water

Fund Reserves in order to fund the Empire Yosemite Boulevard Water Main Crossings Strengthen & Replace Project and authorizing the City Manager, or his designee, to implement the provisions of the resolution.

UTILITIES; Edgar Vargas, 209-577-5424, evargas@modestogov.com

ACTION: (Bavaro/Wright; 7/0) Resolution 2023-414 approving Plans and Specifications for the Empire Yosemite Boulevard Water Main Crossings Strengthen & Replace Project, accepting the bid, and approving a Construction Contract with DSS Company dba Knife River Construction, of Stockton, CA, in the amount of $1,096,065, plus $164,410 in contingency (if needed), for a total amount not to exceed $1,260,475 and authorizing the City Manager, or his designee, to execute the contract.

ACTION: (Bavaro/Wright; 7/0) Resolution 2023-415 authorizing an increase in the Director's Authority to issue Change Orders for the Empire Yosemite Boulevard Water Main Crossings Strengthen & Replace Project from 8% ($87,686) to 15% ($164,410) of the Construction Contract amount of $1,096,065 with DSS Company dba Knife River Construction, of Stockton, CA.

ACTION: (Bavaro/Wright; 7/0) Resolution 2023-416 amending the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $544,613 to be transferred into the Project from Water Fund Reserves in order to fund the Empire Yosemite Boulevard Water Main Crossings Strengthen & Replace Project and authorizing the City Manager, or his designee, to implement the provisions of the resolution.

Consent

23. Consider approving a Fourth Amendment to the Agreement with Brown and Caldwell, of Rancho Cordova, CA, for Design and Construction Services for Replacement Well 226 (71) in the amount of $54,863 for a revised Agreement total not to exceed $554,224. (Funding Source: Water Fund)
    - Resolution approving a Fourth Amendment to the Agreement with Brown and Caldwell, of Rancho Cordova, CA, for Design and Construction Services for Replacement Well 226 (71) in the amount of $54,863 for an Agreement total not to exceed $554,224 and authorizing the City Manager, or his designee, to execute the Amendment.

UTILITIES; David Felix, 209-577-5488, dfelix@modestogov.com

ACTION: (Bavaro/Wright; 7/0) Resolution 2023-417 approving a Fourth Amendment to the Agreement with Brown and Caldwell, of Rancho Cordova, CA, for Design and Construction Services for Replacement Well 226 (71) in the amount of $54,863 for an Agreement total not to exceed $554,224 and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

24. Consider approving a First Amendment to the Agreement with Envirogen Technologies, Inc., Rancho Cucamonga, CA, for the Grayson Nitrate Treatment

System Replacement to increase the Agreement amount by $133,960 to a revised amount not to exceed $1,794,308. (Funding Source: Water Fund)

- Resolution approving a First Amendment to the Agreement with Envirogen Technologies, Inc., Rancho Cucamonga, CA. for the Grayson Nitrate Treatment System Replacement to increase the Agreement amount by $133,960 for a revised amount not to exceed $1,794,308 and authorizing the City Manager, or his designee, to execute the Amendment.
- Resolution amending the Fiscal Year 2023-24 Capital Improvement Project Multi-Year Budget in the amount of $133,960, for a new total of $1,919,308, to be transferred into the Project from Water Reserves and authorizing the City Manager, or his Designee, to implement the provisions of this Resolution.

UTILITIES; Jeff Daniels, 209-342-4585, jdaniels@modestogov.com

ACTION: (Bavaro/Wright; 7/0) Resolution 2023-418 approving a First Amendment to the Agreement with Envirogen Technologies, Inc., Rancho Cucamonga, CA. for the Grayson Nitrate Treatment System Replacement to increase the Agreement amount by $133,960 for a revised amount not to exceed $1,794,308 and authorizing the City Manager, or his designee, to execute the Amendment.

ACTION: (Bavaro/Wright; 7/0) Resolution 2023-419 amending the Fiscal Year 2023-24 Capital Improvement Project Multi-Year Budget in the amount of $133,960, for a new total of $1,919,308, to be transferred into the Project from Water Reserves and authorizing the City Manager, or his Designee, to implement the provisions of this Resolution.

Consent

25. Consider approving an Agreement with All Season Lawn Landscaping for Landscape Maintenance Services at Water Wells and Tank Sites, for a total amount not to exceed $450,000 over five years. (Funding Source: Water Fund)
    - Resolution approving the Award of Bid and Agreement with All Season Lawn Landscaping, Escalon, CA for Landscape Maintenance Services at Water Wells and Tank Sites, for an estimated annual amount of $90,000 and a total not to exceed $450,000 over five years, and authorizing the City Manager, or his designee to execute the Agreement.

    UTILITIES; Jeff Daniels, 209-342-4585, jdaniels@modestogov.com

    ACTION: (Bavaro/Wright; 7/0) Resolution 2023-420 approving the Award of Bid and Agreement with All Season Lawn Landscaping, Escalon, CA for Landscape Maintenance Services at Water Wells and Tank Sites, for an estimated annual amount of $90,000 and a total not to exceed $450,000 over five years, and authorizing the City Manager, or his designee to execute the Agreement.

COUNCIL COMMENTS & REPORTS

Vice Mayor Ricci thanked Chief Gillespie for sending the Council the Modesto Police Department Annual Report. He detailed some of the stats in the annual report. Based on the

positive statistics in the report, he is seeing that as a City they are heading in the right direction and appreciates the leadership and support, they are getting from the City Manager and Chief Gillespie.

Councilmember Escutia-Braaton reported as a member of StanCOG she is currently in Washington, DC attending Valley Voice to meet with federal lawmakers and government officials to discuss projects and initiatives affecting the valley. She also stated that she noted the comments made during public comment regarding the unsheltered bill of rights. She reported on attending the retirement ceremony for Fire Chief Alan Ernst and thanked him for his years of service. She further reported on attending the Stanislaus County OES Leadership Academy and was accompanied by Mayor Zwahlen and Supervisor Grewal.

Councilmember Wright commented that the City does a lot for the homeless. There are beds for the unhoused every night. In October, Care Court will start for the mentally challenged people. He also stated that he was disappointed in the cruisers, especially lowriders and referenced an incident that occurred at a complex this past Friday.

Councilmember Alvarez reported on the launch of the rental housing safety program ensuring the safety and well-being of the residents of the City. He is pleased to see Modesto take a proactive approach to rental housing. When he speaks about tenants he is speaking about responsible tenants.

Councilmember Williams reported on attending the Senior Center – Senior Citizen Month event, and stated that it's an incredible place to go.

CITY MANAGER COMMENTS & REPORTS

City Manager Lopez reported on the following recent appointments:

- Jessica Hill, Director of Community Development
- Toby Wells, Director of engineering services.
- Kevin Wise will serve as the Interim Fire Chief.

HEARINGS

Published in the Modesto Bee on August 16, 2023 - Item continued to September 26, 2023.

26. Hearing to approve the City of Modesto's Consolidated Annual Performance Evaluation Report for Program Year 2022-2023. (Funding Source: Community Development Block Grant, Emergency Solutions Grant, Community Development Block Grant - CV, Emergency Solutions Grant – CV, and HOME Investment Partnerships funds)
    - Motion to continue item to September 26, 2023.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 7/0) Motion to continue item to September 26, 2023.

Recess 6:56 p.m.
Reconvene 7:01 p.m.

NEW BUSINESS

Councilmember Williams absent due to conflict of interest

27. Consider accepting a joint award for the City of Modesto and Visionary Home Builders of California, Inc. for a State of California's Affordable Housing and Sustainability Grant in the collective amount $33,010,880 and award the City funding commitment in a total amount not to exceed $7,000,000 and 200,000 in activity delivery for the development of Seventh Street Village on the properties located on 7th street between J Street and I Street. (Funding Source: Community Development Block Grant, Permanent Local Housing Allocation, and HOME Investment Partnership)
    - Resolution accepting the award from the joint submission between the City of Modesto and Visionary Home Builders of California, Inc. for a State of California's Affordable Housing and Sustainability Program in an amount of $33,010,880 for the development of Seventh Street Village on the properties located on 7th Street between J Street and I Street as well as any grant required transportation improvements as outlined in the grant application and authorizing the City Manager or his designee to negotiate and execute an agreement with Visionary Home Builders, Inc. and any other documents related to the execution of award agreements.
    - Resolution amending the fiscal year 2023-2024 multi-year budget to for the 7th Street Project Fund (101493) with permanent local housing allocation funds (PLHA), community development block grant (CDBG) funds and HOME investment partnership funds (HOME) for the development of the 7th Street affordable housing project totaling $7,000,000 and $200,000 for activity delivery costs and budgeting the necessary transfers and authorizing the City Manager or his designee to take the necessary steps to implement the provisions in this resolution.
    - Resolution approving a Community Development Block Grant (CDBG) funded loan in a total amount not to exceed $2,000,000 at 3% simple interest for 55 years to begin accrual after issuance of Certificate of Occupancy, for the acquisition and off-site improvements of Seventh Street Village.
    - Resolution authorizing the City Manager or his designee to negotiate final agreements with Visionary Home Builders, Inc. for a HOME Investment Partnership funded loan in the amount not to exceed $3,509,216, and a Permanent Local Housing Allocation (PLHA) funded loan in the amount not to exceed $1,490,784, with final agreements returning for Council consideration and approval for the development of Seventh Street Village.

    CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

    ACTION: (Alvarez/Wright; 6/0; Councilmember Williams absent due to conflict of interest) Resolution 2023-421 accepting the award from the joint submission

between the City of Modesto and Visionary Home Builders of California, Inc. for a State of California's Affordable Housing and Sustainability Program in an amount of $33,010,880 for the development of Seventh Street Village on the properties located on 7th Street between J Street and I Street as well as any grant required transportation improvements as outlined in the grant application and authorizing the City Manager or his designee to negotiate and execute an agreement with Visionary Home Builders, Inc. and any other documents related to the execution of award agreements.

ACTION: (Alvarez/Wright; 6/0; Councilmember Williams absent due to conflict of interest) Resolution 2023-422 amending the fiscal year 2023-2024 multi-year budget to for the 7th Street Project Fund (101493) with permanent local housing allocation funds (PLHA), community development block grant (CDBG) funds and HOME investment partnership funds (HOME) for the development of the 7th Street affordable housing project totaling $7,000,000 and $200,000 for activity delivery costs and budgeting the necessary transfers and authorizing the City Manager or his designee to take the necessary steps to implement the provisions in this resolution.

ACTION: (Alvarez/Wright; 6/0; Councilmember Williams absent due to conflict of interest) Resolution 2023-423 approving a Community Development Block Grant (CDBG) funded loan in a total amount not to exceed $2,000,000 at 3% simple interest for 55 years to begin accrual after issuance of Certificate of Occupancy, for the acquisition and off-site improvements of Seventh Street Village.

ACTION: (Alvarez/Wright; 6/0; Councilmember Williams absent due to conflict of interest) Resolution 2023-424 authorizing the City Manager or his designee to negotiate final agreements with Visionary Home Builders, Inc. for a HOME Investment Partnership funded loan in the amount not to exceed $3,509,216, and a Permanent Local Housing Allocation (PLHA) funded loan in the amount not to exceed $1,490,784, with final agreements returning for Council consideration and approval for the development of Seventh Street Village.

28. Consider approving the appointment of Colleen Rozillis as City Auditor and a Professional Services Agreement with Moss Adams, LLP, Stockton, CA, to provide auditing services for an annual amount not to exceed $250,000 per year. (Funding Source: General Fund)
    - Resolution approving the appointment of Colleen Rozillis, as City Auditor, and approving an Agreement for Auditing Services between the City of Modesto and Moss Adams, LLP, Stockton, CA; for an amount not to exceed $250,000 annually and authorizing the Mayor, or her designee, to execute the Agreement.

HUMAN RESOUCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Wright/Ricci; 7/0) Resolution 2023-425 approving the appointment of Colleen Rozillis, as City Auditor, and approving an Agreement for Auditing Services between the City of Modesto and Moss Adams, LLP, Stockton, CA; for an amount not to exceed $250,000 annually and authorizing the Mayor, or her designee, to execute the Agreement.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 7:59 pm.

All Closed Session Matters heard prior to the 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

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP
Room 2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, September 18, 2023 at 4:00 PM

Meeting called to order at 4:04 p.m.

Roll Call: Present: Committee Member Williams, Alternate Committee Member Wright, Chair Ricci
Absent: Vice-Chair Escutia-Braaton

PUBLIC COMMENTS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEMS 1-2 (Wright/Williams; 3/0)

CONSENT

Consent

1. Consider a Memorandum of Agreement (MOA) between the Modesto Fire Department, Turlock Fire Department, Stanislaus Consolidated Fire Protection District and Cal Fire Tuolumne-Calaveras Unit, for participation in the Central Valley Incident Management Team and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending the acceptance of a Memorandum of Agreement (MOA) between the Modesto Fire Department, Turlock Fire Department, Stanislaus Consolidated Fire Protection District and Cal Fire Tuolumne-Calaveras Unit, for participation in the Central Valley Incident Management Team and forwarding to Council for approval.

FIRE DEPARTMENT; Kevin Wise, 209-572-9590, kwise@modestofire.com

ACTION: (Wright/Williams; 3/0) Motion recommending the acceptance of a Memorandum of Agreement (MOA) between the Modesto Fire Department, Turlock Fire Department, Stanislaus Consolidated Fire Protection District and Cal Fire Tuolumne-Calaveras Unit, for participation in the Central Valley Incident Management Team and forwarding to Council for approval.

Consent

2. Consider an Agreement with Dr. Jocelyn E. Roland for Psychological Services and Pre-Employment Psychological Screenings, for a total amount not to exceed $930,000 for an eight-year Agreement and forwarding to Council for approval. (Funding Source: General Fund)
    - Motion recommending the Agreement with Dr. Jocelyn E. Roland for Psychological Services and Pre-Employment Psychological Screenings, for a five-year Agreement with three one-year extension options, for an annual estimated amount of $116,250, and a total amount not to exceed $930,000 over eight years; and forwarding to Council for approval.

POLICE DEPARTMENT; Jessica Smart, 209-572-9500, smartj@modestopd.com

ACTION: (Wright/Williams; 3/0) Motion recommending the Agreement with Dr. Jocelyn E. Roland for Psychological Services and Pre-Employment Psychological Screenings, for a five-year Agreement with three one-year extension options, for an annual estimated amount of $116,250, and a total amount not to exceed $930,000 over eight years; and forwarding to Council for approval.

NEW BUSINESS

3. Consider a Memorandum of Understanding (MOU) for oversight of the Fire and Emergency Medical Services (EMS) Public Safety Programs between the City of Modesto and Yosemite Community College District for a five-year term, and an Instructional Service Agreement (ISA) between the Yosemite Community College District (on behalf of Modesto Junior College) and the City of Modesto for the provision of certain instructional services within the State of California, and forwarding to Council for approval. (Funding Source: General Fund)
    - Motion recommending a Memorandum of Understanding (MOU) for oversight of the Fire and EMS Public Safety Programs between the City of Modesto and Yosemite Community College District, and an Instructional Service Agreement (ISA) between the Yosemite Community College District (on behalf of Modesto Junior College) and the City of Modesto for the provision of certain instructional services within the State of California, and forwarding to Council for approval.

FIRE DEPARTMENT; Kevin Wise, 209-572-9590, kwise@modestofire.com

ACTION: (Williams/Wright; 3/0) Motion recommending a Memorandum of Understanding (MOU) for oversight of the Fire and EMS Public Safety Programs between the City of Modesto and Yosemite Community College District, and an Instructional Service Agreement (ISA) between the Yosemite Community College District (on behalf of Modesto Junior College) and the City of Modesto for the provision of certain instructional services within the State of California, and forwarding to Council for approval.

4. Consider the Culture Commission's nomination to make the Yellow-Billed Magpie the official City bird of Modesto and forwarding to Council for approval (Funding Source: Not Applicable)

- Motion recommending the Culture Commission's nomination to make the Yellow-Billed Magpie the official City bird of Modesto and forwarding to Council for approval.

PRN; Ashley Weaver, 209-577-5428, aweaver@modestogov.com

ACTION: (Williams/Wright; 3/0) Motion recommending the Culture Commission's nomination to make the Yellow-Billed Magpie the official City bird of Modesto and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:22 p.m.

Attest: _____
Dana Sanchez, Assistant City Clerk

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Room 2001-40 Del Puerto Room Tenth Street Place, 1010 10th Street Modesto, California
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, September 25, 2023 at 4:00 PM

Roll Call: Present: Member Bavaro, Vice-Chair Escutia-Braaton, and Chair Wright
Absent: None
Also Present: Member Ricci

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 1, 3-8 (Escutia-Braaton/Bavaro; 3/0)

CONSENT

Consent

1. Consider the recommended Budget Adjustments to Fiscal Year 2023-24 Annual Operating and Capital Improvement Program Budgets; and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion recommending the Budget Adjustments to Fiscal Year 2023-24 Annual Operating and Capital Improvement Program Budgets; and forwarding to Council for approval.

BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com

ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion recommending the Budget Adjustments to Fiscal Year 2023-24 Annual Operating and Capital Improvement Program Budgets; and forwarding to Council for approval.

Removed from Consent
Consent

2. Consider an Agreement for Consultant Support with State Advocacy Services to Townsend Public Affairs, Newport Beach, CA, and Van Scoyoc and Associates, Washington, DC, for a combined total amount not to exceed $750,000 over five years and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion recommending the Award of Proposals and Agreement for Consultant Support with State Advocacy Services to Townsend Public Affairs, Newport Beach, CA, for a two year Agreement with three one-year extension options, for an annual estimated amount of $60,000 and a total amount not to exceed

$300,000 over five years, and approving the Award of Proposals and Agreement for Consultant Support with Federal Advocacy Services to Van Scoyoc and Associates, Washington, DC for a two year Agreement with three one-year extension options, for an annual estimated amount of $90,000 and for a total amount not to exceed $450,000 over five years; and forwarding to Council for approval.

CITY MANAGER; Andrew Gonzales, 209-571-5809, angonzales@modestogov.com

ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending the Award of Proposals and Agreement for Consultant Support with State Advocacy Services to Townsend Public Affairs, Newport Beach, CA, for a two year Agreement with three one-year extension options, for an annual estimated amount of $60,000 and a total amount not to exceed $300,000 over five years, and approving the Award of Proposals and Agreement for Consultant Support with Federal Advocacy Services to Van Scoyoc and Associates, Washington, DC for a two year Agreement with three one-year extension options, for an annual estimated amount of $90,000 and for a total amount not to exceed $450,000 over five years; and forwarding to Council for approval.

Consent

3. Consider an Agreement for Concrete Services with United Pavement Maintenance, Hughson, CA for a total amount not to exceed $2,350,000 for a one-year Agreement and forwarding to Council for approval. (Funding Source: Measure H, Water Fund and General Fund)
    - Motion recommending an Agreement with United Pavement Maintenance, Hughson, CA for a one-year agreement for a total amount not to exceed $2,350,000 and forwarding to Council for approval.

FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion recommending an Agreement with United Pavement Maintenance, Hughson, CA for a one-year agreement for a total amount not to exceed $2,350,000 and forwarding to Council for approval.

Consent

4. Consider the Agreement for Investment Advisory Services to PFM Asset Management, LLC, San Francisco, CA, for a total amount not to exceed $1,500,000 over five years and forwarding to Council for approval (Funding Source: Various Funds)
    - Motion recommending an Agreement for Investment Advisory Services to PFM Asset Management, LLC, San Francisco, CA, by utilizing the Competitive Bid Process from the City of Redwood City, CA for a two-year Agreement with three one-year extension options, for an annual estimated amount $300,000 and a total amount not to exceed $1,500,000 over five years; and forwarding to Council for approval.

FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion recommending an Agreement for Investment Advisory Services to PFM Asset Management, LLC, San Francisco, CA, by

utilizing the Competitive Bid Process from the City of Redwood City, CA for a two-year Agreement with three one-year extension options, for an annual estimated amount $300,000 and a total amount not to exceed $1,500,000 over five years; and forwarding to Council for approval.

Consent

5. Consider the Second Amendment for Fleet Tire Purchases with McCoy Truck Tire, Modesto, CA and Valley Tire, Modesto, CA to increase the Agreement to a revised total amount of $2,170,000 and forwarding to Council for approval. (Funding Source: Fleet Fund)
    - Motion recommending a Second Amendment for Fleet Tire Purchases with McCoy Truck Tire, Modesto, CA and Valley Tire, Modesto, CA to increase the Agreement amount by $400,000 to a revised total amount of $2,170,000 through the term of the agreement and extending the term date from October 22, 2023, to October 22, 2024, and forwarding to Council for approval.

FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion recommending a Second Amendment for Fleet Tire Purchases with McCoy Truck Tire, Modesto, CA and Valley Tire, Modesto, CA to increase the Agreement amount by $400,000 to a revised total amount of $2,170,000 through the term of the agreement and extending the term date from October 22, 2023, to October 22, 2024, and forwarding to Council for approval.

Consent

6. Consider the First Amendment with West Coast Door and Gate for On-call Commercial Roll-up Door Maintenance and Repair Services to a revised total amount of $236,000 and utilizing the Year 5 extension option, revising the Term of the Agreement from December 2, 2023 to December 2, 2024 and forwarding to Council for approval. (Funding Source: General Fund)
    - Motion recommending a First Amendment increasing the Agreement amount with West Coast Door and Gate, for the On-call Commercial Roll-up Door Maintenance and Repair Services by $66,000 from $170,000 to a revised total amount of $236,000 and utilizing the Year 5 extension option, revising the Term of the Agreement from December 2, 2023 to December 2, 2024 and forwarding to Council for approval.

FIRE DEPARTMENT; Kevin Wise, 209-572-9590, kwise@modestofire.com

ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion recommending a First Amendment increasing the Agreement amount with West Coast Door and Gate, for the On-call Commercial Roll-up Door Maintenance and Repair Services by $66,000 from $170,000 to a revised total amount of $236,000 and utilizing the Year 5 extension option, revising the Term of the Agreement from December 2, 2023 to December 2, 2024 and forwarding to Council for approval.

Consent

7. Consider an Engineering Services Agreement with Carollo Engineers, Inc. of Walnut Creek, CA, for the Sewer Trunk Rehabilitation on Grimes, Mercy & Woodland Ave

Project, in an amount not to exceed $1,540,000 and forwarding to Council for approval. (Funding Source: Wastewater Fund)

- Motion recommending an Engineering Services Agreement with Carollo Engineers, Inc., of Walnut Creek, CA, for the Sewer Trunk Rehabilitation on Grimes, Mercy & Woodland Ave Project in the amount of $1,400,000 for the identified scope of services, plus $140,000 in additional services, if needed, for a total amount not to exceed $1,540,000 and forwarding to Council for approval.

UTILITIES; Cristian Ciotau, 209-577-5260, cciotau@modestogov.com

ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion recommending an Engineering Services Agreement with Carollo Engineers, Inc., of Walnut Creek, CA, for the Sewer Trunk Rehabilitation on Grimes, Mercy & Woodland Ave Project in the amount of $1,400,000 for the identified scope of services, plus $140,000 in additional services, if needed, for a total amount not to exceed $1,540,000 and forwarding to Council for approval.

Consent

8. Consider the submission of a Financial Assistance Application with the California State Water Resources Control Board to connect existing septic systems to the City of Modesto's sanitary sewer system and forwarding to Council for approval. (Funding Source: Wastewater Fund)

   - Motion recommending the submission of a Financial Assistance Application to the California State Water Resources Control Board to fund the planning, design and construction of the Septic to Sewer Project and forwarding to Council for approval.

   UTILITIES; Miguel Alvarez, 209-577-5348, malvarez@modestogov.com

   ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion recommending the submission of a Financial Assistance Application to the California State Water Resources Control Board to fund the planning, design and construction of the Septic to Sewer Project and forwarding to Council for approval.

UNFINISHED BUSINESS

9. Consider the First Amendment to the Purchasing Agreement with Ferguson Waterworks, Modesto CA, Iconix Waterworks, McClellan CA, and American AVK, Minden NV for concrete boxes, covers, valves hydrants and fittings to a revised total amount not to exceed $8,700,000 over five years and forwarding to Council for approval. (Funding Source: Water Fund)

   - Motion recommending the First Amendment to the Purchasing Agreement with Ferguson Waterworks, Modesto CA, Iconix Waterworks, McClellan CA, and American AVK, Minden NV for concrete boxes, covers, valves hydrants and

fittings increasing the annual estimated spending by $975,000 from $765,000 to a revised annual estimated spending of $1,740,000 and a revised total amount not to exceed $8,700,000 over five years and forwarding to Council for approval.

FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

ACTION: (Bavaro/Escutia-Braaton; 3/0) Motion recommending the First Amendment to the Purchasing Agreement with Ferguson Waterworks, Modesto CA, Iconix Waterworks, McClellan CA, and American AVK, Minden NV for concrete boxes, covers, valves hydrants and fittings increasing the annual estimated spending by $975,000 from $765,000 to a revised annual estimated spending of $1,740,000 and a revised total amount not to exceed $8,700,000 over five years and forwarding to Council for approval.

NEW BUSINESS

10. Consider Agreements for Tree Pruning and Removal Services with West Coast Arborists, Inc., Anaheim, CA; Greentek Services, LLC, Oroville, CA, and Rumble Tree, Inc., Modesto, CA in a total amount between all Agreements combined not to exceed $10,320,000 over five years and forwarding to Council for approval. (Funding Source: Measure H and Various Other Funds)
    - Motion recommending the Agreements for Tree Pruning and Removal Services with West Coast Arborists, Inc., Anaheim, CA; Greentek Services, LLC, Oroville, CA, and Rumble Tree, Inc., Modesto, CA for Tree Pruning and Removal Services, on an as needed basis, for a two year Agreement with three one-year extension options, at the sole discretion of the City, for an annual estimated average amount of $2,064,000, and a total amount between all Agreements combined not to exceed $10,320,000 over five years and forwarding to Council for approval.
    - Motion recommending amending the Fiscal Year 2023-24 Annual Operating Expenditure Budget to increase the PW - Measure H - Community Forestry Cost Center (56041) in the Measure H Fund (0160) by $380,000 from unassigned carryover from Fiscal Year 2022-23 for the increase in the Tree Removal and Stump Grinding Services Agreement and forwarding to Council for approval.

PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Bavaro/Escutia-Braaton; 3/0) Motion recommending the Agreements for Tree Pruning and Removal Services with West Coast Arborists, Inc., Anaheim, CA; Greentek Services, LLC, Oroville, CA, and Rumble Tree, Inc., Modesto, CA for Tree Pruning and Removal Services, on an as needed basis, for a two year Agreement with three one-year extension options, at the sole discretion of the City, for an annual estimated average amount of $2,064,000, and a total amount between all Agreements combined not to exceed $10,320,000 over five years and forwarding to Council for approval.

ACTION: (Bavaro/Escutia-Braaton; 3/0) Motion recommending amending the Fiscal Year 2023-24 Annual Operating Expenditure Budget to increase the PW - Measure H - Community Forestry Cost Center (56041) in the Measure H Fund (0160) by $380,000 from unassigned carryover from Fiscal Year 2022-23 for the increase in the Tree Removal and Stump Grinding Services Agreement and forwarding to Council for approval.

11. Consider adopting a Parking Action Plan by Dixon Resources Unlimited, San Diego, CA for City of Modesto Downtown Parking Action Plan, and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending the adoption of the Parking Action Plan (Plan) by Dixon Resources Unlimited, (DIXON) San Diego, CA for City of Modesto Downtown Parking Action Plan, and forwarding to Council for approval.

PUBLIC WORKS; Patrick Crowley, 209-342-2274, pcrowley@modestogov.com

ACTION: (Escutia-Braaton/Bavaro; Wright No; 2/1) Motion to delay consideration of adopting a Parking Action Plan (Plan) by Dixon Resources Unlimited, (DIXON) San Diego, CA for City of Modesto Downtown Parking Action Plan and forwarding to Council for approval until the Council holds a workshop for further discussion of the Downtown Parking Action Plan.

ADJOURNMENT

This meeting adjourned at 5:48 p.m.

Attest: _____
Andrea Cook, Deputy City Clerk

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, September 26, 2023 at 5:30 PM

Roll Call – Present: Councilmembers Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
Absent: None

Pledge of Allegiance to the Flag

Invocation: Mike Gunnerson, City Ministry Network

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Sanchez reported that No Reportable Action was taken.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation declaring October 2023 as National Domestic Violence Awareness Month. (Funding Source: Not Applicable)
CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

ACTION: Mayor Zwahlen presented a proclamation declaring October 2023 as National Domestic Violence Awareness Month.

2. Proclamation declaring October 8-14, 2023 as National Fire Prevention Week. (Funding Source: Not Applicable)
CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

ACTION: Mayor Zwahlen presented a proclamation declaring October 8-14, 2023 as National Fire Prevention Week.

PUBLIC COMMENT PERIOD

- Jerry Thompson spoke about participating in the grand opening of the Sacramento Museum in old Sacramento, for the Lowrider community. He also requested that the Council make the A&W Restaurant a historical site.
- J provided public comments.
- Susana Mendita-Beasley invited the Council and the public to attend the 30th International Heritage Festival that will be held on October 7 at Graceada Park.
- RM provided public comments.
- Diane Kroeze spoke about homelessness, safe parking and the need for additional safe spaces for the homeless.
- JS provided public comments.
- Lynelle Solomon spoke about the homeless and the need for a safe place for them to sleep.
- Betty Santo requested that the Council make the A&W Restaurant a historical site.
- Sam spoke about the islands installed in South Modesto, the lack of sidewalks for children to walk to school and the damaged roads in South Modesto that are in need of repair.
- Cece Hurst-Hart introduced herself to the Council and public as the new Central Valley community organizer for Tuolumne River Trust and spoke about Dry Creek and Tuolumne River Regional Park.
- Richard Navarro, Modesto Sister Cities spoke about the event held in honor of Modesto's 150th anniversary. MSCI organized an event and he thanked all of the City Councilmembers that attended.
- Walt Bowman requested that the Council make the A&W Restaurant a historical site.
- Maggie Countryman commented on an Appeal of a Board of Zoning Adjustment and read the court's decision aloud.
- Zaff commented on the advocacy his spouse Lynelle does on behalf of the homeless. He stated that it's time to have a safe place for the homeless.
- Loretta Carhart spoke about the homeless.
- A resident spoke in support of support of making the A&W Restaurant a historical site.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 3-15: (Wright/Ricci; 7/0)

CONSENT

Consent

3. Consider approving the minutes from the September 12, 2023 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the September 12, 2023 Council Meeting.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Wright/Ricci; 7/0) Motion approving the minutes from the September 12, 2023 Council Meeting.

Consent

4. Consider approving a Will Serve Letter and Outside Service Agreement for Water Service for the property located at 1240 Ohio Avenue (APN: 007-049-012). (Funding Source: Water Fund, General Fund)
    - Resolution approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and David Word and Sovauhna Word, husband and wife, to connect to the City of Modesto's existing water system for the property located at 1240 Ohio Avenue in Modesto (APN: 007-049-012), and authorizing the City Manager, or his designee, to sign the Will Serve Letter and execute the Outside Service Agreement.

ENGINEERING SERVICES; Toby Wells, 209-571-5542, twells@modestogov.com

ACTION: (Wright/Ricci; 7/0) Resolution 2023-426 approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and David Word and Sovauhna Word, husband and wife, to connect to the City of Modesto's existing water system for the property located at 1240 Ohio Avenue in Modesto (APN: 007-049-012), and authorizing the City Manager, or his designee, to sign the Will Serve Letter and execute the Outside Service Agreement.

Consent

5. Consider accepting the Rebid Sutter Sanitary Sewer Trunk Rehabilitation Project, Phase 1 as complete, releasing securities, and releasing payments totaling $3,428,253 to Mozingo Construction, Inc., of Oakdale, CA., and authorizing the City Clerk to file a Notice of Completion. (Funding Source: Wastewater Fund)
    - Resolution accepting the Rebid Sutter Sanitary Sewer Trunk Rehabilitation Project, Phase 1 Project as complete, releasing securities, and releasing payments totaling $3,428,253 to Mozingo Construction of Oakdale, CA., and authorizing the City Clerk to file a Notice of Completion.

ENGINEERING SERVICES; Peter Kambel, 209-577-5444, pkambel@modestogov.com

ACTION: (Wright/Ricci; 7/0) Resolution 2023-427 accepting the Rebid Sutter Sanitary Sewer Trunk Rehabilitation Project, Phase 1 Project as complete, releasing securities, and releasing payments totaling $3,428,253 to Mozingo Construction of Oakdale, CA., and authorizing the City Clerk to file a Notice of Completion.

Consent

6. Consider an Ordinance amending sections of Title 8, Chapter 3 of the Modesto Municipal Code to increase the City Manager's authority for all contracts and purchase orders from $50,000 to $100,000 for goods/services; increasing the City Manager's authority for all emergency projects, purchases and services; increasing the formal bidding authority from $50,000 to $100,000; expanding the definition of professional services; and adding language to allow for electronic bidding and rescinding the First Reading of the Ordinance approved by Council on July 11, 2023. (Funding Source: Not Applicable)
    - Motion introducing and waiving the first reading of an Ordinance amending sections of Title 8, Chapter 3 of the Modesto Municipal Code to increase the

City Manager's authority for all contracts and purchase orders from $50,000 to $100,000 for goods/services; increasing the City Manager's authority for all emergency projects, purchases and services; increasing the formal bidding authority from $50,000 to $100,000; expanding the definition of professional services; and adding language to allow for electronic bidding and rescinding the First Reading of the Ordinance approved by Council on July 11, 2023.

FINANCE; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com

ACTION: (Wright/Ricci; 7/0) Motion introducing and waiving the first reading of **Ordinance 3766-C.S**. amending sections of Title 8, Chapter 3 of the Modesto Municipal Code to increase the City Manager's authority for all contracts and purchase orders from $50,000 to $100,000 for goods/services; increasing the City Manager's authority for all emergency projects, purchases and services; increasing the formal bidding authority from $50,000 to $100,000; expanding the definition of professional services; and adding language to allow for electronic bidding and rescinding the First Reading of the Ordinance approved by Council on July 11, 2023.

Consent

7. Consider approving the First Amendment for On-Call Plumbing Services with Champion Industrial Contractors, Inc., Modesto, CA to a revised total amount of $432,370 through the term of the Agreement. (Funding Source: General Fund, Utility Funds, Centre Plaza, Golf Fund and Building Services Fund)
    - Resolution approving the First Amendment for On-Call Plumbing Services with Champion Industrial Contractors, Inc., Modesto, CA to increase the Agreement amount by $86,250 to a total revised amount not to exceed $432,370 through the Term of the Agreement, extending the Term Date from November 5, 2023, to May 5, 2024, and authorizing the City Manager or his designee to execute the Amendment.

    FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

    ACTION: (Wright/Ricci; 7/0) Resolution 2023-428 approving the First Amendment for On-Call Plumbing Services with Champion Industrial Contractors, Inc., Modesto, CA to increase the Agreement amount by $86,250 to a total revised amount not to exceed $432,370 through the Term of the Agreement, extending the Term Date from November 5, 2023, to May 5, 2024, and authorizing the City Manager or his designee to execute the Amendment.

Consent

8. Consider accepting an Informational Report for the July 2023 Accounts Payable Payment Register and Void Report. (Funding Source: Not Applicable)
    - Motion accepting an Informational Report for the July 2023 Accounts Payable Payment Register and Void Report.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

ACTION: (Wright/Ricci; 7/0) Motion accepting an Informational Report for the July 2023 Accounts Payable Payment Register and Void Report.

Consent

9. Consider accepting the Annual Investment Report for Fiscal Year 2022-2023. (Funding Source: Various Funds)
    - Motion accepting the Annual Investment Report for Fiscal Year 2022-2023.

FINANCE DEPARTMENT; Calogero Maniscalco, 209-577-5219, cmaniscalco@modestogov.com

ACTION: (Wright/Ricci; 7/0) Motion accepting the Annual Investment Report for Fiscal Year 2022-2023.

Consent

10. Consider accepting a report detailing City personal property sold, donated, or disposed of during Fiscal Year 2022-23. (Funding Source: Various Funds)
    - Motion accepting a report detailing all personal property sold, donated, or disposed of during Fiscal Year 2022-23.

FINANCE DEPARTMENT; Vanessa Ferrel, 209-571-5174, vferrel@modestogov.com

ACTION: (Wright/Ricci; 7/0) Motion accepting a report detailing all personal property sold, donated, or disposed of during Fiscal Year 2022-23.

Consent

11. Consider approving a report on Fiscal Year 2022-2023 unclaimed funds of $11,601 that can be transferred to the General Fund. (Funding Source: General Fund)
    - Resolution claiming Fiscal Year 2022-2023 unclaimed funds of $11,601 held in the City's trust fund for more than three years and authorizing the transfer to the General Fund.

FINANCE DEPARTMENT; Vanessa Ferrel, 209-571-5174, vferrel@modestogov.com

ACTION: (Wright/Ricci; 7/0) Resolution 2023-429 claiming Fiscal Year 2022-2023 unclaimed funds of $11,601 held in the City's trust fund for more than three years and authorizing the transfer to the General Fund.

Consent

12. Consider approving the Fiscal Year 2022-23 Write-Off and Adjustments Reports through Fiscal Year-end June 30, 2023, in the total amount of $1,310,155. (Funding Source: Various Funds)
    - Resolution approving the 2022-2023 Write-Off and Adjustments Reports through Fiscal Year end June 30, 2023 in the total amount of $1,310,155 and directing a Report of Disposition to be filed with the City Clerk.

FINANCE DEPARTMENT; Vanessa Ferrel, 209-571-5174, vferrel@modestogov.com

ACTION: (Wright/Ricci; 7/0) Resolution 2023-430 approving the 2022-2023 Write-Off and Adjustments Reports through Fiscal Year end June 30, 2023 in the total amount of $1,310,155 and directing a Report of Disposition to be filed with the City Clerk.

Consent

13. Consider accepting the Board of State and Community Corrections Organized Retail Theft Prevention Grant in the amount of $6,003,419 in grant funds. (Funding Source: Not Applicable)
    - Resolution accepting the Board of State and Community Corrections (BSCC) Organized Retail Theft Prevention Grant in the amount of $6,003,419 in grant funds with no match requirement, and authorizing the City Manager, or his designee, to execute and submit all documents which may be necessary for the completion of the grant acceptance.
    - Resolution amending the Fiscal Year 2023-2024 annual Operating and Multi-Year Project Budget to appropriate revenue and expenses in the amount of $6,003,419 related to the Board of State and Community Corrections Organized Retail Theft Prevention Grant; and authorizing the City Manager, or his designee, to take the necessary steps to implement the required budget adjustment.
    - Resolution amending the Position Allocation for Fiscal Year 2023-2024 as adopted in the operating budget.

    POLICE; Bob Meredith, 209-572-9500, meredithb@modestopd.com

    ACTION: (Wright/Ricci; 7/0) Resolution 2023-431 accepting the Board of State and Community Corrections (BSCC) Organized Retail Theft Prevention Grant in the amount of $6,003,419 in grant funds with no match requirement, and authorizing the City Manager, or his designee, to execute and submit all documents which may be necessary for the completion of the grant acceptance.

    ACTION: (Wright/Ricci; 7/0) Resolution 2023-432 amending the Fiscal Year 2023-2024 annual Operating and Multi-Year Project Budget to appropriate revenue and expenses in the amount of $6,003,419 related to the Board of State and Community Corrections Organized Retail Theft Prevention Grant; and authorizing the City Manager, or his designee, to take the necessary steps to implement the required budget adjustment.

    ACTION: (Wright/Ricci; 7/0) Resolution 2023-433 amending the Position Allocation for Fiscal Year 2023-2024 as adopted in the operating budget.

Consent

14. Consider approving an Agreement for Building Intrusion Alarm Services to Audeamus DBA Sebastian, Fresno, CA, for a total amount not to exceed $83,998 over five years. (Funding Source: Building Maintenance Fund)
    - Resolution approving the Award of Bid and Agreement for Building Intrusion Alarm Services to Audeamus DBA Sebastian, Fresno, CA, for a two-year

Agreement with three one-year extension options, for an annual estimated amount of $33,149 for the first year and a total amount not to exceed $83,998 over five years, with any new site additions, removals or substantive service changes to be authorized by the Director of Finance, or her designee, and authorizing the City Manager, or his designee, to execute the Agreement.

PUBLIC WORKS; Patrick Crowley, 209-402-6812, pcrowley@modestogov.com

ACTION: (Wright/Ricci; 7/0) Resolution 2023-434 approving the Award of Bid and Agreement for Building Intrusion Alarm Services to Audeamus DBA Sebastian, Fresno, CA, for a two-year Agreement with three one-year extension options, for an annual estimated amount of $33,149 for the first year and a total amount not to exceed $83,998 over five years, with any new site additions, removals or substantive service changes to be authorized by the Director of Finance, or her designee, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

15. Consider the submittal of a Grant Application(s) to the State of California Strategic Growth Council to support investment in sustainability and climate change mitigation. (Funding Source: Solid Waste Funds)
    - Resolution authorizing the submittal of a Grant Application(s) to the State of California Strategic Growth Council to support investment in sustainability and climate change mitigation, and authorizing the City Manager, or his designee, to sign grant applications and related documents.

    PUBLIC WORKS; Rosene Nguyen, 209-577-5453, rnguyen@modestogov.com

    ACTION: (Wright/Ricci; 7/0) Resolution 2023-435 authorizing the submittal of a Grant Application(s) to the State of California Strategic Growth Council to support investment in sustainability and climate change mitigation, and authorizing the City Manager, or his designee, to sign grant applications and related documents.

Recess 6:29 p.m.
Reconvene 6:44 p.m.

Mayor Zwahlen apologized that the public had to experience the comments provided under Zoom tonight. She stated that those comments continued to raise repetitious and irrelevant statements, not within the subject matter jurisdiction of the Council. The comments interfered with the orderly conduct of the meeting and kept the business of the City from being completed. The City is not obligated to provide Zoom unless a member of the Council is participating virtually under the provisions of Assembly Bill 2449.

COUNCIL COMMENTS & REPORTS

Councilmember Bavaro denounced the hate and racist comments that were made this evening via Zoom by some members of the public. He spoke about the memories this brings back as

a child, his dad was in the Italian Army, and he remembers listening to the stories that his dad would tell him about the Nazis and the fascist government in Italy. He never would have believed he'd hear what he heard at the meeting this evening.

Vice Mayor Ricci echoed the comments made by Councilmember Bavaro. He also thanked the people for coming together and supporting making A&W an official Modesto landmark. He invited the public to attend the welcoming of the restored Leo the Lion water fountain that will be placed in its new home on Friday, September 29th at Virginia Corridor at W. Morris and Virginia Avenue. He further commented on Enslen Park and the issues there with the homeless. The City does not have enough shelter, and when there's not enough shelter, the homeless live in the City parks, neighborhoods, and businesses.

Mayor Zwahlen reported the Modesto Nuts were the California League Champions this year. It was a great celebration, and she was fortunate enough to be there for their final home game. She also reported the Deputy Mayor of Khmelnytskyi, the City's sister city in Ukraine, came and presented Vice Mayor Ricci and the Mayor with a Ukrainian flag that was signed by the frontline soldiers. She further reported on attending the League of California Cities Conference last week, and reported on the new housing on Ninth Street, which will provide housing for 18 to 25 year-olds that have previously been homeless. She further reported that she along with fellow Councilmembers attended the Sister Cities 150th Gala to celebrate Modesto's 150th Birthday.

Councilmember Alvarez spoke about housing and reported on the new housing on Ninth Street and stated that he appreciates the work of the Housing Department in bringing dollars to the City of Modesto for affordable housing. The City of Modesto celebrated the opening of the 14 permanent supportive housing units for homeless and at-risk youth in the downtown on Ninth Street and provided details about the project. He also commented about a county pockets and wanted to highlight and thank Stanislaus County Board of Supervisor for recently earmarking $40 million for sidewalks and other basic municipal services like streetlights, gutters and lights, and crossing lights in South Modesto, Airport community and the West Side of Modesto. He also shared his experiences while growing up and personally walking through mud puddles with his siblings to get to Burbank Elementary during the rainy seasons. He further spoke about his experiences and what led him to public service. He hears the comments made by the public in terms of basic services in county pockets and stated the City of Modesto and the Stanislaus County Board of Supervisors are dedicated to bringing basic municipal services to these areas that are traditionally and historically underserved.

Councilmember Williams commented that Veronica, General Manager of the Nuts is the first female General Manager in its history and to have been able to acquire a championship for the City of Modesto. He congratulated her and all of those who won. He also reported on attending the League of California Cities conference, along with his colleagues in Sacramento. Lastly, he thanked this Council, particularly the Mayor, for handling this meeting the way that she did in eliminating things that have nothing to do with the character of individuals who are on this dais. He expressed his appreciation for each and every one of his colleagues, male, female, whatever ethnicity and stated that we are all a part of the human race. He is so glad to be a part of this wonderful dais that they call the City of Modesto City Councilmembers.

Councilmember Escutia-Bratton stated that she agrees with the comments made by her Council colleagues. She stated that she wanted to publicly denounce the unfortunate and hateful speech heard here tonight and wanted to applaud the Mayor, for her demonstration of leadership in handling those words. She also stated that she wanted to articulate the amazing work that they have collectively been doing as a united Council in collaboration with staff, fire, police, law enforcement and members of the community and members of the nonprofits. Their work product is providing fruitful, tangible results and benefiting people. They are going to continue to work with and collaborate to make Modesto a better place to be and live and to raise children.

CITY MANAGER COMMENTS & REPORTS

None

HEARINGS

Published in the Modesto Bee on August 16, 2023 - Continued from September 12, 2023

16. Hearing to consider acceptance of the City of Modesto's Consolidated Annual Performance Evaluation Report for Program Year 2022-2023. (Funding Source: Various HUD Funding Sources)
    - Resolution approving the City of Modesto's Consolidated Annual Performance Evaluation Report for Program Year 2022-2023 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, 209-577-5321, jhill@modestogov.com

    ACTION: (Alvarez/Wright; 7/0) Resolution 2023-436 approving the City of Modesto's Consolidated Annual Performance Evaluation Report for Program Year 2022-2023 and authorizing the City Manager or his designee, to sign the required documents for submittal to the U.S. Department of Housing and Urban Development.

Published in the Modesto Bee on September 7, 2023.

17. Hearing to consider approving the Earth Day in the Park Event Fee Schedule. (Funding Source: Solid Waste Fund)
    - Resolution approving the Earth Day in the Park Event Fee Schedule, and authorizing the Public Works Director, or his designee, to adjust fees.

    PUBLIC WORKS; Rosene Nguyen, 209-577-5453, rnguyen@modestogov.com

    ACTION: (Bavaro/Alvarez; 7/0) Resolution 2023-437 approving the Earth Day in the Park Event Fee Schedule, and authorizing the Public Works Director, or his designee, to adjust fees.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:19 pm.

Closed Session Matters Heard Prior to the 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: **Chipponeri v. City of Modesto**
Case No. 2028661

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

Name of case(s): **Gerald Bunch v. City of Modesto**
California Workers Compensation Appeals Board
Nos. ADJ14606157, ADJ14647656 & ADJ15874633

Thomas Gales v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ8887460

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
SPECIAL APPOINTMENTS COMMITTEE / COUNCIL WORKSHOP
2001-40 Del Puerto Room.
Tenth Street Place, 1010 10th Street
Modesto, California

Thursday, September 28, 2023 at 4:00 PM

Roll Call: Present: Committee Members Escutia-Braaton, Ricci, Williams
Absent: None

PUBLIC COMMENTS IN PERSON

None.

NEW BUSINESS

1. Consider interviewing for the appointment of one vacancy to fill the partial term expiring December 31st, 2024 on the City of Modesto Planning Commission and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending the appointment of an applicant to fill the partial term expiring December 31st, 2024, for the City of Modesto Planning Commission and forwarding to Council for approval.

    CED; Jessica Hill, 209-577-5267, jhill@modestogov.com

    ACTION: (Williams/Ricci; 3/0) Motion recommending the appointment of Erin Black to fill the partial term expiring December 31st, 2024, for the City of Modesto Planning Commission and forwarding to Council for approval.

2. Consider the appointment for one vacancy on the City of Modesto Citizens' Housing and Community Development Committee and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending the appointment for one vacancy on the City of Modesto Citizens' Housing and Community Development Committee for a 4-year term beginning January 1, 2024 through December 31, 2028, and forwarding to Council for approval.

    CED; Jessica Hill, 209-577-5267, jhill@modestogov.com

    ACTION: (Ricci/Williams; 3/0) Motion recommending the appointment of Jim Stokes to the City of Modesto Citizens' Housing and Community Development Committee for a

4-year term beginning January 1, 2024 through December 31, 2028, and forwarding to Council for approval.

3. Consider the appointments for five vacancies on the Citizens' Salary Setting Commission and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending the appointment of two applicants for a two-year term with expiration of December 31, 2026 and three applicants for a four-year term with expiration of December 31, 2028, for the Citizens' Salary Setting Commission and forwarding to Council for approval.

CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

ACTION: (Williams/Ricci; 3/0) Motion recommending the appointments of Abimael Chavez-Hernadez, Collen Preston, Julie Saugstad, Roldon (Sandy) Sutton, and Jan Viss to serve on the Citizens' Salary Setting Commission and forwarding to Council for approval.

ACTION: (Ricci/Williams; 3/0) Motion recommending the appointing Jan Viss and Julie Saugstad for a two-year term with an expiration of December 31, 2026; and, appointing Abimael Chavez-Hernanez, Collen Preston, and Roland (Sandy) Sutton, for a four-year term with an expiration of December 31, 2028 and forwarding to Council for approval.

4. Consider the appointment of one vacancy on the Equity Commission for a partial unexpired term ending December 31, 2026 and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending the appointment of one applicant to the Equity Commission for a partial unexpired term ending December 31, 2026 and forwarding to Council for approval.

HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Ricci/Williams; 3/0) Motion appointing Margaret James to the Equity Commission for a partial unexpired term ending December 31, 2026 and forwarding to Council for approval.

5. Consider the reappointment of Kayvon Banankhah, Lolamaya Evans, Jossfin Garza, Hamza Modan and Abigail Manzano and appointing four new members to the Modesto Youth Commission for the 2023–2024 school year from October 24, 2023 to June 30, 2024 and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending the reappointment of Kayvon Banankhah, Lolamaya Evans, Jossfin Garza, Hamza Modan and Abigail Manzano and appointing four new members to the Modesto Youth Commission for the 2023–2024 school year from October 24, 2023 to June 30, 2024 and forwarding to Council for approval.

PRN; Ashley Weaver, 209-577-5428, aweaver@modestogov.com

ACTION: (Ricci/Williams; 3/0) Motion recommending the reappointment of Kayvon Banankhah, Lolamaya Evans, Jossfin Garza, Hamza Modan and Abigail Manzano and appointing Sabrina Toor, Martin Montez, Edith Hughes and Saida Alvarez to the Modesto Youth Commission for the 2023–2024 school year from October 24, 2023 to June 30, 2024 and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 5:55 p.m.

Attest: _____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL
Room 2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, October 02, 2023 at 4:00 PM

Roll Call: Present: Member Alvarez, Vice-Chair Ricci, and Chair Zwahlen
Absent: None
Also Present: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 1-3 (Alvarez/Ricci; 3/0)

CONSENT

Consent
1. Consider an Eighth Amendment to the Professional Design Services Agreement for the State Route 132 West Freeway/Expressway - Phase 1 Project with Dokken Engineering, increasing the Agreement to a new total amount not to exceed $9,536,933, and forwarding to Council for approval. (Funding Source: Regional Measure L)
    - Motion recommending an Eighth Amendment to the Professional Design Services Agreement for the State Route 132 West Freeway/Expressway - Phase 1 Project with Dokken Engineering, increasing the Agreement amount by $37,902 from $9,499,031 to a new total amount not to exceed $9,536,933 and forwarding to Council for approval.

ENGINEERING SERVICES; John Rawles, 209-577-5253, jrawles@modestogov.com

ACTION: (Alvarez/Ricci; 3/0) Motion recommending an Eighth Amendment to the Professional Design Services Agreement for the State Route 132 West Freeway/Expressway - Phase 1 Project with Dokken Engineering, increasing the Agreement amount by $37,902 from $9,499,031 to a new total amount not to exceed $9,536,933 and forwarding to Council for approval.

Consent
2. Consider the Award of Bid and Agreement for Slurry Alum to Thatcher Company of California, Inc., Sacramento CA for a total amount not to exceed $300,000 over five years and forwarding to Council for approval. (Funding Source: Surface Transportation Fund)

- Motion recommending the Award of Bid and Agreement for Slurry Alum on an as needed basis to Thatcher Company of California, Inc., Sacramento CA, for a one-year Agreement with four one-year extension options, for an annual estimated cost of $60,000 and a total amount not to exceed $300,000 over five years and forwarding to Council for approval.

PUBLIC WORKS; John Sphar, 209-342-2235, jsphar@modestogov.com

ACTION: (Alvarez/Ricci; 3/0) Motion recommending the Award of Bid and Agreement for Slurry Alum on an as needed basis to Thatcher Company of California, Inc., Sacramento CA, for a one-year Agreement with four one-year extension options, for an annual estimated cost of $60,000 and a total amount not to exceed $300,000 over five years and forwarding to Council for approval.

Consent

3. Consider an Agreement with Hach Company, Loveland, CO for Nitrate Analyzer Equipment and Field Services, for total amount not to exceed $530,000 over three years and forwarding to Council for approval. (Funding Source: Water Fund)
    - Motion recommending an Agreement with Hach Company, Loveland, CO for Nitrate Analyzer Equipment and Field Services, for a three-year Agreement for a total amount not to exceed $530,000; and forwarding to Council for approval.

UTILITIES; Manuel Martinez, 209-342-4592, mmartinez@modestogov.com

ACTION: (Alvarez/Ricci; 3/0) Motion recommending an Agreement with Hach Company, Loveland, CO for Nitrate Analyzer Equipment and Field Services, for a three-year Agreement for a total amount not to exceed $530,000; and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:02 p.m.

Attest: _____
Andrea Cook, Deputy City Clerk

MINUTES
City of Modesto
SAFETY AND COMMUNITIES COMMITTEE
COUNCIL WORKSHOP
Room 2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California

Monday, October 09, 2023 at 4:00 PM

Roll Call: Present: Committee Member Williams, Vice Chair Escutia-Braaton, Chair Ricci
Absent: None

PUBLIC COMMENTS

None

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

CONSENT

Consent

1. Consider the Fiscal Year 2023-2024 Cal Fire Volunteer Fire Capacity (VFC) Program Grant Award in the amount of $40,000, which includes a 50% Local Match, for the Procurement of Wildland Firefighting Equipment and forwarding to Council for approval. (Funding Source: General Fund)
    - Motion recommending the Acceptance of the Fiscal Year 2023-2024 Cal Fire Volunteer Fire Capacity (VFC) Program Grant Award in the amount of $40,000, which includes a 50% Local Match, for the Procurement of Wildland Firefighting Equipment and forwarding to Council for approval.

FIRE DEPARTMENT; Kevin Wise, 209-572-9590, kwise@modestofire.com

ACTION: (Escutia-Braaton/Williams; 3/0) Motion recommending the Acceptance of the Fiscal Year 2023-2024 Cal Fire Volunteer Fire Capacity (VFC) Program Grant Award in the amount of $40,000, which includes a 50% Local Match, for the Procurement of Wildland Firefighting Equipment and forwarding to Council for approval.

Consent

2. Consider an Agreement with Verde Design, Inc. to prepare construction documentation for the Mary E. Grogan Park Synthetic Turf Replacement Project for a total amount not to exceed $88,000 and forwarding to Council for approval. (Funding Source: American Rescue Plan Act)

- Motion recommending an Agreement with Verde Design, Inc. to prepare construction documentation for the Mary E. Grogan Park Synthetic Turf Replacement Project for a total amount of $80,000, plus $8,000 for additional services, if needed, for an Agreement total not to exceed $88,000, and forwarding to Council for approval.

PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Escutia-Braaton/Williams; 3/0) Motion recommending an Agreement with Verde Design, Inc. to prepare construction documentation for the Mary E. Grogan Park Synthetic Turf Replacement Project for a total amount of $80,000, plus $8,000 for additional services, if needed, for an Agreement total not to exceed $88,000, and forwarding to Council for approval.

Consent

3. Consider the Purchase of Restroom Buildings for Graceada Park, Mark Twain Park, and Robertson Road Park from Public Restroom Company, of Minden, NV, for a total amount not to exceed $1,078,867 and forwarding to Council for approval. (Funding Source: Measure H)
    - Motion recommending the Competitive Bidding Process from Sourcewell with Public Restroom Company for the Purchase, Delivery, and Installation of Restroom Buildings for Graceada Park, Mark Twain Park, and Robertson Road Park, for a total amount not to exceed $1,078,867, and forwarding to Council for approval.

PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Escutia-Braaton/Williams; 3/0) Motion recommending the Competitive Bidding Process from Sourcewell with Public Restroom Company for the Purchase, Delivery, and Installation of Restroom Buildings for Graceada Park, Mark Twain Park, and Robertson Road Park, for a total amount not to exceed $1,078,867, and forwarding to Council for approval.

NEW BUSINESS

4. Consider the First Amendment with BrightView Golf Maintenance, Inc., in partnership with KemperSports Management for Golf Management and Maintenance Services to a revised total amount of $13,987,536 and extending the term of the Agreement to December 31, 2025, and forwarding to Council for approval. (Funding Source: Golf Fund)
    - Motion recommending the First Amendment increasing the Agreement amount with BrightView Golf Maintenance, Inc., in partnership with KemperSports Management, for Golf Management and Maintenance Services by $824,296 from $13,163,240 to a new total amount of $13,987,536 and extending the term of the Agreement to December 31, 2025; and forwarding to Council for approval.

PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Ricci/Escutia-Braaton; 3/0) Motion recommending the First Amendment increasing the Agreement amount with BrightView Golf Maintenance, Inc., in partnership with KemperSports Management, for Golf Management and Maintenance Services by $824,296 from $13,163,240 to a new total amount of $13,987,536 and extending the term of the Agreement to December 31, 2025, and recommending increasing marketing budget, and forwarding to Council for approval.

5. Consider an increase in Golf Green Fees at the City of Modesto Golf Courses by $2/round effective July 1, 2024, with an annual inflator of $1/round each year for the next two years, subject to annual review, rescinding Resolution No. 2018-377; and forwarding to Council for approval. (Funding Source: Golf Enterprise Fund)
    - Motion recommending an increase in Golf Green Fees at the City of Modesto Golf Courses by $2/round effective July 1, 2024, with an annual increase of $1/round each year for the next two years, subject to annual review, rescinding Resolution No. 2018-377; and forwarding to Council for approval.

PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Escutia-Braaton/Williams; 3/0) Motion recommending an increase in Golf Green Fees at the City of Modesto Golf Courses by $2/round effective July 1, 2024, with an annual increase of $1/round each year for the next two years, subject to annual review, rescinding Resolution No. 2018-377; and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:40 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, October 10, 2023 at 5:30 PM

Roll Call - Councilmembers Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

Pledge of Allegiance to the Flag

Invocation: Lyn Crase, Emanuel Lutheran

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Sanchez reported No Reportable Action was taken.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. StanCOG Community Outreach for Unmet Transit Needs Process. (Funding Source: Not Applicable)
   CITY MANAGER; Joseph Lopez, 209-577-5223, joelopez@modestogov.com

   ACTION: Jean Foletta presented StanCOG Community Outreach for Unmet Transit Needs Process.

MISCELLANEOUS

2. Consider reappointing Kayvon Banankhah, Lolamaya Evans, Jossfin Garza, Hamza Modan and Abigail Manzano, and appointing Saida Alvarez, Edith Hughes, Martin Montez, and Sabrina Toor to the Modesto Youth Commission for the 2023–2024 school year from October 11, 2023 through June 30, 2024. (Funding Source: Not Applicable)
   Staff Recommendation:
   - Resolution reappointing Kayvon Banankhah, Lolamaya Evans, Jossfin Garza, Hamza Modan and Abigail Manzano to the Modesto Youth Commission for the 2023–2024 school year from October 11, 2023 through June 30, 2024.

- Resolution appointing Saida Alvarez, Edith Hughes, Martin Montez, and Sabrina Toor to the Modesto Youth Commission for the 2023–2024 school year from October 11, 2023 through June 30, 2024.

CED; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-438 reappointing Kayvon Banankhah, Lolamaya Evans, Jossfin Garza, Hamza Modan and Abigail Manzano to the Modesto Youth Commission for the 2023–2024 school year from October 11, 2023 through June 30, 2024.

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-439 appointing Saida Alvarez, Edith Hughes, Martin Montez, and Sabrina Toor to the Modesto Youth Commission for the 2023–2024 school year from October 11, 2023 through June 30, 2024.

PUBLIC COMMENT PERIOD

- James Costello, Modesto Citizens Action Group and Modesto Life Center stated that he wanted to congratulate City staff for their recent awards having to do with homelessness. It's a complex problem, and these are two efforts that help. He also spoke about safe sleeping sites and is hoping they will address this problem soon.

- Steve spoke about the hate speech made at the last meeting and the decision to eliminate commenting through Zoom. He referenced the action taken when proud boys spoke in the past. He spoke about the need for the public to participate in meetings through Zoom.

- Derek Castle commented on the homeless and the need to find alternatives for them. There is a need to have safe camping in the most effective way possible. He further stated that safe alternative spaces are needed for shelter during extreme weather.

- Rebecca Harrington thanked the City for being a sponsor of the Dia De Los Muertos event. She provided details of the upcoming Dia De Los Muertos event that will be held on October 21, 2023 in Downtown Modesto.

- Darlene Ruiz spoke about former Officer Lamantia and her concerns about him possibly being allowed to return to work based on the decision by the arbitrator. She asked how the arbitrator could be allowed to make that decision. She also spoke about police unions and arbitrators and asked for accountability.

- Ray Ruiz commented on the criminal charges against former Officer Lamantia being dropped and commented on the labor arbitrator and police union.

- Ramon Rodriguez spoke about the last Council meeting and the hate comments made by individuals participating via Zoom. He is disappointed in Zoom commenting being discontinued. Hatred has no place in the community.

- Gladys Williams invited the public and Council to attend the free screening of a documentary entitled "Repairing the World: Stories from The Tree of Life" Sunday, Oct. 15th, at Brenden Theatres, 1021 10th St. She asked the public to visit the NAACP website for etickets.

- Brittoni Chavez spoke about the shooting of Paul Chavez. She said there's still no accountability. She also spoke about the Community Police Review Board meetings. She would like to see action and accountability.

- Theresa Clutter spoke about the shooting of Paul Chavez. She asked for justice. She spoke about Zoom commenting being removed. She also spoke about former Officer Lamantia.

- Jerry Thompson stated he participated in a meeting last week with the lowrider club and the Chief. He also commented that their club will be providing items for display at the Sacramento History Museum's "Boulevard Dreams" exhibit.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 3-16: (Wright/Escutia-Braaton; 7/0)

CONSENT

Consent

3. Consider approving the minutes from the September 26, 2023 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the September 26, 2023 Council Meeting.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 7/0) Motion approving the minutes from the September 26, 2023 Council Meeting.

Consent

4. Consider approving Final Adoption of Ordinance 3766-C.S. amending sections of Title 8, Chapter 3 of the Modesto Municipal Code to increase the City Manager's authority for all Contracts and Purchase Orders from $50,000 to $100,000 for Goods/Services; increasing the City Manager's authority for all Emergency Projects, Purchases and Services; increasing the Formal Bidding Authority from $50,000 to $100,000; expanding the definition of Professional Services; and adding language to allow Electronic Bidding; and rescinding the first reading of the Ordinance approved by Council on July 11, 2023. (Funding Source: Not Applicable)
    - Motion approving Final Adoption of Ordinance 3766-C.S. amending sections of Title 8, Chapter 3 of the Modesto Municipal Code to increase the City Manager's authority for all Contracts and Purchase Orders from $50,000 to $100,000 for Goods/Services; increasing the City Manager's authority for all Emergency Projects, Purchases and Services; increasing the Formal Bidding Authority from $50,000 to $100,000; expanding the definition of Professional

Services; and adding language to allow Electronic Bidding; and rescinding the first reading of the Ordinance approved by Council on July 11, 2023.

CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Motion approving Final Adoption of Ordinance 3766-C.S. amending sections of Title 8, Chapter 3 of the Modesto Municipal Code to increase the City Manager's authority for all Contracts and Purchase Orders from $50,000 to $100,000 for Goods/Services; increasing the City Manager's authority for all Emergency Projects, Purchases and Services; increasing the Formal Bidding Authority from $50,000 to $100,000; expanding the definition of Professional Services; and adding language to allow Electronic Bidding; and rescinding the first reading of the Ordinance approved by Council on July 11, 2023.

Consent

5. Consider approving the recommended Budget Adjustments to Fiscal Year 2023-24 Annual Operating and Capital Improvement Program Budgets. (Funding Source: Various Funds)
    - Resolution amending Fiscal Year 2023-24 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 2023-440 amending Fiscal Year 2023-24 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 Will Serve Letter and an Outside Service Agreement between the City of Modesto and Dana Hargrove and Kwang Chon, husband and wife, to connect to the City of Modesto's existing sewer system for the property located at 1613 Woodland Ave, (APN: 081-029-029) in an unincorporated area of Stanislaus County. (Funding Source: Sewer Fund, General Fund)
    - Resolution approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and Dana Hargrove and Kwang Chon, husband and wife, to connect to the City of Modesto's existing sewer system for the property located at 1613 Woodland Ave (APN: 081-029-029), in an unincorporated area of Stanislaus County, and authorizing the City Manager, or his designee, to sign the Will Serve Letter and execute the Outside Service Agreement.

ENGINEERING SERVICES; Toby Wells, 209-571-5542, twells@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-441 approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and Dana Hargrove and Kwang Chon, husband and wife, to connect to the City of Modesto's existing sewer system for the property located at 1613 Woodland Ave (APN: 081-029-

029), in an unincorporated area of Stanislaus County, and authorizing the City Manager, or his designee, to sign the Will Serve Letter and execute the Outside Service Agreement.

Consent

7. Consider approving an Agreement for Concrete Services with United Pavement Maintenance, Hughson, CA for a total amount not to exceed $2,350,000 for a one-year Agreement. (Funding Source: Measure H, Water Fund and General Fund)
    - Resolution approving an Agreement with United Pavement Maintenance, Hughson, CA for a one-year Agreement for a total amount not to exceed $2,350,000; and authorizing the City Manager or his designee to execute the Agreement.

FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-442 approving an Agreement with United Pavement Maintenance, Hughson, CA for a one-year Agreement for a total amount not to exceed $2,350,000; and authorizing the City Manager or his designee to execute the Agreement.

Consent

8. Consider approving the Agreements for Rental Fleet Services with Herc Rentals, Modesto, California (CA), Holt of California, Salida, California and United Rentals, Modesto, California for a total amount not to exceed $2,000,000 over five years. (Funding Source: Various Funds)
    - Resolution approving the Agreements with Herc Rentals, Modesto, CA, Holt of California, Salida, CA, and United Rentals, Modesto, CA, by utilizing the Competitive Bid Process with OMNIA Partners and Sourcewell, for Rental Fleet Services for a one-year Agreement with four one-year extension options, for an annual estimated amount 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 Agreements.

FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-443 approving the Agreements with Herc Rentals, Modesto, CA, Holt of California, Salida, CA, and United Rentals, Modesto, CA, by utilizing the Competitive Bid Process with OMNIA Partners and Sourcewell, for Rental Fleet Services for a one-year Agreement with four one-year extension options, for an annual estimated amount 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 Agreements.

Consent

9. Consider approving the First Amendment to the Purchasing Agreements with Ferguson Waterworks, Modesto CA, Iconix Waterworks, McClellan CA, and American AVK, Minden NV for Concrete Boxes, Covers, Valves, Hydrants and Fittings to a revised total amount not to exceed $8,700,000 over five years. (Funding Source: Water Fund)

- Resolution approving the First Amendment to the Purchasing Agreements with Ferguson Waterworks, Modesto, CA, Iconix Waterworks, McClellan, CA, and American AVK, Minden, NV for Concrete Boxes, Covers, Valves, Hydrants and Fittings increasing the annual estimated spending by $975,000 from $765,000 to a revised annual estimated amount of $1,740,000 and a revised total amount not to exceed $8,700,000 over five years; and authorizing the City Manager or his designee to execute the Amendments.

FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-444 approving the First Amendment to the Purchasing Agreements with Ferguson Waterworks, Modesto, CA, Iconix Waterworks, McClellan, CA, and American AVK, Minden, NV for Concrete Boxes, Covers, Valves, Hydrants and Fittings increasing the annual estimated spending by $975,000 from $765,000 to a revised annual estimated amount of $1,740,000 and a revised total amount not to exceed $8,700,000 over five years; and authorizing the City Manager or his designee to execute the Amendments.

Consent

10. Consider approving the Second Amendment for Fleet Tire Purchases with McCoy Truck Tire, Modesto, CA and Valley Tire, Modesto, CA to increase the Agreement to a revised total amount of $2,170,000. (Funding Source: Water Fund)
    - Resolution approving the Second Amendment for Fleet Tire Purchases with McCoy Truck Tire, Modesto, CA and Valley Tire, Modesto, CA to increase the Agreement amount by $400,000 to a revised total amount of $2,170,000 through the Term of the Agreement and extending the Term Date from October 22, 2023, to October 22, 2024; and authorizing the City Manager or his designee to execute the Amendment.

FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-445 approving the Second Amendment for Fleet Tire Purchases with McCoy Truck Tire, Modesto, CA and Valley Tire, Modesto, CA to increase the Agreement amount by $400,000 to a revised total amount of $2,170,000 through the Term of the Agreement and extending the Term Date from October 22, 2023, to October 22, 2024; and authorizing the City Manager or his designee to execute the Amendment.

Consent

11. Consider approving updated pricing for seven bid events for Fleet Additions and Replacement Vehicles by $381,773. (Funding Source: Fleet Replacement Fund, Police Grants and Traffic Safety)
    - Resolution approving an increase to the amount for the purchase of one Low-Profile Dump Truck to Cobalt Truck, Las Vegas, NV by $2,556, increasing the Purchase Order from $115,932 to a new total amount not to exceed $118,488, 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 Extended Cab Trucks to Napa Ford, Napa, CA by $38,531, increasing the Purchase Order from $110,114 to a new total amount not to exceed $148,645, and authorizing the Purchasing Manager, or her designee, to update the Purchase Order.
- Resolution approving an increase to the amount for the purchase of four One-Ton Trucks to Napa Ford, Napa, CA by $84,050, increasing the Purchase Order from $188,429 to a new total amount not to exceed $272,479, 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 Passenger Vans to Napa Ford, Napa, CA by $60,308, increasing the Purchase Order from $95,206 to a new total amount not to exceed $155,514, and authorizing the Purchasing Manager, or her designee, to update the Purchase Order.
- Resolution approving an increase to the amount for the purchase of twelve Half-Ton Trucks to Penske Chevrolet, Cerritos, CA by $178,160, increasing the Purchase Order from $425,159 to a new total amount not to exceed $603,319, and authorizing the Purchasing Manager, or her designee, to update the Purchase Order.
- Resolution approving an increase to the amount for the purchase of one Peterbilt Class 4-8 Chassis with related equipment with Interstate Truck Center dba Valley Peterbilt, Turlock, CA by $16,726, increasing the Purchase Order from $199,846 to a new total amount not to exceed $216,572, and authorizing the Purchasing Manager, or her designee, to update the Purchase Order.
- Resolution approving an increase to the amount for the purchase of four Forklifts with Cromer Material Handling, Pasadena, CA by $1,442, increasing the Purchase Order from $155,539 to a new total amount not to exceed $156,981, and authorizing the Purchasing Manager, or her designee, to update the Purchase Order.

FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-446 approving an increase to the amount for the purchase of one Low-Profile Dump Truck to Cobalt Truck, Las Vegas, NV by $2,556, increasing the Purchase Order from $115,932 to a new total amount not to exceed $118,488, and authorizing the Purchasing Manager, or her designee, to update the Purchase Order.

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-447 approving an increase to the amount for the purchase of two One-Ton Extended Cab Trucks to Napa Ford, Napa, CA by $38,531, increasing the Purchase Order from $110,114 to a new total amount not to exceed $148,645, and authorizing the Purchasing Manager, or her designee, to update the Purchase Order.

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-448 approving an increase to the amount for the purchase of four One-Ton Trucks to Napa Ford, Napa, CA by $84,050, increasing the Purchase Order from $188,429 to a new total amount

not to exceed $272,479, and authorizing the Purchasing Manager, or her designee, to update the Purchase Order.

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-449 approving an increase to the amount for the purchase of two Passenger Vans to Napa Ford, Napa, CA by $60,308, increasing the Purchase Order from $95,206 to a new total amount not to exceed $155,514, and authorizing the Purchasing Manager, or her designee, to update the Purchase Order.

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-450 approving an increase to the amount for the purchase of twelve Half-Ton Trucks to Penske Chevrolet, Cerritos, CA by $178,160, increasing the Purchase Order from $425,159 to a new total amount not to exceed $603,319, and authorizing the Purchasing Manager, or her designee, to update the Purchase Order.

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-451 approving an increase to the amount for the purchase of one Peterbilt Class 4-8 Chassis with related equipment with Interstate Truck Center dba Valley Peterbilt, Turlock, CA by $16,726, increasing the Purchase Order from $199,846 to a new total amount not to exceed $216,572, and authorizing the Purchasing Manager, or her designee, to update the Purchase Order.

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-452 approving an increase to the amount for the purchase of four Forklifts with Cromer Material Handling, Pasadena, CA by $1,442, increasing the Purchase Order from $155,539 to a new total amount not to exceed $156,981, and authorizing the Purchasing Manager, or her designee, to update the Purchase Order.

Consent

12. Consider a Memorandum of Agreement (MOA) between the Modesto Fire Department, Turlock Fire Department, Stanislaus Consolidated Fire Protection District and Cal Fire Tuolumne-Calaveras Unit, for participation in the Central Valley Incident Management Team. (Funding Source: Not Applicable)
    - Resolution approving a Memorandum of Agreement (MOA) between the Modesto Fire Department, Turlock Fire Department, Stanislaus Consolidated Fire Protection District and Cal Fire Tuolumne-Calaveras Unit, for participation in the Central Valley Incident Management Team and authorizing the City Manager, or his designee, to execute the MOA.

FIRE DEPARTMENT; Kevin Wise, 209-572-9590, kwise@modestofire.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-453 approving a Memorandum of Agreement (MOA) between the Modesto Fire Department, Turlock Fire Department, Stanislaus Consolidated Fire Protection District and Cal Fire Tuolumne-Calaveras Unit, for participation in the Central Valley Incident Management Team and authorizing the City Manager, or his designee, to execute the MOA.

Consent

13. Consider approving a Memorandum of Understanding (MOU) for Oversight of the Fire and Emergency Medical Services (EMS) Public Safety Programs between the City of Modesto and Yosemite Community College District for a five-year term, and an Instructional Service Agreement (ISA) between the Yosemite Community College District (on behalf of Modesto Junior College) and the City of Modesto for the provision of certain Instructional Services within the State of California. (Funding Source: General Fund)
    - Resolution approving a Memorandum of Understanding (MOU) for Oversight of the Fire and EMS Public Safety Programs between the City of Modesto and Yosemite Community College District, and an Instructional Service Agreement (ISA) between the Yosemite Community College District (on behalf of Modesto Junior College) and the City of Modesto for the provision of certain Instructional Services within the State of California and authorizing the City Manager, or his designee, to execute the Agreements.

    FIRE DEPARTMENT; Kevin Wise, 209-572-9590, kwise@modestofire.com

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-454 approving a Memorandum of Understanding (MOU) for Oversight of the Fire and EMS Public Safety Programs between the City of Modesto and Yosemite Community College District, and an Instructional Service Agreement (ISA) between the Yosemite Community College District (on behalf of Modesto Junior College) and the City of Modesto for the provision of certain Instructional Services within the State of California and authorizing the City Manager, or his designee, to execute the Agreements.

Consent

14. Consider approving Agreements for Tree Pruning and Removal Services with West Coast Arborists, Inc., Anaheim, CA; Greentek Services, LLC, Oroville, CA; and Rumble Tree, Inc., Modesto, CA in a total amount between all Agreements combined not to exceed $10,320,000 over five years. (Funding Source: Measure H and Various Other Funds)
    - Resolution approving Agreements for Tree Pruning and Removal Services with West Coast Arborists, Inc., Anaheim, CA; Greentek Services, LLC, Oroville, CA; and Rumble Tree, Inc., Modesto, CA in a total amount between all Agreements combined not to exceed $10,320,000 over five years and authorizing the City Manager, or his designee, to execute the Agreements.
    - Resolution amending the Fiscal Year 2023-24 Annual Operating Budget to appropriate unassigned Fiscal Year 2022-23 Measure H Fund carryover to increase the expenditure budget by $380,000 in the Public Works – Measure H – Community Forestry Cost Center (56041) in the Measure H Fund (0160) for the increase in the Tree Removal and Stump Grinding Services Agreement and authorizing the City Manager to take the necessary steps to implement the required budget adjustments.

    PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-455 approving Agreements for Tree Pruning and Removal Services with West Coast Arborists, Inc., Anaheim, CA; Greentek Services, LLC, Oroville, CA; and Rumble Tree, Inc., Modesto, CA in a total amount between all Agreements combined not to exceed $10,320,000 over five years and authorizing the City Manager, or his designee, to execute the Agreements.

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-456 amending the Fiscal Year 2023-24 Annual Operating Budget to appropriate unassigned Fiscal Year 2022-23 Measure H Fund carryover to increase the expenditure budget by $380,000 in the Public Works – Measure H – Community Forestry Cost Center (56041) in the Measure H Fund (0160) for the increase in the Tree Removal and Stump Grinding Services Agreement and authorizing the City Manager to take the necessary steps to implement the required budget adjustments.

Consent

15. Consider approving the Culture Commission's nomination to make the Yellow-Billed Magpie the City Bird of Modesto. (Funding Source: Not Applicable)
    - Resolution approving the Culture Commission's nomination to make the Yellow-Billed Magpie the City Bird of Modesto.

    PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-457 approving the Culture Commission's nomination to make the Yellow-Billed Magpie the City Bird of Modesto.

Consent

16. Consider approving the Plans and Specifications for the Upgrade Traffic Signals 2019 Project with locations at Blue Gum Avenue at Carpenter Road, 12th Street at G Street, and, 17th at I Street, accepting the Bid, and Awarding a Contract to St. Francis Electric, LLC of San Leandro, CA in the amount of $1,561,400, and Change Orders up to the cumulative amount of $156,140 for a total amount not to exceed $1,717,540. (Funding Source: Congestion Mitigation and Air Quality)
    - Resolution approving the Plans and Specifications for the Upgrade Traffic Signals 2019 Project, accepting the Bid, and Awarding a Contract to St. Francis Electric, LLC of San Leandro, CA, in the amount of $1,561,400, and Change Orders up to the cumulative amount of $156,140 for a total amount not exceed $1,717,540, and authorizing the City Manager, or his designee, to execute the Agreement.

    PUBLIC WORKS; Mark Murphy, 209-577-5431, mmurphy@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-458 approving the Plans and Specifications for the Upgrade Traffic Signals 2019 Project, accepting the Bid, and Awarding a Contract to St. Francis Electric, LLC of San Leandro, CA, in the amount of $1,561,400, and Change Orders up to the cumulative amount of $156,140 for a total

amount not exceed $1,717,540, and authorizing the City Manager, or his designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

Councilmember Bavaro spoke about the comments made at the last Council meeting and the comments made this evening about people saying that this Council did nothing about the hate speech. He wanted to provide facts that the Mayor showed strong leadership and properly addressed those who were using neo-Nazi hate speech. The Mayor showed leadership that Modesto is very proud of, and he stands with her. The Council did in fact denounce that hate speech at that meeting. If people would stick around maybe they would hear the comments made by the Council.

Councilmember Escutia-Braaton reported on recent activities. She along with Councilmember Williams and other individuals attended an El Concilio Dinner and Awards Night where they acknowledged the good work and exemplary leadership that many of the community members have demonstrated over the years. One of those honorees was Rebecca Harrington that is here this evening. She also reported on attending, along with fellow Councilmembers and the Mayor, the groundbreaking ceremony of the Modesto Temple of the Church of Jesus Christ of Latter-day Saints. She also acknowledged and condemned what is happening in Israel.

Council Member Wright commented that he was also saddened by the comments made over Zoom at the last Council meeting. It's sad to hear people talk about hate. He also stated that his heart goes out to the people in Israel and to that community. He also reported on attending the International Heritage Festival where different cultures came together and had a great time. All the different countries and the different flags were there, with different types of food, and the friendliness from all the cultures with each other made you realize how great Modesto is.

Vice Mayor Ricci stated that he wanted to express his strong support for members of the Jewish community in light of the attack on Yom Kippur that resulted in the murder and kidnaping of thousands of Israelis. The actions of Hamas are outrageous and unacceptable and ensuring the long-term health and safety of their diverse religious communities is critical. He also reported on the recent Dump Day held on September 30th at Enochs High School. If members of the public missed it, there will be another event as this will be held four times a year. He also reported on the process for bulky item pickup requests. He further spoke about homelessness and stated that they need to do something about homeless safe spaces and shelter right now. City parks, businesses and homeowners are sheltering the homeless. There's a lot more that the government can do, and they have the responsibility to do it. He is looking forward to the upcoming Council workshop on homelessness.

Councilmember Williams commented he wanted to share his sentiments and condolences to the families in Israel that lost their lives this past weekend. He reported that this Friday night a prayer vigil will be held at Beth Shalom at 7 pm. He stated that he and Councilmember Bavaro plan to attend and Councilmember Williams was asked to say a few words. He also encouraged the public to attend the free screening of a documentary entitled “Repairing the World: Stories from The Tree of Life” Sunday, Oct. 15th, at Brenden Theatres. He along with Councilmember

Escutia-Braaton and the Mayor attended groundbreaking ceremony of the Modesto Temple. He further reported on attending the International Festival.

Councilmember Alvarez stated that he wanted to highlight the intentional misinformation expressed here this evening about our Council not condemning hate speech. That sort of rhetoric intentionally incites fear and suspicion among the public and this sort of misleading information and comments presented here tonight as fact are flat out false. He wanted to underscore that every time that hate occurs in these chambers, they all condemn hate speech and racism and make decisions that are in the best interest and safety of the community, and they'll continue to do so. He also acknowledged Indigenous Peoples Day which occurred yesterday. Indigenous Peoples Day is meant to recognize the painful history of Indigenous people who have faced hardships and to celebrate their communities.

Mayor Zwahlen stated she wanted to comment on some things that have already been mentioned regarding Israel and wanted everyone to be mindful of Ukraine, the Middle East and quite frankly, anywhere where people are suffering so needlessly throughout the world. They are constantly on her mind and her prayers daily. She also reported that the Modesto Children's Museum is open. It's commonly called MoChiMu. It will be a delight for the community and especially for the children who are the future. She also reported that Leo the Lion is back on the Virginia trail for everyone to enjoy. She attended the Out of Darkness Suicide Walk Prevention. In addition, she asked the public to please drive by the murals downtown behind the MoChiMu between 10th and 11th Street and also the one right across the street where there's sunflowers. If you need something to brighten your day, that will do it. She further stated that they are on this Council to meet those challenges head on and she couldn't be prouder to be on this Council with people that are hardworking and truly care about this community.

CITY MANAGER COMMENTS & REPORTS

City Manager Lopez reported that a Special City Council Workshop on Homelessness will be held on Friday, October 20th from 9 am – 12 pm at the Centre Plaza.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:45 pm

Closed Session matter heard prior to the meeting.

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)**
Superior Court of the State of California
Case No: CGC-98-999345 and CGC-98-999643

Perkins v. City of Modesto, et al.
United States District Court

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES

SPECIAL CITY COUNCIL MEETING

City Council Workshop Regarding Homelessness
Arbor Theatre, Centre Plaza
Corner of K and 10th Streets
Modesto, California
Friday, October 20, 2023 at 9:00 AM - 12:00 PM

Roll Call – Present: Councilmembers Alvarez *(arrived 9:08 am),* Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

Absent: None

Pledge of Allegiance to the Flag

PUBLIC COMMENT IN PERSON

None

NEW BUSINESS

1. Council discussion and possible direction on City's efforts to address Homelessness. (Funding Source: Not Applicable)
   CITY MANAGER; Joe Lopez, 209-577-5224, jlopez@modestogov.com

Staff presented the item. The Council held a discussion on the City's efforts to address homelessness and received comments from the public.

Motion failed
ACTION: (Alvarez/Ricci; 3/4; Escutia-Braaton, William, Wright, Zwahlen-No) Motion to Direct the City Manager and Staff to design and recommend to the City Council a safe ground for homeless, for a homeless pilot program based on the Modesto Safe Ground Homeless Vision prepared by Councilmembers Alvarez, Bavaro and Ricci and present a Safe Ground homeless pilot program to be voted on at the December 12th, 2023, Council meeting.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 11:33 am

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Room 2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, October 23, 2023 at 4:00 PM

Roll Call: Present: Member Bavaro, Vice-Chair Escutia-Braaton, and Chair Wright
Absent: None
Also Present: Member Ricci (arrived 4:10 p.m.)

PUBLIC COMMENTS IN PERSON

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 2-5 (Escutia-Braaton/Bavaro; 3/0)

CONSENT

Removed from Consent
Consent

1. Consider an Agreement with Citibot, Inc., for Professional Services and Software Subscription for a term of three years for a total amount not to exceed $116,080 and forwarding to Council for approval. (Funding Source: Information Technology Fund)
    - Motion recommending the Sole Source Agreement with Citibot, Inc. for Professional Services and Software Subscription for a term of three years in the amount of $111,150 plus a 10% contingency in year one of $4,880 for a total amount not to exceed $116,080 and forwarding to Council for approval.

    IT; James Dotson, 209-571-5508, jadotson@modestogov.com

    ACTION: (Bavaro/Escutia-Baaton; 3/0) Motion recommending the Sole Source Agreement with Citibot, Inc. for Professional Services and Software Subscription for a term of three years in the amount of $111,150 plus a 10% contingency in year one of $4,880 for a total amount not to exceed $116,080 and forwarding to Council for approval.

Consent

2. Consider an Engineering Services Agreement with Carollo Engineers, Inc. of Walnut Creek, CA, for the River Trunk Realignment – Pump Station Project, in an amount not to exceed $2,750,742 and forwarding to Council for approval. (Funding Source: Wastewater Fund)
    - Motion recommending an Engineering Services Agreement with Carollo Engineers, Inc., of Walnut Creek, CA, for the River Trunk Realignment – Pump

Station Project in the amount of $2,500,674, plus $250,068 in additional services, if needed, for a total amount not to exceed $2,750,742 and forwarding to Council for approval.

UTILITIES; Cristian Ciotau, 209-577-5260, cciotau@modestogov.com

ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion recommending an Engineering Services Agreement with Carollo Engineers, Inc., of Walnut Creek, CA, for the River Trunk Realignment – Pump Station Project in the amount of $2,500,674, plus $250,068 in additional services, if needed, for a total amount not to exceed $2,750,742 and forwarding to Council for approval.

Consent

3. Consider an Engineering Services Agreement with Carollo Engineers, Inc. of Walnut Creek, CA, for the River Trunk Rehabilitation Phase 1 Project, in an amount not to exceed $935,000 and forwarding to Council for approval. (Funding Source: Wastewater Fund)
    - Motion recommending an Engineering Services Agreement with Carollo Engineers, Inc., of Walnut Creek, CA, for the River Trunk Rehabilitation Phase 1 Project in the amount of $850,000, plus $85,000 in additional services, if needed, for a total amount not to exceed $935,000 and forwarding to Council for approval.
    - Motion recommending amending the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $5,260,000 to be transferred into the Project from Wastewater Reserves to fund the River Trunk Rehabilitation Phase 1 Project and authorizing the City Manager, or his designee, to implement the provisions of this resolution and forwarding to Council for approval.

    UTILITIES; Cristian Ciotau, 209-577-5260, cciotau@modestogov.com

    ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion recommending an Engineering Services Agreement with Carollo Engineers, Inc., of Walnut Creek, CA, for the River Trunk Rehabilitation Phase 1 Project in the amount of $850,000, plus $85,000 in additional services, if needed, for a total amount not to exceed $935,000 and forwarding to Council for approval.

    ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion recommending amending the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $5,260,000 to be transferred into the Project from Wastewater Reserves to fund the River Trunk Rehabilitation Phase 1 Project and authorizing the City Manager, or his designee, to implement the provisions of this resolution and forwarding to Council for approval.

Consent

4. Consider an Engineering Services Agreement with West Yost Associates, Davis, CA, for the Chicago-Paradise Area Strengthen and Replace Water Mains Project, in an amount not to exceed $1,134,933 and forwarding to Council for approval. (Funding Source: Water Fund)

- Motion recommending an Engineering Services Agreement with West Yost Associates, of Davis, CA, for the Chicago-Paradise Area Strengthen and Replace Water Mains Project in the amount of $1,031,757, plus $103,176 in additional services, if needed, for a total amount not to exceed $1,134,933 and forwarding to Council for approval.
- Motion recommending the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $12,815,417 to be transferred into the Project form Water Fund Reserves to fund the Chicago-Paradise Area Strengthen and Replace Water Mains Project and authorizing the City Manager, or his designee, to implement the provisions of this resolution and forwarding to Council for approval.

UTILITIES; Edgar Vargas, 209-577-5424, evargas@modestogov.com

ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion recommending an Engineering Services Agreement with West Yost Associates, of Davis, CA, for the Chicago-Paradise Area Strengthen and Replace Water Mains Project in the amount of $1,031,757, plus $103,176 in additional services, if needed, for a total amount not to exceed $1,134,933 and forwarding to Council for approval.

ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion recommending the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $12,815,417 to be transferred into the Project form Water Fund Reserves to fund the Chicago-Paradise Area Strengthen and Replace Water Mains Project and authorizing the City Manager, or his designee, to implement the provisions of this resolution and forwarding to Council for approval.

Consent

5. Consider an Agreement with Todd Groundwater, Alameda, CA, for the Groundwater Sustainability Plan Update and Annual Reporting for Water Years 2023-2028 for a total amount not to exceed $1,994,601 on behalf of the Stanislaus and Tuolumne Rivers Groundwater Basin Association – Groundwater Sustainability Agency and the associated Equitable Project Cost Sharing and Reimbursement Agreement, and forwarding to Council for approval. (Funding Source: Water Fund)
    - Motion recommending an Agreement with Todd Groundwater, of Alameda, CA for the Groundwater Sustainability Plan Update and Annual Reporting, in the amount of $1,813,273, plus $181,328 in additional services, if needed, for a total amount not to exceed $1,994,601 and forwarding to Council for approval.
    - Motion recommending the Stanislaus and Tuolumne Rivers Groundwater Basin Association – Groundwater Sustainability Agency Equitable Project Cost Sharing and Reimbursement Agreement and forwarding to Council for approval.
    - Motion recommending amending the Fiscal Year 2023/24 Multi-Year Budget in the amount of $2,174,601 to be transferred into the Project from Water Fund Reserves and authorizing the City Manager, or his designee, to implement the provision of the resolution and forwarding to Council for approval.

    UTILITIES; Jim Alves, 209-571-5557, jalves@modestogov.com

ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion recommending an Agreement with Todd Groundwater, of Alameda, CA for the Groundwater Sustainability Plan Update and Annual Reporting, in the amount of $1,813,273, plus $181,328 in additional services, if needed, for a total amount not to exceed $1,994,601 and forwarding to Council for approval.

ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion recommending the Stanislaus and Tuolumne Rivers Groundwater Basin Association – Groundwater Sustainability Agency Equitable Project Cost Sharing and Reimbursement Agreement and forwarding to Council for approval.

ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion recommending amending the Fiscal Year 2023/24 Multi-Year Budget in the amount of $2,174,601 to be transferred into the Project from Water Fund Reserves and authorizing the City Manager, or his designee, to implement the provision of the resolution and forwarding to Council for approval.

NEW BUSINESS

6. Consider amending the Annual Commercial Cannabis Permit Fee by establishing two types of commercial cannabis permit fees for City approved businesses and forwarding to Council for approval. (Funding Source: General Fund)
    - Motion recommending an Amendment to the Annual Commercial Cannabis Permit Fee by establishing two types of commercial cannabis permit fees for City approved businesses for an Operational Annual Commercial Cannabis Permit Fee with an annual cost of $18,732 and Non-operational Annual Commercial Cannabis Permit Fee with an annual cost of $5,742 and forwarding to Council for approval.
    - Motion recommending an updating of the Annual Commercial Cannabis Permit Fee billing cycle to align with the Annual Permit issuance and expiration date from a calendar year to fiscal year and forwarding to Council for approval.
    - Motion recommending the creation of a new Fund to track overall cost of providing the cannabis program; and forwarding to Council for approval.

FINANCE DEPARTMENT; Gina Brown, 209-577-5381, gbrown@modestogov.com

ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion recommending an Amendment to the Annual Commercial Cannabis Permit Fee by establishing two types of commercial cannabis permit fees for City approved businesses for an Operational Annual Commercial Cannabis Permit Fee with an annual cost of $18,732 and Non-operational Annual Commercial Cannabis Permit Fee with an amended annual cost of $4,307 and forwarding to Council for approval.

ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion recommending an updating of the Annual Commercial Cannabis Permit Fee billing cycle to align with the Annual Permit issuance and expiration date from a calendar year to fiscal year and forwarding to Council for approval.

ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion recommending the creation of a new Fund to track overall cost of providing the cannabis program; and forwarding to Council for approval.

7. Consider an Agreement with SpryPoint Services, Inc., Charlottetown, P.E. for Utility Billing, Receivables and Cashiering Softwares for a total amount not to exceed $2,391,960 over two (2) years and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion recommending an Agreement with SpryPoint Services, Inc., Charlottetown, P.E., by utilizing the Competitive Bid Process with the City of Aurora, for Utility Billing, Receivables and Cashiering Software for a one (1) year Agreement with (1) one-year Renewal Option, for an estimated annual amount of $423,960 and a total amount not to exceed $2,391,960 over two (2) years and forwarding to Council for approval.

FINANCE DEPARTMENT; Jeni Martin, 209-571-5892, jmartin@modestogov.com

ACTION: (Bavaro/Escutia-Braaton; 3/0) Motion recommending an Agreement with SpryPoint Services, Inc., Charlottetown, P.E., by utilizing the Competitive Bid Process with the City of Aurora, for Utility Billing, Receivables and Cashiering Software for a one (1) year Agreement with (1) one-year Renewal Option, for an estimated annual amount of $423,960 and a total amount not to exceed $2,391,960 over two (2) years and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:40 p.m.

Attest: _____
Andrea Cook, Deputy City Clerk

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, October 24, 2023 at 5:30 PM

Roll Call – Present: Councilmembers Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

Absent: None

Pledge of Allegiance to the Flag

Invocation: Cindy Marks, Pray Modesto

City Clerk's Announcements: City Clerk reported written public comments were received for Items 11 and 12.

Declaration of Conflicts of Interest: Vice Mayor Ricci Item 18

Reports from Closed Session: City Attorney Sanchez reported that no reportable action was taken on the Closed Session items.

PUBLIC COMMENT PERIOD

- Jerry Thompson expressed gratitude to the Mayor and Council for lifting the ban on cruising. He also provided an update on AB 436 and announced the Grand Opening of the Sacramento History Museum's "Boulevard Dreams" exhibit with participation of Modesto cars on October 29th. He mentioned a celebration party for the Governor signing the bill. He also mentioned his regular attendance at meetings and mentioned Council's response to neo-Nazi comments, as well as the worsening homelessness issue.
- Zafrir Solomon discussed the Special City Council Workshop on homelessness, focusing on the meeting format and time allocated for Council and public comments. He also mentioned safe homeless sites in other cities.
- Timothy Shaw raised concerns about the injustice of allowing only in-person public comments, suggesting that completely removing Zoom comments disenfranchised those unable to attend in person. He proposed a more inclusive rule.
- Derek Castle spoke about his proposal for bridge housing, aiming to provide shelter for people sleeping on the streets. He suggested Council ask staff to prepare a presentation on bridge housing.
- Steve expressed concerns about the lack of denouncement of neo-Nazi comments by the

Council and discussed the need for police accountability and transparency. He also requested Zoom public comments.

- Lourdes Perez of Public Health Advocates discussed TRT, thanked the City for collaborating with the Park Youth Committee, and talked about the committee's projects and meetings with the Parks, Recreation & Neighborhood Department and Park Ranger program.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 1-17: (Ricci/Wright; 7/0)

CONSENT

Consent

1. Consider approving the minutes from the October 10, 2023 Council Meeting. (Funding Source: Not Applicable)

   Staff Recommendation:

   - Motion approving the minutes from the October 10, 2023 Council Meeting.

   CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

   ACTION: (Ricci/Wright; 7/0) Motion approving the minutes from the October 10, 2023 Council Meeting.

Consent

2. Consider approving the 2024 Calendar of regularly scheduled City Council and Council Standing Committee meetings. (Funding Source: Not Applicable)

   Staff Recommendation:

   - Resolution approving the 2024 City Calendars of regularly scheduled City Council and Council Standing Committee meetings.

   CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

   ACTION: (Ricci/Wright; 7/0) Resolution 2023-459 approving the 2024 City Calendars of regularly scheduled City Council and Council Standing Committee meetings.

Consent

3. Consider approving a Second Amendment to the Agreement with Harris & Associates for Community Facilities Districts Engineering Services to increase the agreement amount to a revised total amount not to exceed $350,000. (Funding Source: Various Community Facilities Districts and Developer Deposits)

   Staff Recommendation:

   - Resolution approving a Second Amendment to the Agreement with Harris & Associates for Community Facilities Districts Engineering Services in the amount of $100,000, for a revised total amount not to exceed $350,000; and authorizing the City Manager, or his designee, to execute the Amendment.

   CED; Peter Ibrahim, 209-577-5211, pibrahim@modestogov.com

ACTION: (Ricci/Wright; 7/0) Resolution 2023-460 approving a Second Amendment to the Agreement with Harris & Associates for Community Facilities Districts Engineering Services in the amount of $100,000, for a revised total amount not to exceed $350,000; and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

4. Consider approving an Eighth Amendment to the Professional Design Services Agreement for the State Route 132 West Freeway/Expressway - Phase 1 Project with Dokken Engineering increasing the Agreement amount by $37,902, from $9,499,031 to a new total amount not to exceed $9,536,933. (Funding Source: Regional Measure L)

   Staff Recommendation:

   - Resolution approving an Eighth Amendment to the Professional Design Services Agreement for the State Route 132 West Freeway/Expressway - Phase 1 Project with Dokken Engineering increasing the Agreement amount by $37,902, from $9,499,031 to a new total amount not to exceed $9,536,933, and authorizing the City Manager, or his designee to execute the Eighth Amendment.

   ENGINEERING SERVICES; Toby Wells, 209-571-5542, twells@modestogov.com

ACTION: (Ricci/Wright; 7/0) Resolution 2023-461 approving an Eighth Amendment to the Professional Design Services Agreement for the State Route 132 West Freeway/Expressway - Phase 1 Project with Dokken Engineering increasing the Agreement amount by $37,902, from $9,499,031 to a new total amount not to exceed $9,536,933, and authorizing the City Manager, or his designee to execute the Eighth Amendment.

Consent

5. Consider accepting the Area 2 Storm Water to Sanitary Sewer Cross Connection Removal – Phase 2 Roosevelt Park Project as complete, releasing securities, releasing payments totaling $6,535,419 to D.A. Wood Construction, Inc. of Oakdale, CA, and authorizing the City Clerk to file a Notice of Completion. (Funding Source: Storm Drain Fund)

   Staff Recommendation:

   - Resolution accepting the Area 2 Storm Water to Sanitary Sewer Cross Connection Removal – Phase 2 Roosevelt Park Project as complete, releasing securities, releasing payments totaling $6,535,419 to D.A. Wood Construction, Inc., of Oakdale, CA and authorizing the City Clerk to file a Notice of Completion.

   ENGINEERING SERVICES; Peter Kambel, 209-577-5444, pkambel@modestogov.com

ACTION: (Ricci/Wright; 7/0) Resolution 2023-462 accepting the Area 2 Storm Water to Sanitary Sewer Cross Connection Removal – Phase 2 Roosevelt Park Project as complete, releasing securities, releasing payments totaling $6,535,419 to D.A. Wood

Construction, Inc., of Oakdale, CA and authorizing the City Clerk to file a Notice of Completion.

Consent

6. Consider accepting the Rectangular Rapid Flashing Beacon Installation Project as complete, releasing securities, releasing payments totaling $842,507 to Gruendel Inc., DBA Rays Electric of Oakland CA., and authorizing the City Clerk to file a Notice of Completion. (Funding Source: Local Measure L Funds)

Staff Recommendation:

- Resolution accepting the Rectangular Rapid Flashing Beacon Installation Project as complete, releasing securities, releasing payments totaling $842,507 to Gruendel Inc., DBA Rays Electric of Oakland CA., and authorizing the City Clerk to file a Notice of Completion.

ENGINEERING SERVICES; Peter Kambel, 209-577-5444, pkambel@modestogov.com

ACTION: (Ricci/Wright; 7/0) Resolution 2023-463 accepting the Rectangular Rapid Flashing Beacon Installation Project as complete, releasing securities, releasing payments totaling $842,507 to Gruendel Inc., DBA Rays Electric of Oakland CA., and authorizing the City Clerk to file a Notice of Completion.

Consent

7. Consider approving the Agreement for Investment Advisory Services to PFM Asset Management, LLC, San Francisco, CA, for a total amount not to exceed $1,500,000 over five years. (Funding Source: Various Funds)

Staff Recommendation:

- Resolution approving an Agreement for Investment Advisory Services to PFM Asset Management, LLC, San Francisco, CA, by utilizing the Competitive Bidding Process from the City of Redwood City, CA for a two-year Agreement with three (3) one-year extension options, for an annual estimated amount $300,000 and a total amount not to exceed $1,500,000 over five years; and authorizing the City Manager or his designee to execute the Agreement.

FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

ACTION: (Ricci/Wright; 7/0) Resolution 2023-464 approving an Agreement for Investment Advisory Services to PFM Asset Management, LLC, San Francisco, CA, by utilizing the Competitive Bidding Process from the City of Redwood City, CA for a two-year Agreement with three (3) one-year extension options, for an annual estimated amount $300,000 and a total amount not to exceed $1,500,000 over five years; and authorizing the City Manager or his designee to execute the Agreement.

Consent

8. Consider approving the Purchase for various Fleet Replacements for Fleet Vehicles which includes two (2) Caterpillar Model Rollers, one (1) Wheel Rubber Tire Compactor, and one (1) Off-Road Dump Truck in the amount not to exceed $780,433. (Funding Source: Fleet Replacement Fund and Solid Waste Grant)

Staff Recommendation:

- Resolution approving the Competitive Bidding Process from Sourcewell to Caterpillar Inc. under the authorized dealer Holt to California, Stockton, CA, for the purchase of two (2) Caterpillar Model Rollers and one (1) Wheel Rubber Tire Compactor for an amount not to exceed $377,637; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order; and authorizing the Purchasing Manager or her designee to execute any Change Orders not to exceed 15% of the total purchase price.
- Resolution approving the purchase of one (1) Off-Road Dump Truck with Pape Machinery, French Camp, CA for an amount not to exceed $346,149; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

ACTION: (Ricci/Wright; 7/0) Resolution 2023-465 approving the Competitive Bidding Process from Sourcewell to Caterpillar Inc. under the authorized dealer Holt to California, Stockton, CA, for the purchase of two (2) Caterpillar Model Rollers and one (1) Wheel Rubber Tire Compactor for an amount not to exceed $377,637; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order; and authorizing the Purchasing Manager or her designee to execute any Change Orders not to exceed 15% of the total purchase price.

ACTION: (Ricci/Wright; 7/0) Resolution 2023-466 approving the purchase of one (1) Off-Road Dump Truck with Pape Machinery, French Camp, CA for an amount not to exceed $346,149; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

Consent

9. Consider accepting an Informational Report for the August 2023 Accounts Payable Payment Register and Void Report (Funding Source: Not Applicable)

Staff Recommendation:

- Motion accepting an Informational Report for the August 2023 Accounts Payable Payment Register and Void Report.

FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

ACTION: (Ricci/Wright; 7/0) Motion accepting an Informational Report for the August 2023 Accounts Payable Payment Register and Void Report.

Consent

10. Consider approving the First Amendment with West Coast Door and Gate for On-call Commercial Roll-up Door Maintenance and Repair Services to a revised total amount of $236,000 and utilizing the Year 5 extension option, revising the Term of the Agreement from December 2, 2023 to December 2, 2024. (Funding Source: General Fund)

Staff Recommendation:

- Resolution approving a First Amendment increasing the Agreement amount with West Coast Door and Gate, for the On-call Commercial Roll-up Door Maintenance and Repair Services by $66,000 from $170,000 to a revised total amount of $236,000 and utilizing the Year 5 extension option, revising the Term of the Agreement from December 2, 2023 to December 2, 2024 and authorizing the City Manager, or his designee, to execute the Amendment.

FIRE DEPARTMENT; Kevin Wise, 209-572-9590, kwise@modestofire.com

ACTION: (Ricci/Wright; 7/0) Resolution 2023-467 approving a First Amendment increasing the Agreement amount with West Coast Door and Gate, for the On-call Commercial Roll-up Door Maintenance and Repair Services by $66,000 from $170,000 to a revised total amount of $236,000 and utilizing the Year 5 extension option, revising the Term of the Agreement from December 2, 2023 to December 2, 2024 and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

11. Consider an Agreement with Dr. Jocelyn E. Roland, Modesto, CA for Psychological Services and Pre-Employment Psychological Screenings, for a total amount not to exceed $930,000 over eight-years. (Funding Source: General Fund)

Staff Recommendation:

- Resolution approving an Agreement with Dr. Jocelyn E. Roland, Modesto, CA for Psychological Services and Pre-Employment Psychological Screenings, for a five-year Agreement with three one-year extension options, for an annual estimated amount of $116,250, and a total amount not to exceed $930,000 over eight years; and authorizing the City Manager, or his designee, to execute the Agreement.

POLICE DEPARTMENT; Jessica Smart, 209-572-9500, smartj@modestopd.com

ACTION: (Ricci/Wright; 7/0) Resolution 2023-468 approving an Agreement with Dr. Jocelyn E. Roland, Modesto, CA for Psychological Services and Pre-Employment Psychological Screenings, for a five-year Agreement with three one-year extension options, for an annual estimated amount of $116,250, and a total amount not to exceed $930,000 over eight years; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

12. Consider approving the First Amendment to the Agreement with Modesto Jet Center for Aircraft Hangar Lease and Fuel Services to a revised Agreement total amount not to exceed $945,862 and approving a Purchase Order with Mather Aviation, LLC, Modesto, CA, for Aircraft Maintenance Services for a total amount not to exceed $90,228. (Funding Source: General Fund)

Staff Recommendation:

- Resolution approving the First Amendment to the Agreement with Modesto Jet Center for Aircraft Hangar Lease and Fuel Services to a revised Agreement total amount not to exceed $945,862 and extending the Term of the Agreement

from twelve months to four years, ending October 31, 2027; and authorizing the City Manager, or his designee, to execute the Amendment.

- Resolution approving a Purchase Order with Mather Aviation, LLC, Modesto, CA, for Aircraft Maintenance Services for a total amount not to exceed $90,228; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

POLICE DEPARTMENT; Kalani Souza, 209-572-9500, souzak@modestopd.com

ACTION: (Ricci/Wright; 7/0) Resolution 2023-469 approving the First Amendment to the Agreement with Modesto Jet Center for Aircraft Hangar Lease and Fuel Services to a revised Agreement total amount not to exceed $945,862 and extending the Term of the Agreement from twelve months to four years, ending October 31, 2027; and authorizing the City Manager, or his designee, to execute the Amendment.

ACTION: ((Ricci/Wright; 7/0) Resolution 2023-470 approving a Purchase Order with Mather Aviation, LLC, Modesto, CA, for Aircraft Maintenance Services for a total amount not to exceed $90,228; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

Consent

13. Consider approving the Award of Bid and Agreement for Slurry Alum to Thatcher Company of California, Inc., Sacramento CA for a total amount not to exceed $300,000 over five years. (Funding Source: Surface Transportation Fund)
Staff Recommendation:

- Resolution approving the Award of Bid for Purchase of Slurry Alum on an as needed basis to Thatcher Company of California, Inc., of Sacramento, CA for a one-year Agreement with four one-year extension options, for an annual estimated cost of $60,000 and a total amount not to exceed $300,000 over five years, and authorizing the Director of Finance, or her designee, to execute the Purchase Agreement.

PUBLIC WORKS; John Sphar, 209-342-2235, jsphar@modestogov.com

ACTION: (Ricci/Wright; 7/0) Resolution 2023-471 approving the Award of Bid for Purchase of Slurry Alum on an as needed basis to Thatcher Company of California, Inc., of Sacramento, CA for a one-year Agreement with four one-year extension options, for an annual estimated cost of $60,000 and a total amount not to exceed $300,000 over five years, and authorizing the Director of Finance, or her designee, to execute the Purchase Agreement.

Consent

14. Consider the proposed plan and recommendations from HDR Engineering, Inc., of Folsom, CA to expand and improve the existing City of Modesto Compost Facility at 7001 Jennings Road. (Funding Source: Compost Facility Improvement Fund)
Staff Recommendation:

- Resolution approving the proposed plan and recommendations from HDR Engineering, Inc. of Folsom, CA to expand and improve the existing City of Modesto Compost Facility at 7001 Jennings Road.

PUBLIC WORKS; Rosene Nguyen, 209-577-5453, rnguyen@modestogov.com

ACTION: (Ricci/Wright; 7/0) Resolution 2023-472 approving the proposed plan and recommendations from HDR Engineering, Inc. of Folsom, CA to expand and improve the existing City of Modesto Compost Facility at 7001 Jennings Road.

Consent

15. Consider approving the Submittal of Application(s) to Waste Tire Program Grants offered by the California Department of Resources Recycling and Recovery. (Funding Source: Not Applicable)

Staff Recommendation:

- Resolution approving the Submittal of Application(s) to Waste Tire Program Grants offered by the California Department of Resources Recycling and Recovery (CalRecycle), and authorizing the City Manager, or his designee, to sign Grant Applications and related forms.

PUBLIC WORKS; Myriah Hill, 209-577-5495, mhill@modestogov.com

ACTION: (Ricci/Wright; 7/0) Resolution 2023-473 approving the Submittal of Application(s) to Waste Tire Program Grants offered by the California Department of Resources Recycling and Recovery (CalRecycle), and authorizing the City Manager, or his designee, to sign Grant Applications and related forms

Consent

16. Consider approving an Engineering Services Agreement with Carollo Engineers, Inc. of Walnut Creek, CA, for the Sewer Trunk Rehabilitation on Grimes, Mercy & Woodland Ave Project, in an amount not to exceed $1,540,000. (Funding Source: Wastewater Fund)

Staff Recommendation:

- Resolution approving an Engineering Services Agreement with Carollo Engineers, Inc., of Walnut Creek, CA, for the Sewer Trunk Rehabilitation on Grimes, Mercy & Woodland Ave Project in the amount of $1,400,000 for the identified scope of services, plus $140,000 in additional services, if needed, for a total amount not to exceed $1,540,000 and authorizing the City Manager, or his designee, to execute the Agreement.
- Resolution amending the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $1,790,000 to be transferred into the Project from Wastewater Reserves to fund the Design Phase of the Sewer Trunk Rehabilitation on Grimes, Mercy & Woodland Ave Project and authorizing the City Manager, or his Designee, to implement the provisions of the resolution.

UTILITIES; Cristian Ciotau, 209-577-5260, cciotau@modestogov.com

ACTION: (Ricci/Wright; 7/0) Resolution 2023-474 approving an Engineering Services Agreement with Carollo Engineers, Inc., of Walnut Creek, CA, for the Sewer

Trunk Rehabilitation on Grimes, Mercy & Woodland Ave Project in the amount of $1,400,000 for the identified scope of services, plus $140,000 in additional services, if needed, for a total amount not to exceed $1,540,000 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Ricci/Wright; 7/0) Resolution 2023-475 amending the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $1,790,000 to be transferred into the Project from Wastewater Reserves to fund the Design Phase of the Sewer Trunk Rehabilitation on Grimes, Mercy & Woodland Ave Project and authorizing the City Manager, or his Designee, to implement the provisions of the resolution.

Consent

17. Consider approving the submission of a Financial Assistance Application with the California State Water Resources Control Board to transition residences with existing septic systems to the City of Modesto's sanitary sewer system. (Funding Source: Wastewater Fund)

Staff Recommendation:

- Resolution approving the submission of a Financial Assistance Application to the California State Water Resources Control Board to fund the planning, design and construction of the Septic to Sewer Project, and authorizing the City Manager, or his designee to enter into a Financial Assistance Agreement and execute all related documents.

UTILITIES; Miguel Alvarez, 209-577-5348, malvarez@modestogov.com

ACTION: (Ricci/Wright; 7/0) Resolution 2023-476 approving the submission of a Financial Assistance Application to the California State Water Resources Control Board to fund the planning, design and construction of the Septic to Sewer Project, and authorizing the City Manager, or his designee to enter into a Financial Assistance Agreement and execute all related documents.

COUNCIL COMMENTS & REPORTS

Councilmember Bavaro sought guidance from the City Attorney regarding the policy on public involvement in meetings before March 2020. The City's former protocol mandated in-person public remarks, and the transition to using Zoom for public engagement was a response to the COVID-19 pandemic. With the pandemic officially declared over, the City intends to revert to its standard in-person procedure, making Zoom participation optional. Furthermore, Councilmember Bavaro expressed concerns regarding the dissemination of misinformation by certain members of the public during the meeting. The Council did in fact strongly disapprove of the neo-Nazi remarks. He underscored the significance of distinguishing between opinions and factual information.

Councilmember Alvarez highlighted the concern raised by Councilmember Bavaro about intentional misleading rhetoric, which incites fear and suspicion in the community and public attending these meetings. Such misleading information presented as facts is consistently false

and needs to be addressed. Additionally, he reported on the recent Dia de Los Muertos annual event, which saw a significant turnout with cultural activities, food, live music, and a special mention of Rebecca Harrington and the American GI Forum for their efforts in organizing this event and promoting cultural enjoyment during this time of year.

Vice Mayor Ricci reported that this month, Modesto is celebrating "Mo Pink" as a way to honor and support women's health. All the money raised during this celebration is being donated to Haven, a local program that aids survivors of domestic violence. Several Modesto businesses, like Sciabica's Olive Oil, Galletto, Prospect Theater, Intrinsic Elements, and Lloyd's of La Luna, are actively participating by donating a portion of their sales or proceeds to Haven. The community's support for women is evident, and it's a positive aspect of our City. On another note, the issue of homelessness in parks, neighborhoods, and public spaces remains a concern. However, he’s not giving up on finding solutions to address these challenges.

Councilmember Escutia-Braaton reported on a recent San Joaquin Valley Air Pollution Control Board meeting. She mentioned a significant achievement of the board. The board successfully secured approximately $37 million in funding to retire diesel-powered trucks and replace them with electric trucks, with one of the beneficiaries being PepsiCo. These electric trucks are helping improve air quality in the Valley. Another local company called "OK Produce" is also set to benefit from this funding, and both projects are expected to be completed by 2025, significantly reducing emissions and improving air quality in the area. Additionally, there was an event attended by herself and the Mayor, where the Modesto City School District received funding to purchase 30 electric trucks, install solar shading in their truck parking area, and replace gas-powered lawn equipment with electric alternatives to enhance air quality in the community. She also reminded everyone to be careful and thoughtful during the upcoming Halloween and to enjoy the fun while staying safe.

Councilmember Williams expressed the sentiments of Councilmember Alvarez. They had a wonderful time attending the Day of the Dead celebration, and he wanted to commend Rebecca Harrington for her excellent work in organizing the event and raising the necessary funds for it. Additionally, he had the privilege of attending a ribbon-cutting ceremony for the Garden Club, which is celebrating its 100th anniversary. This is a remarkable milestone, and we have some exciting news to share about it in the near future. He informed everyone of the Kettle Kickoff that is scheduled for November 16th This event serves as a significant fundraiser for the Salvation Army.

Mayor Zwahlen’s remarks focused on the Utilities Department. Last Thursday, the Utilities Department organized a "Day Without Water" event at 1010 10th Street, where they discussed various aspects of water conservation, the turf rebate program, drip irrigation, plumbing system maintenance, smart irrigation, and introduced two new mascots, Drip and Drop. She expressed her excitement about meeting these mascots, highlighting the enthusiasm of the Utilities staff in presenting their work, including their operations at the Jennings facility out West. She expressed gratitude to the Utility staff for their informative presentation

CITY MANAGER COMMENTS & REPORTS

None.

NEW BUSINESS

(Vice Mayor Ricci-Recusal due to Conflict of Interest)

18. Consider accepting the Plans and Specifications for the J.M. Pike Park Stormwater to Sanitary Sewer Cross Connection Removal and Water Main Project and Awarding a Construction Contract to Mozingo Construction, Inc., of Oakdale, CA, for a total amount not to exceed $33,850,794; approving an Agreement with West Yost Associates, of Davis, CA, for Construction Management and Inspection Services for a total amount not to exceed $3,196,966 and approving an Agreement with Woodard & Curran, Inc., of Sacramento, CA, for Engineering Support During Construction for a total amount not to exceed $484,482. (Funding Source: Wastewater and Water Funds)

Staff Recommendation:

- Resolution approving Plans and Specifications for the J.M. Pike Park Stormwater to Sanitary Sewer Cross Connection Removal and Water Main Project, accepting the bid, and approving a Construction Contract with Mozingo Construction, Inc., of Oakdale, CA, in the amount of $30,773,449, plus $3,077,345 in contingency (if needed), for a total amount not to exceed $33,850,794 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 J.M. Pike Park Stormwater to Sanitary Sewer Cross Connection Removal and Water Main Project from 8% ($2,461,876) to 10% ($3,077,345) of the Construction Contract amount of $30,773,449 with Mozingo Construction, Inc., of Oakdale, CA.
- Resolution approving an Agreement with West Yost Associates, of Davis, CA, for Construction Management and Inspection Services for the J.M. Pike Park Stormwater to Sanitary Sewer Cross Connection Removal and Water Main Project in the amount of $2,906,333, plus $290,633 in additional services, if needed, for a total amount not to exceed $3,196,966 and authorizing the City Manager, or his designee, to execute the Agreement.
- Resolution approving an Agreement with Woodard & Curran, Inc., of Sacramento, CA, for Engineering Support During Construction for the J.M. Pike Park Stormwater to Sanitary Sewer Cross Connection Removal and Water Main Project, in an amount not to exceed $440,482 for the identified Scope of Services, plus $44,000 for additional services (if needed), for a total amount not to exceed $484,482 and authorizing the City Manager, or his designee, to execute the Agreement.
- Resolution amending the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $15,529,791 to fund the Construction Phase of the J.M. Pike Park Stormwater to Sanitary Sewer Cross Connection Removal and Water Main Project and authorizing the City Manager, or his designee, to implement the provisions of the Resolution.

UTILITIES; David Felix, 209-577-5488, dfelix@modestogov.com

ACTION: (Williams/Escutia-Braaton; Ricci Recusal; 6/0) Resolution 2023-477 approving Plans and Specifications for the J.M. Pike Park Stormwater to Sanitary Sewer Cross Connection Removal and Water Main Project, accepting the bid, and approving a Construction Contract with Mozingo Construction, Inc., of Oakdale, CA, in the amount of $30,773,449, plus $3,077,345 in contingency (if needed), for a total amount not to exceed $33,850,794 and authorizing the City Manager, or his designee, to execute the contract.

ACTION: (Williams/Escutia-Braaton; Ricci Recusal; 6/0) Resolution 2023-478 authorizing an increase in the Director's Authority to issue Change Orders for the J.M. Pike Park Stormwater to Sanitary Sewer Cross Connection Removal and Water Main Project from 8% ($2,461,876) to 10% ($3,077,345) of the Construction Contract amount of $30,773,449 with Mozingo Construction, Inc., of Oakdale, CA.

ACTION: (Williams/Escutia-Braaton; Ricci Recusal; 6/0) Resolution 2023-479 Resolution approving an Agreement with West Yost Associates, of Davis, CA, for Construction Management and Inspection Services for the J.M. Pike Park Stormwater to Sanitary Sewer Cross Connection Removal and Water Main Project in the amount of $2,906,333, plus $290,633 in additional services, if needed, for a total amount not to exceed $3,196,966 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Williams/Escutia-Braaton; Ricci Recusal; 6/0) Resolution 2023-480 approving an Agreement with Woodard & Curran, Inc., of Sacramento, CA, for Engineering Support During Construction for the J.M. Pike Park Stormwater to Sanitary Sewer Cross Connection Removal and Water Main Project, in an amount not to exceed $440,482 for the identified Scope of Services, plus $44,000 for additional services (if needed), for a total amount not to exceed $484,482 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Williams/Escutia-Braaton; Ricci Recusal; 6/0) Resolution 2023-481 amending the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $15,529,791 to fund the Construction Phase of the J.M. Pike Park Stormwater to Sanitary Sewer Cross Connection Removal and Water Main Project and authorizing the City Manager, or his designee, to implement the provisions of the Resolution.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:21 pm

Closed Session Matters heard prior to the meeting.

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 Camden, et al. v. E.J. DuPont de Nemours and Co. et al.
U.S. District Court for the District of South Carolina Charleston Division
Case No.: 2:23-cv-03230-RMG

City of Camden, et al. v. 3M Company
U.S. District Court for the District of South Carolina Charleston Division
Case No.: 2:23-cv-03147-RMG

CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION
One Case (Pursuant to Section 54956.9(d)(4) of the Government Code)

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
SPECIAL AUDIT COMMITTEE
2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California

Thursday, October 26, 2023 at 4:00 PM

Roll Call Present: Public Member Barillas, Member Bavaro, Public Member Garcia, Vice-Chair Wright, Chair Zwahlen

Absent: None

PUBLIC COMMENTS IN PERSON

None.

NEW BUSINESS

1. Internal Audit Overview and Discussion (Funding Source: Not Applicable)
    - Receive presentation and provide direction related to Audit Committee logistics, such as meeting frequency, status report format, and process for recommendations.

    CITY AUDITOR; Colleen Rozillis, 206-302-6795, colleen.rozillis@mossadams.com

Frequency of Meetings
The City Auditor recommended the Audit Committee, which currently meets on an ad hoc basis, establishes a regular quarterly meeting schedule.

ACTION: (Wright/Garcia; 5/0) Motion to meet on a quarterly basis.

Format of Status Reports
The City Auditor explained some clients prefer a narrative description in the reports, while others prefer a table format with key information. The Auditor stated that the reports would always include information about scope, time status, and any issues being experienced. She also mentioned the quarterly ethics hotline report and how it can vary in detail based on client preferences.

The Committee discussed the level of detail in the reports, with the consensus being that more information at the beginning is preferred, and adjustments can be made later if needed. The Committee agreed on what should be included in the status reports, including scope, schedule, budget, current and upcoming projects, and details of reports from the ethics hotline.

ACTION: (Wright/Barillas; 5/0) Motion on the Format of Status Reports as discussed and agreed upon by the Committee Members.

Findings and Recommendation Tracking and Validation
The City Auditor discussed the tracking and validating findings and recommendations, as well as the role of the City Auditor. She asked the Committee if they would like the Auditor to track findings and recommendations and report on the status of implementation.

ACTION: (Barillas/Garcia; 5/0) Motion to institute findings and recommendations, implementation status tracking program.

The Committee discussed and agreed upon an independent validation process to ensure accountability and transparency. Also, the Committee decided that a spreadsheet of findings and recommendations would be created and reported to the Committee on a quarterly basis.

ACTION: (Garcia/Wright; 5/0) Motion selecting an independent validation process and a spreadsheet of findings and recommendations that would be created and reported to the Committee on a quarterly basis.

2. Consider Approval of the Proposed FY 23-24 Internal Audit Work Plan (Funding Source: Not Applicable)
    - Motion approving the Proposed FY 23-24 Internal Audit Work Plan and forwarding to Council for approval.

    CITY AUDITOR; Colleen Rozillis, 206-302-6795, colleen.rozillis@mossadams.com

ACTION: (Bavaro/Wright; 5/0) approving the Proposed FY 23-24 Internal Audit Work Plan and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:56 p.m.

Attest: _____
Diane Nayares-Perez, CMC, City Clerk

MINUTES
City of Modesto
ECONOMIC DEVELOPMENT COMMITTEE
COUNCIL WORKSHOP
Room 2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California
Wednesday, November 01, 2023 at 4:00 PM

Roll Call: Present: Member Alvarez, Vice-Chair Ricci, and Chair Zwahlen
Absent: None
Also Present: None

PUBLIC COMMENTS

None.

CONSENT
ACTION CONSENT ITEM 1-3 (Alvarez/Ricci; 3/0)

Consent
1. Consider a ten-year Lease Agreement between John A. Paoluccio and Dorene J. Paoluccio, property owners, and the City of Modesto, to lease approximately 5,325 square feet located at 4701 Quinturn Lane, Modesto (APN 078-013-031) for an amount of $1,681.24 for the 2024 payment, with a cost-of-living increase of three percent (3%) each year for ten years and forwarding to Council for approval. (Funding Source: Community Facilities District No. 2002-1 NorthPointe)
    - Motion recommending a ten-year Lease Agreement between John A. Paoluccio and Dorene J. Paoluccio, property owners, and the City of Modesto, to lease approximately 5,325 square feet located at 4701 Quinturn Lane, Modesto (APN 078-013-031) for an amount of $1,681.24 for the 2024 payment, with a cost-of-living increase of three percent (3%) each year for ten years and forwarding to Council for approval.

CED; Peter Ibrahim, 209-577-5211, pibrahim@modestgov.com

ACTION: (Alvarez/Ricci; 3/0) Motion recommending a ten-year Lease Agreement between John A. Paoluccio and Dorene J. Paoluccio, property owners, and the City of Modesto, to lease approximately 5,325 square feet located at 4701 Quinturn Lane, Modesto (APN 078-013-031) for an amount of $1,681.24 for the 2024 payment, with a cost-of-living increase of three percent (3%) each year for ten years and forwarding to Council for approval.

Consent
2. Consider an Agreement for Material Hauling Services with Sekhon and Son Trucking, Inc. of Modesto, CA and California Materials of Stockton, CA for a total amount not to

exceed $2,375,000 over five years and forwarding to Council for approval. (Funding Source: Green Waste, Storm Drain, Surface Transportation, Wastewater and Water Funds)

- Motion recommending the Award of Bid and Agreement for Material Hauling Services to Sekhon and Son Trucking, Inc. of Modesto, CA and California Materials, Inc. of Stockton, CA for a two (2) year agreement with three (3) one-year extension options, for an annual estimated amount of $475,000 and a total amount not to exceed $2,375,000 over five years and forwarding to Council for approval.

UTILITIES; Manuel Martinez, 209-342-4592, mmartinez@modestogov.com

ACTION: (Alvarez/Ricci; 3/0) Motion recommending the Award of Bid and Agreement for Material Hauling Services to Sekhon and Son Trucking, Inc. of Modesto, CA and California Materials, Inc. of Stockton, CA for a two (2) year agreement with three (3) one-year extension options, for an annual estimated amount of $475,000 and a total amount not to exceed $2,375,000 over five years and forwarding to Council for approval.

Consent

3. Consider an Agreement with Olea Networks, Inc., Bee Cave, TX for Large Commercial Water Meter Health Analytic Software and Technology for a total cost not to exceed $1,500,000 over five years, and forwarding to Council for approval. (Funding Source: Water Fund)

    - Motion recommending an Agreement with Olea Networks Inc., Bee Cave, TX, for Large Commercial Water Meter Health Analytic Software and Technology for a two-year Agreement with three one-year extension options, for an annual estimated amount of $340,000 and a total amount not to exceed $1,500,000 over five years and forwarding to Council for approval.

    UTILITIES; Manuel Martinez, 209-342-4592, mmartinez@modestogov.com

    ACTION: (Alvarez/Ricci; 3/0) Motion recommending an Agreement with Olea Networks Inc., Bee Cave, TX, for Large Commercial Water Meter Health Analytic Software and Technology for a two-year Agreement with three one-year extension options, for an annual estimated amount of $340,000 and a total amount not to exceed $1,500,000 over five years and forwarding to Council for approval.

NEW BUSINESS

4. Consider an Ordinance amending Section 11-6.05 “Charges for Metered Water Service,” of Chapter 6, “Collection of Public Utilities Charges,” of Title 11, “Public Utilities,” of the Modesto Municipal Code to establish a Water Rate Surcharge for new water connections located outside of the City’s water service area forwarding to Council for Approval. (Funding Source: Water Enterprise Fund)

    - Motion recommending an Ordinance amending Section 11-6.05 “Charges for Metered Water Service,” of Chapter 6, “Collection of Public Utilities Charges,” of Title 11, “Public Utilities,” of the Modesto Municipal Code to establish a

Water Rate Surcharge for new water connections located outside of the City's water service area and forwarding to council for approval.

CED; Peter Ibrahim, 209-577-5211, pibrahim@modestogov.com

ACTION: (Ricci/Alvarez; 3/0) Motion recommending an Ordinance amending Section 11-6.05 "Charges for Metered Water Service," of Chapter 6, "Collection of Public Utilities Charges," of Title 11, "Public Utilities," of the Modesto Municipal Code to establish a Water Rate Surcharge for new water connections located outside of the City's water service area and forwarding to council for approval.

5. Consider the annexation of Assessor Parcel Numbers (APNs) 046-007-048, 046-007-049, 046-007-050 and 046-007-052 totaling approximately 24.62 acres, to City of Modesto Community Facilities District (CFD) No. 2021-1 (Woodglen) and authorizing the levy of special tax on the Properties located within the annexation map and forwarding a recommendation to Council for approval. (Funding Source: Developer Deposit)
    - Motion recommending the annexation of Assessor Parcel Numbers (APNS) 046-007-048, 046-007-049, 046-007-050 and 046-007-052, to City of Modesto Community Facilities District (CFD) No. 2021-1 (Woodglen) and authorizing the levy of special tax on the Properties located within the annexation map and forwarding a recommendation to Council for approval.

CED; Peter Ibrahim, 209-577-5211, pibrahim@modestogov.com

ACTION: (Alvarez/Ricci; 3/0) Motion recommending the annexation of Assessor Parcel Numbers (APNS) 046-007-048, 046-007-049, 046-007-050 and 046-007-052, to City of Modesto Community Facilities District (CFD) No. 2021-1 (Woodglen) and authorizing the levy of special tax on the Properties located within the annexation map and forwarding a recommendation to Council for approval.

6. Consider an Agreement for Railroad Crossing Quiet Zone Consulting Services with RailPros of Irvine, CA for a total amount not to exceed $304,949 and forwarding to Council for approval. (Funding Source: American Rescue Plan Act Funds)
    - Motion recommending the Award of Proposal and Agreement for Professional Services to RailPros of Irvine, CA, for a total amount not to exceed $304,949 and forwarding to Council for approval.

CED; Sean Rando, 209-577-5473, srando@modestogov.com

ACTION: (Ricci/Alvarez; 3/0) Motion recommending the Award of Proposal and Agreement for Professional Services to RailPros of Irvine, CA, for a total amount not to exceed $304,949 and forwarding to Council for approval..

ADJOURNMENT

This meeting adjourned at 4:25 p.m.

Attest: _____
Andrea Cook, Deputy City Clerk

MINUTES
City of Modesto
SPECIAL APPOINTMENTS COMMITTEE / COUNCIL WORKSHOP
2001-40 Del Puerto Room.
Tenth Street Place, 1010 10th Street
Modesto, California
Thursday, November 02, 2023 at 4:00 PM

Roll Call Present: Rosa Escutia-Braaton, Chair, Chris Ricci, Vice-Chair and Jeremiah Williams, Member

Absent: None

PUBLIC COMMENTS IN PERSON

None

NEW BUSINESS

1. Consider three (3) appointments for the City of Modesto Landmark Preservation Commission and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending the appointment of three (3) members to fill three (3) full terms starting January 1, 2024, for the City of Modesto Landmark Preservation Commission and forwarding to Council for approval.

    CED; Jessica Hill, 209-577-5267, jhill@modestogov.com

ACTION: (Ricci/Williams; 3/0) Motion recommending the appointments of David Seymour, Babette Wagner, and Cheryl Lopina to serve on the Landmark Preservation Commission for full terms starting January 1, 2024 and forwarding to Council for approval.

ADJOURNMENT

This meeting was adjourned at 4:09 p.m.

Attest: _____
Diane Nayares-Perez, CMC, City Clerk

MINUTES
City of Modesto
SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP
Room 2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, November 06, 2023 at 4:00 PM

Roll Call: Present: Member Williams, Vice-Chair Escutia-Braaton, and Chair Ricci
Absent: None
Also Present: None

PUBLIC COMMENTS

None.

CONSENT
ACTION CONSENT ITEM 1-3 (Williams/Escutia-Braaton; 3/0)

Consent
1. Consider an Agreement with First Alarm Wellness, Vista, California for behavioral health services for the Modesto Fire Department for a total amount not to exceed $222,750 over five years and forwarding to Council for approval. (Funding Source: General Fund)
    - Motion recommending an Agreement with First Alarm Wellness, Vista, California for behavioral health services for the Modesto Fire Department for an estimated annual amount of $40,500 and five-year amount of $202,500, plus $20,250 in contingency if needed, for an Agreement total amount not to exceed $222,750 over five years and forwarding to Council for approval.

FIRE DEPARTMENT; Kevin Wise, 209-572-9590, kwise@modestofire.com

ACTION: (Williams/Escutia-Braaton; 3/0) Motion recommending an Agreement with First Alarm Wellness, Vista, California for behavioral health services for the Modesto Fire Department for an estimated annual amount of $40,500 and five-year amount of $202,500, plus $20,250 in contingency if needed, for an Agreement total amount not to exceed $222,750 over five years and forwarding to Council for approval.

Consent
2. Consider an Agreement for the purchase of retired City Police canine, Hank, by Officer Nicholas Largent. (Funding Source: General Fund)
    - Motion recommending an Agreement with Officer Nicholas Largent for the purchase of retired Canine Hank for the amount of $1 and forwarding to Council for approval.

POLICE DEPARTMENT; Brian Klieber, 209-572-9500, kleiberb@modestopd.com

ACTION: (Williams/Escutia-Braaton; 3/0) Motion recommending an Agreement with Officer Nicholas Largent for the purchase of retired Canine Hank for the amount of $1 and forwarding to Council for approval.

Consent

3. Consider a Second Amendment to the Agreement with Mansfield, Lierly and Associates for polygraph examination services for a new total amount of $231,485 over three years and extending the term of the Agreement to July 12, 2024, and forwarding to Council for approval. (Funding Source: General Fund)
    - Motion recommending Second Amendment to the Purchasing Agreement with Mansfield, Lierly and Associates for polygraph examination services for a new total amount of $231,485 an increase of $42,210 over three years and extending the term of the Agreement to July 12, 2024, and forwarding to Council for approval.

    POLICE DEPARTMENT; Jessica Smart, 209-572-9500, smartj@modestopd.com

ACTION: (Williams/Escutia-Braaton; 3/0) Motion recommending Second Amendment to the Purchasing Agreement with Mansfield, Lierly and Associates for polygraph examination services for a new total amount of $231,485 an increase of $42,210 over three years and extending the term of the Agreement to July 12, 2024, and forwarding to Council for approval.

NEW BUSINESS

4. Consider accepting the Department of Health and Human Services Substance Abuse and Mental Health Services Administration grant funds in the amount of $970,370, and forwarding to Council for approval. (Funding Source: Grant Funds)
    - Motion approving the acceptance of the award of $970,370 from the Department of Health and Human Services Substance Abuse and Mental Health Services Administration and forwarding to City Council for their approval.

    POLICE DEPARTMENT; Jessica Smart, 209-572-9500, smartj@modetopd.com

ACTION: (Escutia-Braaton/Williams; 3/0) Motion approving the acceptance of the award of $970,370 from the Department of Health and Human Services Substance Abuse and Mental Health Services Administration and forwarding to City Council for their approval.

ADJOURNMENT

This meeting adjourned at 4:24 p.m.

Attest: _____
Andrea Cook, Deputy City Clerk

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, November 07, 2023 at 5:30 PM

Roll Call – Present: Councilmembers Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

Absent: None

Pledge of Allegiance to the Flag

Invocation: Cindy Marks, Pray Modesto

City Clerk's Announcements: City Clerk reported Item 11 is being continued to a future meeting date.

Declaration of Conflicts of Interest: Item 17 - Mayor Zwahlen, Councilmembers Wright, and Williams.

Reports from Closed Session: City Attorney Sanchez reported no reportable action was taken.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation declaring November 11, 2023 as Veteran's Day. (Funding Source: Not Applicable)
CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

ACTION: Mayor Zwahlen presented a proclamation declaring November 11, 2023 as Veteran's Day.

2. Presentation of Helen Putnam Award for Excellence to the City of Modesto in recognition of its exceptional efforts to address homelessness in the community by Stephen Qualls, Cal Cities Public Affairs Manager. (Funding Source: Not Applicable)
CITY MANAGER; Joseph Lopez, 209-577-5223, joelopez@modestogov.com

ACTION: Stephen Qualls, Cal Cities Public Affairs Manager, presented two (2) Helen Putnam Award for Excellence to the City of Modesto in recognition of its exceptional efforts to address homelessness in the community.

3. Swearing-in of Councilmember Rosa Escutia-Braaton as the President of the Central Valley Division of the League of California Cities. (Funding Source: Not Applicable) *CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com*

ACTION: Mani Grewal, Stanislaus County Board of Supervisor, swore-in Councilmember Rosa Escutia-Braaton as the President of the Central Valley Division of the League of California Cities.

4. Presentation of a check to the City of Modesto Parks, Recreation and Neighborhoods Department from proceeds received by the North Modesto Kiwanis Club as the presenting sponsor of the Annual Breakfast with Santa Event (Funding Source: Not Applicable)
PRN; Laurie Smith, 209-577-5344, lsmith@modestogov.com

ACTION: The North Modesto Kiwanis Club as the presenting sponsor of the Annual Breakfast with Santa Event presented a check to the City of Modesto Parks, Recreation and Neighborhoods Department.

MISCELLANEOUS

5. Consider appointing Jan Viss and Julie Saugstad for a two-year term with an expiration of December 31, 2026; and appointing Abimael Chavez-Hernandez, Collen Preston, and Roland (Sandy) Sutton, for a four-year term with an expiration of December 31, 2028 to serve on the on the Citizens' Salary Setting Commission. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution appointing Jan Viss and Julie Saugstad for a two-year term with an expiration of December 31, 2026; and appointing Abimael Chavez-Hernandez, Collen Preston, and Roland (Sandy) Sutton, for a four-year term with an expiration of December 31, 2028 to serve on the on the Citizens' Salary Setting Commission.

CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

ACTION: (Escutia-Braaton/Wright; 7/0) Resolution 2023-482 appointing Jan Viss and Julie Saugstad for a two-year term with an expiration of December 31, 2026; and appointing Abimael Chavez-Hernandez, Collen Preston, and Roland (Sandy) Sutton, for a four-year term with an expiration of December 31, 2028 to serve on the on the Citizens' Salary Setting Commission.

6. Consider approving the appointment of Margaret James to the Equity Commission for a partial three-year term with an expiration date of August 1, 2026. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution approving the appointment of Margaret James to the Equity

Commission for a partial three-year term with an expiration date of August 1, 2026.

HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Wright/Ricci; 7/0) Resolution 2023-483 approving the appointment of Margaret James to the Equity Commission for a partial three-year term with an expiration date of August 1, 2026.

PUBLIC COMMENT IN PERSON

- Patrick mentioned concerns about prostitution in Briggsmore Plaza and other issues with young children present, as well as employment challenges due to police calls made against them. He also expressed frustration over a recent officer-involved murder.
- Zafrir Solomon stated he is disappointed in the City's approach to homelessness and called for more effective solutions to support the homeless population.
- Derek Castle discussed the implementation of a day center to provide services and meals for unsheltered individuals, advocating for ending food handouts in City parks.
- Betty Santos praised various councilmembers for their community involvement and social media presence, showing support for their efforts.
- Sebastian Jones criticized the rejection of the safe camping program and expressed disappointment in the mayor's leadership, urging a more compassionate approach to homelessness.
- Eric Reimer raised concerns about a potentially illegal vote related to an agenda item and requested item 17 be removed from the agenda.
- John shared a personal story about encountering homeless individuals in a City park and urged the council to address homelessness more effectively, suggesting ideas for improvement.
- Jerry Thompson thanked councilmembers for their support of community initiatives and mentioned a request from the lowrider community to consider adding murals and monuments to Cesar Chavez Park.
- A gentleman expressed surprise and disappointment over the rejection of the safe ground initiative and called for swift action on bridge housing to address homelessness before winter.

CONSENT

Consent

7. Consider approving the minutes from the October 24, 2023 Council Meeting. (Funding Source: Not Applicable)
   - Motion approving the minutes from the October 24, 2023 Council Meeting.

   CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

   ACTION: (Wright/Ricci; 7/0) Motion approving the minutes from the October 24, 2023 Council Meeting.

Consent

8. Consider approving Agreements for consultant support with federal and state advocacy services to Townsend Public Affairs, Newport Beach, CA, and Van Scoyoc and Associates, Washington, DC, for a combined total amount not to exceed $750,000 over five years. (Funding Source: Various Funds)
   - Resolution approving the Award of Proposals and Agreements for consultant support with state advocacy services to Townsend Public Affairs, Newport Beach, CA, for a two (2) year Agreement with three (3) one-year extension options, for an annual estimated amount of $60,000, and a total amount not to exceed $300,000 over five years, and approving an Agreement for consultant support with federal advocacy services to Van Scoyoc and Associates, Washington, DC for a two (2) year Agreement with three (3) one-year extension options, for an annual estimated amount of $90,000, and for a total amount not to exceed $450,000 over five years; and authorizing the City Manager or his designee to execute the Agreements.

   CITY MANAGER; Forrest Ebbs, 209-577-9149, febbs@modestogov.com

   ACTION: (Wright/Ricci; 7/0) Resolution 2023-484 approving the Award of Proposals and Agreements for consultant support with state advocacy services to Townsend Public Affairs, Newport Beach, CA, for a two (2) year Agreement with three (3) one-year extension options, for an annual estimated amount of $60,000, and a total amount not to exceed $300,000 over five years, and approving an Agreement for consultant support with federal advocacy services to Van Scoyoc and Associates, Washington, DC for a two (2) year Agreement with three (3) one-year extension options, for an annual estimated amount of $90,000, and for a total amount not to exceed $450,000 over five years; and authorizing the City Manager or his designee to execute the Agreements.

Consent

9. Consider approving the acceptance of the Fiscal Year 2023-2024 Cal Fire Volunteer

Fire Capacity (VFC) Program Grant Award in the amount of $40,000, which includes a 50% Local Match, for the Procurement of Wildland Firefighting Equipment. (Funding Source: General Fund)

- Resolution approving the acceptance of the Fiscal Year 2023-2024 Cal Fire Volunteer Fire Capacity (VFC) Program Grant Award in the amount of$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 grant Agreement.

FIRE DEPARTMENT; Kevin Wise, 209-572-9590, kwise@modestofire.com

ACTION: (Wright/Ricci; 7/0) Resolution 2023-485 approving the acceptance of the Fiscal Year 2023-2024 Cal Fire Volunteer Fire Capacity (VFC) Program Grant Award in the amount of $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 grant Agreement.

Consent

10. Consider approving the First Amendment with BrightView Golf Maintenance, Inc., in partnership with KemperSports Management for Golf Management and Maintenance Services, increasing the annual payment by $412,148 for a revised total not to exceed
$13,987,536, and extending the term of the Agreement to December 31, 2025. (Funding Source: Golf Fund)

    - Resolution approving the First Amendment with BrightView Golf Maintenance, Inc., in partnership with KemperSports Management for Golf Management and Maintenance Services, increasing the annual payment by
    $412,148 for a revised total not to exceed $13,987,536, and extending the term of the Agreement to December 31, 2025.

PRN; Laurie A. Smith, 209-577-5437, lsmith@modestogov.com

ACTION: (Wright/Ricci; 7/0) Resolution 2023-486 approving the First Amendment with BrightView Golf Maintenance, Inc., in partnership with KemperSports Management for Golf Management and Maintenance Services, increasing the annual payment by $412,148 for a revised total not to exceed $13,987,536, and extending the term of the Agreement to December 31, 2025.

Removed from Agenda – Continued to a future meeting.

Consent

11. Consider approving an Agreement with Verde Design, Inc. to prepare construction documentation for the Mary E. Grogan Park Synthetic Turf Replacement project for a total amount not to exceed $88,000. (Funding Source: American Rescue Plan Act)

    - Resolution approving an Agreement with Verde Design, Inc. to prepare

construction documentation for the Mary E. Grogan Park Synthetic Turf Replacement Project for a total amount of $80,000, plus $8,000 for additional services, if needed, for an Agreement total not to exceed $88,000 and authorizing the City Manager, or his designee, to execute the Agreement.

PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: Removed from Agenda – Continued to a future meeting.

Consent

12. Consider approving the purchase of restroom buildings for Graceada Park, Mark Twain Park, and Robertson Road Park from Public Restroom Company, of Minden, NV, for a total amount not to exceed $1,078,867. (Funding Source: Measure H)
    - Resolution approving the Competitive Bidding Process from Sourcewell with Public Restroom Company, of Minden, NV, for the Purchase, Delivery, and Installation of Restroom Buildings for Graceada Park, Mark Twain Park, and Robertson Road Park, for a total amount of $980,788, plus $98,079 of contingency, if needed, for a total amount not to exceed $1,078,867, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Wright/Ricci; 7/0) Resolution 2023-487 approving the Competitive Bidding Process from Sourcewell with Public Restroom Company, of Minden, NV, for the Purchase, Delivery, and Installation of Restroom Buildings for Graceada Park, Mark Twain Park, and Robertson Road Park, for a total amount of $980,788, plus $98,079 of contingency, if needed, for a total amount not to exceed $1,078,867, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

Consent

13. Consider approving the Plans and Specifications for the Claus Road and Scenic Drive Signal Coordination, CML 5059(245) & CML 5059(246) Project, accepting the bid, and awarding a contract to Tennyson Electric, LLC of Livermore, CA in the amount of
    $798,200, and a 10 percent contingency amount of $79,820 for a total amount not to exceed $878,020. (Funding Source: Congestion Mitigation and Air Quality and Measure L Funds)
    - Resolution approving the Plans and Specifications for the Claus Road and Scenic Drive Signal Coordination, CML 5059(245) & CML 5059(246) Project, accepting the bid, and awarding a contract to Tennyson Electric, LLC of Livermore, CA, in the amount of $798,200, and a 10 percent contingency amount of $79,820 for a total amount not to exceed $878,020 and authorizing the City Manager, or his designee, to execute the Agreement.

- Resolution amending the Fiscal Year 2023-2024 Capital Improvement Program (CIP) budget, projects #101322 and #101323 in the amount of $310,000 and increasing the transfer from the Measure L – Local Road Tax Fund to fund the projects, and authorizing the City Manager or his designee, to implement the provisions of this resolution.

PUBLIC WORKS; Mark Murphy, 209-577-5431, mmurphy@modestogov.com

ACTION: (Wright/Ricci; 7/0) Resolution 2023-488 approving the Plans and Specifications for the Claus Road and Scenic Drive Signal Coordination, CML 5059(245) & CML 5059(246) Project, accepting the bid, and awarding a contract to Tennyson Electric, LLC of Livermore, CA, in the amount of $798,200, and a 10 percent contingency amount of $79,820 for a total amount not to exceed $878,020 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Wright/Ricci; 7/0) Resolution 2023-489 amending the Fiscal Year 2023- 2024 Capital Improvement Program (CIP) budget, projects #101322 and #101323 in the amount of $310,000 and increasing the transfer from the Measure L – Local Road Tax Fund to fund the projects, and authorizing the City Manager or his designee, to implement the provisions of this resolution.

Consent

14. Consider accepting the Plans and Specifications for the Regional Water Recycling Facility - Sutter Campus Parking Lot and Security Upgrade Project and Awarding a Construction Contract to George Reed, Inc., of Modesto, CA, in an amount not to exceed $7,272,462 and approving an Engineering Support During Construction Agreement with West Yost Associates, of Sacramento, CA, in an amount not to exceed
$220,767. (Funding Source: Wastewater Fund)
    - Resolution approving Plans and Specifications for the Regional Water Recycling Facility - Sutter Campus Parking Lot and Security Upgrade Project and awarding a Construction Contract to George Reed, Inc., of Modesto, CA, in the amount of $6,323,880 plus $948,582 in Contingency (if needed), for a total amount not to exceed $7,272,462 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 Regional Water Recycling Facility - Sutter Campus Parking Lot and Security Upgrade Project from 10% ($632,388) to 15% ($948,582) of the Construction Contract amount of $6,323,880 with George Reed, Inc., of Modesto, CA.
    - Resolution approving an Agreement with West Yost Associates, of Sacramento, CA, for Engineering Support During Construction for the Regional Water Recycling Facility - Sutter Campus Parking Lot and Security Upgrade Project, in the amount of $200,697 for the identified scope of services, plus $20,070 for additional services (if needed), for a total

amount not to exceed $220,767 and authorizing the City Manager, or his designee, to execute the Agreement.

- Resolution amending the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $2,967,790 to fund the Construction Phase of the Regional Water Recycling Facility - Sutter Campus Parking Lot and Security Upgrade 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: (Wright/Ricci; 7/0) Resolution 2023-490 approving Plans and Specifications for the Regional Water Recycling Facility - Sutter Campus Parking Lot and Security Upgrade Project and awarding a Construction Contract to George Reed, Inc., of Modesto, CA, in the amount of $6,323,880 plus $948,582 in Contingency (if needed), for a total amount not to exceed $7,272,462 and authorizing the City Manager, or his designee, to execute the Contract.

ACTION: (Wright/Ricci; 7/0) Resolution 2023-491 authorizing an increase in the Director's Authority to issue change orders for the Regional Water Recycling Facility - Sutter Campus Parking Lot and Security Upgrade Project from 10% ($632,388) to 15% ($948,582) of the Construction Contract amount of $6,323,880 with George Reed, Inc., of Modesto, CA.

ACTION: (Wright/Ricci; 7/0) Resolution 2023-492 approving an Agreement with West Yost Associates, of Sacramento, CA, for Engineering Support During Construction for the Regional Water Recycling Facility - Sutter Campus Parking Lot and Security Upgrade Project, in the amount of $200,697 for the identified scope of services, plus $20,070 for additional services (if needed), for a total amount not to exceed $220,767 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Wright/Ricci; 7/0) Resolution 2023-493 amending the Fiscal Year 2023- 24 Capital Improvement Program Budget in the amount of $2,967,790 to fund the Construction Phase of the Regional Water Recycling Facility - Sutter Campus Parking Lot and Security Upgrade Project and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

Consent

15. Consider approving a Sole Source Agreement with Hach Company, Loveland, CO for Nitrate Analyzer Equipment and Field Services, for a total amount not to exceed
$530,000 over three years. (Funding Source: Water Fund)

- Resolution approving the sole source Agreement with Hach Company, Loveland, CO for Nitrate Analyzer Equipment and Field Services for a three- year Agreement for a total amount not to exceed $530,000, and authorizing the City Manager, or his designee to execute the Agreement.

UTILITIES; Manuel Martinez, 209-342-4592, mmartinez@modestogov.com

ACTION: (Wright/Ricci; 7/0) Resolution 2023-494 approving the sole source Agreement with Hach Company, Loveland, CO for Nitrate Analyzer Equipment and Field Services for a three-year Agreement for a total amount not to exceed $530,000, and authorizing the City Manager, or his designee to execute the Agreement.

COUNCIL COMMENTS & REPORTS

Vice Mayor Ricci expressed his optimism about the recent developments in Modesto, including new businesses like the Intermission and the Goat Bar and Grill. He highlighted upgrades in City parks and stressed the importance of addressing traffic safety.

Councilmember Williams mentioned his attendance at various cultural events, including celebrations of Latino and Indian cultures. He also congratulated Councilmember Rosa Escutia- Braaton on her role and know she will represent the City well.

Councilmember Bavaro reported on infrastructure upgrades in District 4, including water and sewer improvements and road repairs. He acknowledged the positive impact of Measure H on the City.

Councilmember Escutia-Braaton expressed gratitude for her new role as President of the League of California Cities, Central Valley Division. She also shared her participation in cultural events celebrating Latino and Indian communities and looked forward to the Veterans Day Parade.

Councilmember Alvarez spoke about the new plans for Cesar Chavez Park and the retention of important programs like boxing and other new programs. He mentioned his support for recognizing the lowrider community's cultural contributions.

Mayor Zwahlen commented on her recent speaking engagement at Bristol Hospice, where she discussed hope and grief. She also mentioned her participation in an event discussing female leadership and the film "Golda" about Golda Meir.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on October 17, 2023.

16. Hearing to consider an Ordinance amending the Modesto Municipal Code to adhere to State Regulations regarding Emergency Shelter and Low-Barrier Navigation Centers, including definition updates and identifying zones where

these uses will be allowed by ministerial approval. (Funding Source: General Fund)

- Motion introducing and waiving the first reading of an Ordinance amending Sections 10-2.125, 10-2.133, and 10-2.194; and adding Section 10-2.149.1 to Article 1 (Definitions) of Chapter 2 (Definitions); amending Section 10-3.101, Table 3.1-1 (Permitted and Conditional Land Uses), Commercial Section of Article 1 (Permitted and Conditional Land Uses) Chapter 3 (Land Use Regulations); amending Section 10-3.205; and, adding Section 10-3.208.1 to Article 2 (Specific Land Use Regulations) of Title 10 (Zoning Regulations).

CED; Diana Lowrance, 209-577-5302, dlowrance@modestogov.com

ACTION: (Wright/Williams; 7/0) Motion introducing and waiving the first reading of an Ordinance amending Sections 10-2.125, 10-2.133, and 10-2.194; and adding Section 10-2.149.1 to Article 1 (Definitions) of Chapter 2 (Definitions); amending Section 10- 3.101, Table 3.1-1 (Permitted and Conditional Land Uses), Commercial Section of Article 1 (Permitted and Conditional Land Uses) Chapter 3 (Land Use Regulations); amending Section 10-3.205; and, adding Section 10-3.208.1 to Article 2 (Specific Land Use Regulations) of Title 10 (Zoning Regulations

Reecess 7:24 p.m.
Reconvene 7:32 p.m.

(Recusals from Councilmember Williams, Wright and Mayor Zwahlen)

Published in the Modesto Bee on October 17, 2023.

17. Hearing to consider Ordinances establishing Mixed-Use Pedestrian (MU-P) and Mixed-Use Highway (MU-H) Zones, an Ordinance rezoning parcels in the McHenry, Sisk, Oakdale, and Yosemite commercial corridors to MU-P and MU-H zones, and an Ordinance amending Planned Developments in the McHenry, Sisk, Oakdale, and Yosemite commercial corridors to allow multi-family residential uses in addition to existing uses. (Funding Source: General Fund)
    - Motion introducing and waiving the first reading of an Ordinance amending Chapter 7 "Other Zones" of Title 10 of the Modesto Municipal Code to add Article 6 regarding a Mixed-Use Pedestrian Oriented (MU-P) Zone.
    - Motion introducing and waiving the first reading of an Ordinance amending Chapter 7 "Other Zones" of Title 10 of the Modesto Municipal Code to add Article 7 regarding a Mixed-Use Highway Oriented (MU-H) Zone.
    - Motion introducing and waiving the first reading of an Ordinance rezoning parcels in the McHenry, Sisk, Oakdale, and Yosemite commercial corridors to MU-P and MU-H zones.
    - Motion introducing and waiving the first reading of an Ordinance

amending Planned Developments in the McHenry, Sisk, Oakdale, and Yosemite commercial corridors to allow multi-family residential uses in addition to existing uses.

CED; Michael Hren, 577-5273, mhren@modestogov.com

ACTION: (Escutia-Braaton/Bavaro; 4/0) Motion introducing and waiving the first reading of an Ordinance amending Chapter 7 "Other Zones" of Title 10 of the Modesto Municipal Code to add Article 6 regarding a Mixed-Use Pedestrian Oriented (MU-P) Zone.

ACTION: (Alvarez/Escutia-Braaton; 4/0) Motion introducing and waiving the first reading of an Ordinance amending Chapter 7 "Other Zones" of Title 10 of the Modesto Municipal Code to add Article 7 regarding a Mixed-Use Highway Oriented (MU-H) Zone.

ACTION: (Bavaro/Alvarez; 4/0) Motion introducing and waiving the first reading of an Ordinance rezoning parcels in the McHenry, Sisk, Oakdale, and Yosemite commercial corridors to MU-P and MU-H zones.

ACTION: (Escutia-Braaton/Alvarez; 4/0) Motion introducing and waiving the first reading of an Ordinance amending Planned Developments in the McHenry, Sisk, Oakdale, and Yosemite commercial corridors to allow multi-family residential uses in addition to existing uses.

NEW BUSINESS

18. Consider authorizing the City Manager, or his designee to solicit proposals for Bridge Housing sites and allocating $3,000,000 for potential projects; and approving an Agreement for expanded client services with Modesto Gospel Mission for a total amount not to exceed $100,000 for a one-year Agreement. (Funding Source: ARPA funds, Measure H funds)
    - Resolution authorizing the City Manager, or his designee, to solicit proposals for Bridge Housing sites and allocating $3,000,000 for potential projects.
    - Resolution amending the fiscal year 2023-2024 Multi-Year Non-Capital Multi- Year budget to create a new project and establish applicable revenue, expense and transfer budgets for the Bridge Housing projects to be funded with Measure H funds in the amount of $3,000,000 and authorizing the City Manager or his designee to take the necessary steps to implement the provisions of this resolution.
    - Resolution approving an Agreement for expanded client services with Modesto Gospel Mission for a total amount not to exceed $100,000 for one year and authorizing the City Manager, or his designee, to negotiate and execute the Agreement.

CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Bavaro/Alvarez; 7/0) Resolution 2023-495 authorizing the City Manager, or his designee, to solicit proposals for Bridge Housing sites and allocating $3,000,000 for potential projects.

ACTION: (Bavaro/Alvarez; 7/0) Resolution 2023-496 amending the fiscal year 2023- 2024 Multi-Year Non-Capital Multi-Year budget to create a new project and establish applicable revenue, expense and transfer budgets for the Bridge Housing projects to be funded with Measure H funds in the amount of $3,000,000 and authorizing the City Manager or his designee to take the necessary steps to implement the provisions of this resolution.

ACTION: (Bavaro/Alvarez; 7/0) Resolution 2023-497 approving an Agreement for expanded client services with Modesto Gospel Mission for a total amount not to exceed
$100,000 for one year and authorizing the City Manager, or his designee, to negotiate and execute the Agreement.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:51 pm.

Closed Session Matters Heard Prior to the 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: City of Modesto, et al. v. The Dow Chemical Company, et al.
(PCE) Superior Court of the State of California
Case No: CGC-98-999345 and CGC-98-999643

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Room 2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, November 13, 2023 at 4:00 PM

Roll Call: Present: Alternate Member Alvarez, Member Bavaro, and Chair Wright
Absent: Vice-Chair Escutia-Braaton
Also Present: None

PUBLIC COMMENTS IN PERSON

None.

SUBMITTING COMMENTS BY E-MAIL

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 1-3 (Bavaro/Alvarez; 3/0)

CONSENT

Consent
1. Consider the recommended budget adjustments to Fiscal Year 2023-24 Annual Operating and Capital Improvement Program Budgets; and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion recommending the budget adjustments to Fiscal Year 2023-24 Annual Operating and Capital Improvement Program Budgets; and forwarding to Council for approval.

BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com

ACTION: (Bavaro/Alvarez; 3/0) Motion recommending the budget adjustments to Fiscal Year 2023-24 Annual Operating and Capital Improvement Program Budgets; and forwarding to Council for approval.

Consent
2. Consider an Agreement with Zoom Video Communications, Inc., for Professional Deployment Services in the amount of $53,297 and the Purchase of Zoom Room equipment from Think Fast Track for a total amount not to exceed $247,202 and forwarding to Council for approval. (Funding Source: Public Educational and Government (PEG) Fund and Fire Department General Fund)

- Motion recommending the Sole Source Agreement with Zoom Video Communications, Inc., for Professional Deployment Services in the amount of $53,297 and the Sole Source purchase of Zoom Room equipment from Think Fast Track in the amount of $175,593 plus an 8% contingency of $18,312 for a total amount not to exceed $247,202 and forwarding to Council for approval.

IT; Kevin Harless, 209-571-5593, kharless@modestogov.com

ACTION: (Bavaro/Alvarez; 3/0) Motion recommending the Sole Source Agreement with Zoom Video Communications, Inc., for Professional Deployment Services in the amount of $53,297 and the Sole Source purchase of Zoom Room equipment from Think Fast Track in the amount of $175,593 plus an 8% contingency of $18,312 for a total amount not to exceed $247,202 and forwarding to Council for approval.

Consent

3. Consider an Engineering Services Agreement with Black Water Consulting Engineers, of Modesto, CA, for the Paradise-Grimes-Ohio Area Strengthen and Replace Water Mains Project, in an amount not to exceed $489,500 and forwarding to Council for approval. (Funding Source: Water Fund)
    - Motion recommending an Engineering Services Agreement with Black Water Consulting Engineers, of Modesto, CA, for the Paradise-Grimes-Ohio Area Strengthen and Replace Water Mains Project in the amount of $445,000, plus $44,500 in additional services, if needed, for a total amount not to exceed $489,500 and forwarding to Council for approval.

UTILITIES; Edgar Vargas, 209-577-5424, evargas@modestogov.com

ACTION: (Bavaro/Alvarez; 3/0) Motion recommending an Engineering Services Agreement with Black Water Consulting Engineers, of Modesto, CA, for the Paradise-Grimes-Ohio Area Strengthen and Replace Water Mains Project in the amount of $445,000, plus $44,500 in additional services, if needed, for a total amount not to exceed $489,500 and forwarding to Council for approval.

NEW BUSINESS

4. Consider a Second Amendment to increase the Agreement with Badger Meter, Inc. for the purchase of Badger water meters, automated meter readers, and related parts to a total revised amount not to exceed $12,340,760 over five years and forwarding to Council for approval. (Funding Source: Water Fund)
    - Motion recommending a Second Amendment to increase the Agreement with Badger Meter, Inc. for the purchase of Badger water meters, automated meter readers, and related parts by $1,612,120 from $1,500,880 per year to a new estimated total of $3,113,000 per year and increasing the total amount by $4,836,360 from $7,504,400 to a new revised total not to exceed $12,340,760 over five years and forwarding to Council for approval.

FINANCE DEPARTMENT; Dianne Love, 209-577-5412, dlove@modestogov.com

ACTION: (Alvarez/Bavaro; 3/0) Motion recommending a Second Amendment to increase the Agreement with Badger Meter, Inc. for the purchase of Badger water meters, automated meter readers, and related parts by $1,612,120 from $1,500,880 per year to a new estimated total of $3,113,000 per year and increasing the total amount by $4,836,360 from $7,504,400 to a new revised total not to exceed $12,340,760 over five years and forwarding to Council for approval.

5. Consider a Purchase Order with Dotworkz Systems, San Diego, CA, for the Purchase of Assembled Video Camera Systems to be installed at strategic locations in the City, for a total amount not to exceed $426,372 and approving a Purchase Order with AT&T FirstNet for Cradlepoint Routers, for a total cost not to exceed $80,140 and forwarding to Council for approval. (Funding Source: ARPA, General Fund, SLESF, Traffic Safety Funds)
    - Motion recommending a Purchase Order with Dotworkz Systems for the Purchase of Assembled Video Camera Systems to be installed at strategic locations in the City, for a total amount not to exceed $426,372 and forwarding to Council for approval.
    - Motion recommending a Purchase Order with AT&T FirstNet for Cradlepoint Routers, for a total cost not to exceed $80,140 and forwarding to Council for approval.

    POLICE DEPARTMENT; Brandon Gillespie, 209-572-9501, gillespieb@modestopd.com

    ACTION: (Bavaro/Alvarez; 3/0) Motion recommending a Purchase Order with Dotworkz Systems for the Purchase of Assembled Video Camera Systems to be installed at strategic locations in the City, for a total amount not to exceed $426,372 and forwarding to Council for approval.

    ACTION: (Bavaro/Alvarez; 3/0) Motion recommending a Purchase Order with AT&T FirstNet for Cradlepoint Routers, for a total cost not to exceed $80,140 and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:32 p.m.

Attest: _____
Andrea Cook, Deputy City Clerk

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, November 14, 2023 at 5:30 PM

Roll Call - Councilmembers Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

Pledge of Allegiance to the Flag

Invocation: Joshua Hamilton, The Church of Jesus Christ of Latter-Day Saints

City Clerk's Announcements: None

Declaration of Conflicts of Interest: Items 8, 9, 10 and 11 – Councilmembers Wright, Williams and Mayor Zwahlen

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation declaring November 12-18, 2023, as United Against Hate Week in the City of Modesto. (Funding Source: Not Applicable)
   CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

   ACTION: Mayor Zwahlen presented proclamation declaring November 12-18, 2023, as United Against Hate Week in the City of Modesto.

2. Proclamation declaring November 25, 2023 as Small Business Saturday. (Funding Source: Not Applicable)
   CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

   ACTION: Mayor Zwahlen presented proclamation declaring November 25, 2023 as Small Business Saturday.

3. Presentation from the Municipal Information Systems Association of California (MISAC) to the City of Modesto for the 2023 MISAC Excellence Award for Best Practices in Information Technology and the 2023 MISAC Innovation Award for the City's implementation of Wordly Real-time Translation Services. (Funding Source: Not Applicable)
   IT; Scott Conn, 209-577-5229, sconn@modestogov.com

ACTION: Presentation from the Municipal Information Systems Association of California (MISAC) to the City of Modesto for the 2023 MISAC Excellence Award for Best Practices in Information Technology and the 2023 MISAC Innovation Award for the City's implementation of Wordly Real-time Translation Services.

MISCELLANEOUS

4. Consider accepting the resignation of Alexandra von Stade from the Measure H Oversight Board. (Funding Source: Not Applicable)
Staff Recommendation:
    - Resolution accepting the resignation of Alexandra von Stade from the Measure H Oversight Board.

BUDGET; Steve Christensen, 209-577-5390, schristensen@modestgov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-498 accepting the resignation of Alexandra von Stade from the Measure H Oversight Board.

5. Consider appointing Erin Black to the City of Modesto Planning Commission with a partial term expiring December 31, 2024. (Funding Source: Not Applicable)
Staff Recommendation:
    - Resolution appointing Erin Black to the City of Modesto Planning Commission with a partial term expiring December 31, 2024.

CED; Jessica Hill, 209-577-5267, jhill@modestogov.com

ACTION: (Bavaro/Williams; 7/0) Resolution 2023-499 appointing Erin Black to the City of Modesto Planning Commission with a partial term expiring December 31, 2024.

PUBLIC COMMENT IN PERSON

- Rebecca McDaniel shared a personal experience about her daughter's friend who was homeless. She reached out for help, and with the assistance of Jim Fair and Steve Finch from the SHARE Program, her daughter's friend was placed in a safe shelter. Rebecca expressed gratitude for the smooth and helpful process.
- Zafrir Solomon expressed support for the recently voted Bridge Housing program but raised concerns about its timing, stating that it might be too late for some individuals facing homelessness during the upcoming winter. He urged the Council to address the crisis promptly, emphasizing the need for immediate action.
- Derek Castle commended the City for progressing with the Bridge Housing initiative but highlighted the urgency of a Winter Plan. He acknowledged the efforts to provide shelter for women at the Modesto Gospel Mission but stressed the lack of a plan for men and couples. Derek proposed a simple and cost-effective solution for a nighttime warming zone to prevent individuals from sleeping in the cold.
- Diane Kroeze expressed concerns about the City's approach to homelessness, emphasizing the need for a comprehensive and coordinated plan. She questioned the focus on Bridge Housing and motels, suggesting that Safe Camping might be a more effective and quicker solution. Diane

urged the council to consider alternative strategies that prioritize helping people off the streets and into a normal life.

- Marcelo Vargas discussed the upcoming renovation at Cesar Chavez Park and requested input from the lowrider community to ensure the park's attractiveness and preservation of its historical significance. He emphasized the importance of involving the community in the planning process.
- Dolores Chacon shared her personal connection to Cesar Chavez Park, growing up in the area. She expressed a desire to get more involved in park planning and activities, highlighting the positive impact that parks had on her life, including her journey to becoming the president of a winery.
- Hillary Moak stated she represents the Tuolumne River Trust and discussed the All Children Thrive Initiative's collaboration with the city to improve park equity. The Park Youth Committee, composed of high school students, has been working on analyzing data and prioritizing parks for improvement. They seek council support for their resolution and plan to present the full project to the City Council.
- Martin Montez a member of the Park Youth Committee, highlighted issues in James Marshall and Robertson Road Parks, emphasizing the need for equal amenities in all parks. He discussed survey data, public outreach efforts, and the committee's mission to address disparities in park functionality. Martin requested the City Council's assistance in resolving these issues.
- John Frailing emphasized the importance of showing kindness and humanity to those in need. He inquired about the Council's plan for addressing homelessness and suggested the implementation of 24/7 warming zones to provide shelter during cold nights. John urged the city to take urgent action and offered community support.
- Justin Farkas, representing Assemblymember Juan Alanis, thanked the Council for recognizing Small Business Saturday. He provided updates on Assemblyman Alanis's involvement in the Select Committee on Retail Theft and the upcoming public hearing on the study related to AB 335. Justin also discussed plans for community events and town halls.
- Jerry Thompson thanked the Council for their support in lifting the ban and wished them a happy Thanksgiving and Christmas. He also echoed Marcello and Dolores's desire to contribute to the planning of Cesar Chavez Park and emphasized the cultural and historical significance of A&W Root Beer to Modesto's tour tourism.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 6-7, 12-20: (Wright/Alvarez; 7/0)

CONSENT

Consent

6. Consider approving the minutes from the November 7, 2023 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the November 7, 2023 Council Meeting.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Wright/Alvarez;7/0) Motion approving the minutes from the November 7, 2023 Council Meeting.

Consent

7. Consider approving Final Adoption of Ordinance 3771-C.S. amending sections 10-2.125, 10-2.133, and 10-2.194; adding section 10-2.149.1, to Chapter 2 (Definitions), Article 1 (Definitions) of Title 10; amending section 10-3.205 of Chapter 3 (Land Use Regulations), Article 2 (Specific Land Use Regulations); and adding section 10-3.208.1 to Chapter 3 (Land Use Regulations), Article 2 (Specific Land Use Regulations) of Title 10. (Funding Source: Not Applicable)
    - Motion approving Final Adoption of Ordinance 3771-C.S. amending sections 10-2.125, 10-2.133, and 10-2.194; adding section 10-2.149.1, to Chapter 2 (Definitions), Article 1 (Definitions) of Title 10; amending section 10-3.205 of Chapter 3 (Land Use Regulations), Article 2 (Specific Land Use Regulations); and adding section 10-3.208.1 to Chapter 3 (Land Use Regulations), Article 2 (Specific Land Use Regulations) of Title 10.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Wright/Alvarez;7/0) Motion approving Final Adoption of **Ordinance 3771-C.S.** amending sections 10-2.125, 10-2.133, and 10-2.194; adding section 10-2.149.1, to Chapter 2 (Definitions), Article 1 (Definitions) of Title 10; amending section 10-3.205 of Chapter 3 (Land Use Regulations), Article 2 (Specific Land Use Regulations); and adding section 10-3.208.1 to Chapter 3 (Land Use Regulations), Article 2 (Specific Land Use Regulations) of Title 10.

(Wright, Williams, and Zwahlen Recused Conflict)

Consent

8. Consider approving Final Adoption of Ordinance 3772-C.S. amending Chapter 7 "Other Zones" of Title 10 of the Modesto Municipal Code to add Article 6 regarding a Mixed Use Pedestrian Oriented (Mu-P) Zone. (Funding Source: Not Applicable)
    - Motion approving Final Adoption of Ordinance 3772-C.S. amending Chapter 7 "Other Zones" of Title 10 of the Modesto Municipal Code to add Article 6 regarding a Mixed Use Pedestrian Oriented (Mu-P) Zone.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Bavaro/Escutia-Braaton; 4/0 - Wright, Williams, and Zwahlen Recused) Motion approving Final Adoption of **Ordinance 3772-C.S.** amending Chapter 7 "Other Zones" of Title 10 of the Modesto Municipal Code to add Article 6 regarding a Mixed Use Pedestrian Oriented (Mu-P) Zone.

(Wright, Williams, and Zwahlen Recused Conflict)

Consent

9. Consider approving Final Adoption of Ordinance 3773-C.S. amending Chapter 7 "Other Zones" of Title 10 of the Modesto Municipal Code to add Article 7 regarding a Mixed Use Highway Oriented (Mu-H) Zone. (Funding Source: Not Applicable)
    - Motion approving Final Adoption of Ordinance 3773-C.S. amending Chapter 7 "Other Zones" of Title 10 of the Modesto Municipal Code to add Article 7 regarding a Mixed Use Highway Oriented (Mu-H) Zone.

CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

ACTION: (Bavaro/Escutia-Braaton; 4/0 - Wright, Williams, and Zwahlen Recused) Motion approving Final Adoption of **Ordinance 3773-C.S.** amending Chapter 7 "Other Zones" of Title 10 of the Modesto Municipal Code to add Article 7 regarding a Mixed Use Highway Oriented (Mu-H) Zone.

(Wright, Williams, and Zwahlen Recused Conflict)

Consent

10. Consider approving Final Adoption of Ordinance 3774-C.S. amending multiple Sections of the Zoning Map of the City Of Modesto to rezone properties located along McHenry Avenue, Sisk Road, Oakdale Road, and Yosemite Boulevard from Various Zones to Mixed Use Pedestrian Zone, Mu P, and Mixed Use Highway Zone, Mu H. (Funding Source: Not Applicable)
    - Motion approving Final Adoption of Ordinance 3774-C.S. amending Sections 02 03 08, 04 03 09, 05 03 09, 08 03 09, 09 03 09, 11 03 08, 12 03 08, 13 03 08, 14 03 08, 14 03 09, 16 03 09, 17 03 09, 18 03 09, 19 03 09, 20 03 09, 21 03 09, 22 03 09, 23 03 09, 26 03 09, 28 03 09, and 29 03 09 of the Zoning Map of the City Of Modesto to Rezone properties located along McHenry Avenue, Sisk Road, Oakdale Road, and Yosemite Boulevard from Various Zones to Mixed Use Pedestrian Zone, Mu P, and Mixed Use Highway Zone, Mu H.

CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

ACTION: (Bavaro/Escutia-Braaton; 4/0 - Wright, Williams, and Zwahlen Recused) Motion approving Final Adoption of **Ordinance 3774-C.S.** amending Sections 02 03 08, 04 03 09, 05 03 09, 08 03 09, 09 03 09, 11 03 08, 12 03 08, 13 03 08, 14 03 08, 14 03 09, 16 03 09, 17 03 09, 18 03 09, 19 03 09, 20 03 09, 21 03 09, 22 03 09, 23 03 09, 26 03 09, 28 03 09, and 29 03 09 of the Zoning Map of the City Of Modesto to Rezone properties located along McHenry Avenue, Sisk Road, Oakdale Road, and Yosemite Boulevard from Various Zones to Mixed Use Pedestrian Zone, Mu P, and Mixed Use Highway Zone, Mu H.

(Wright, Williams, and Zwahlen Recused Conflict)

Consent

11. Consider approving Final Adoption of Ordinance 3775-C.S. amending multiple Planned Development Zones to allow Multiple Family Residential Development in addition to their existing uses. (Funding Source: Not Applicable)
    - Consider approving Final Adoption of Ordinance 3775-C.S. amending Planned Development Zones, P D(102), P D(109), P D(120), P D(123), P D(125), P D(134), P D(137), P D(147), P D(166), P D(179), P D(200), P D(217), P D(223), P D(287), P D(306), P D(320), P D(394), P D(403), P D(405), P D(421), P D(422), P D(433), P D(436), P D(459), P D(477), P D(481), P

D(491), P D(494), P D(499), P D(515), P D(525), P D(531), P D(553), P D(560), P D(566), P D(584), P D(591), and P D(593) to allow Multiple Family Residential Development in addition to their existing uses.

CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

ACTION: (Bavaro/Escutia-Braaton; 4/0 - Wright, Williams, and Zwahlen Recused) Consider approving Final Adoption of **Ordinance 3775-C.S.** amending Planned Development Zones, P D(102), P D(109), P D(120), P D(123), P D(125), P D(134), P D(137), P D(147), P D(166), P D(179), P D(200), P D(217), P D(223), P D(287), P D(306), P D(320), P D(394), P D(403), P D(405), P D(421), P D(422), P D(433), P D(436), P D(459), P D(477), P D(481), P D(491), P D(494), P D(499), P D(515), P D(525), P D(531), P D(553), P D(560), P D(566), P D(584), P D(591), and P D(593) to allow Multiple Family Residential Development in addition to their existing uses.

Consent

12. Consider amending Section 5 Policy- "Emergency Solutions Grant Program Policies" and adopting Section 19 "Uniform Relocation Assistance and Real Property Acquisition Policies (URA)" of the Housing and Urban Development Policies and Procedures Manual. (Funding Source: Various funds)
    - Resolution amending Section 5 Policy- Emergency Solutions Grant Program Policies and adopting Section 19 Policy- Uniform Relocation Assistance and Real Property Acquisition Policies of the Housing and Urban Development Policies and Procedures Manual.

    CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

    ACTION: (Wright/Alvarez;7/0) Resolution 2023-500 amending Section 5 Policy- Emergency Solutions Grant Program Policies and adopting Section 19 Policy- Uniform Relocation Assistance and Real Property Acquisition Policies of the Housing and Urban Development Policies and Procedures Manual.

Consent

13. Consider approving a Second Amendment increasing the Agreement amount with Community Reinvestment Fund, USA (CRF), for continued Loan Servicing of Community Development Funded Loans by $60,000 to a new total amount of $150,000 and extending the term of the Agreement from June 30, 2023 to June 30, 2024. (Funding Source: Various Loan Servicing Program Income)
    - Resolution approving a Second Amendment increasing the Agreement amount with Community Reinvestment Fund, USA (CRF), for continued Loan Servicing of Community Development Funded Loans by $60,000 from $90,000 to a new total amount of $150,000 and extending the term of the Agreement from June 30, 2023 to June 30, 2024 and authorize the City Manager or his designee to execute the Amendment.

    CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

ACTION: (Wright/Alvarez;7/0) Resolution 2023-501 approving a Second Amendment increasing the Agreement amount with Community Reinvestment Fund, USA (CRF), for continued Loan Servicing of Community Development Funded Loans by $60,000 from $90,000 to a new total amount of $150,000 and extending the term of the Agreement from June 30, 2023 to June 30, 2024 and authorize the City Manager or his designee to execute the Amendment.

Consent

14. Consider accepting the Public Improvements of Woodglen Subdivision Village Two and Woodglen Subdivision Village Five located at an area bounded by Pelandale Avenue, Carver Road, Bangs Avenue, and Tully Road and releasing securities upon expiration of statutory periods. (Funding Source: Not Applicable)
    - Resolution accepting the Public Improvements for Woodglen Subdivision Village Two, located at an area bounded by Pelandale Avenue, Carver Road, Bangs Avenue, and Tully Road, 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.
    - Resolution accepting the Public Improvements for Woodglen Subdivision Village Five, located at an area bounded by Pelandale Avenue, Carver Road, Bangs Avenue, and Tully Road, 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.

    ENGINEERING SERVICES; Toby Wells, 209-571-5542, twells@modestogov.com

    ACTION: (Wright/Alvarez;7/0) Resolution 2023-502 accepting the Public Improvements for Woodglen Subdivision Village Two, located at an area bounded by Pelandale Avenue, Carver Road, Bangs Avenue, and Tully Road, 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.

    ACTION: (Wright/Alvarez;7/0) Resolution 2023-503 accepting the Public Improvements for Woodglen Subdivision Village Five, located at an area bounded by Pelandale Avenue, Carver Road, Bangs Avenue, and Tully Road, 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

15. Consider accepting the Monthly Investment Report for July 2023. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for July 2023.

    FINANCE DEPARTMENT; Calogero Maniscalco, 209-577-5219, cmaniscalco@modestogov.com

    ACTION: (Wright/Alvarez;7/0) Motion accepting the Monthly Investment Report for July 2023.

Consent

16. Consider amending the Annual Commercial Cannabis Permit Fee by establishing two types of commercial cannabis permit fees for City approved businesses. (Funding Source: General Fund)
    - Resolution approving an Amendment to the Annual Commercial Cannabis Permit Fee by establishing two types of commercial cannabis permit fees for City approved businesses for an Operational Annual Commercial Cannabis Permit Fee with an annual cost of $18,732 and Non-operational Annual Commercial Cannabis Permit Fee with an annual cost of $4,307.
    - Resolution approving an update of the Annual Commercial Cannabis Permit Fee billing cycle to align with the Annual Permit issuance and expiration date from a calendar year to fiscal year.
    - Resolution approving the creation of a new fund to track overall cost of providing the cannabis program; and amending the Fiscal Year 2023-24 Operating Budget to reduce the General Fund (0100) revenue and expense budgets in the amount of $299,712 and increasing the revenue and expense budgets in the new Cannabis Fund (1820) by the same amount, increasing the transfer out/in budgets by $794,117 to increase the transfer from the General Fund to the Cannabis Fund, and amend the Fiscal Year 2023-24 multi-year non-capital project budget to create a new project for the Cannabis Equity program in the Cannabis Fund and to transfer any current Cannabis Equity funding to the new Cannabis Fund; and authorizing the City Manager to implement the necessary steps to carry out the approved action.

    FINANCE DEPARTMENT; Gina Brown, 209-577-5381, gbrown@modestogov.com

    ACTION: (Wright/Alvarez;7/0) Resolution 2023-504 approving an Amendment to the Annual Commercial Cannabis Permit Fee by establishing two types of commercial cannabis permit fees for City approved businesses for an Operational Annual Commercial Cannabis Permit Fee with an annual cost of $18,732 and Non-operational Annual Commercial Cannabis Permit Fee with an annual cost of $4,307.

    ACTION: (Wright/Alvarez;7/0) Resolution 2023-505 approving an update of the Annual Commercial Cannabis Permit Fee billing cycle to align with the Annual Permit issuance and expiration date from a calendar year to fiscal year.

    ACTION: (Wright/Alvarez;7/0) Resolution 2023-506 approving the creation of a new fund to track overall cost of providing the cannabis program; and amending the Fiscal Year 2023-24 Operating Budget to reduce the General Fund (0100) revenue and expense budgets in the amount of $299,712 and increasing the revenue and expense budgets in the new Cannabis Fund (1820) by the same amount, increasing the transfer out/in budgets by $794,117 to increase the transfer from the General Fund to the Cannabis Fund, and amend the Fiscal Year 2023-24 multi-year non-capital project budget to create a new project for the Cannabis Equity program in the Cannabis Fund and to transfer any current Cannabis Equity funding to the new Cannabis Fund; and authorizing the City Manager to implement the necessary steps to carry out the approved action.

Consent

17. Consider an Agreement with SpryPoint Services, Inc., Charlottetown, P.E. for Utility Billing, Receivables and Cashiering Softwares for a total amount not to exceed $2,391,960 over two years. (Funding Source: Various Funds)
    - Resolution approving an Agreement with SpryPoint Services, Inc., Charlottetown, P.E., by utilizing the Competitive Bid Process with the City of Aurora, for Utility Billing, Receivables and Cashiering Software for a one year Agreement, with one-year Renewal Option for an estimated annual amount of $423,960 , and a total amount not to exceed $2,391,960 over two years, and authorizing the City Manager, or his designee, to execute the Agreement.

    FINANCE DEPARTMENT; Jeni Martin, 209-571-5892, jmartin@modestogov.com

    ACTION: (Wright/Alvarez;7/0) Resolution 2023-507 approving an Agreement with SpryPoint Services, Inc., Charlottetown, P.E., by utilizing the Competitive Bid Process with the City of Aurora, for Utility Billing, Receivables and Cashiering Software for a one year Agreement, with one-year Renewal Option for an estimated annual amount of $423,960 , and a total amount not to exceed $2,391,960 over two years, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

18. Consider approving an Agreement with Citibot, Inc., for Professional Services and Software Subscription for a total amount not to exceed $116,030 over three years. (Funding Source: Information Technology Fund)
    - Resolution approving the Sole Source Agreement with Citibot, Inc. of Charleston, SC for Professional Services and Software Subscription in the amount of $111,150 plus a 10% contingency in year one of $4,880 for a total amount not to exceed $116,030 over three years; and authorizing the City Manager, or his designee, to execute the Agreement.

    IT; James Dotson, 209-571-5508, jadotson@modestogov.com

    ACTION: (Wright/Alvarez;7/0) Resolution 2023-508 approving the Sole Source Agreement with Citibot, Inc. of Charleston, SC for Professional Services and Software Subscription in the amount of $111,150 plus a 10% contingency in year one of $4,880 for a total amount not to exceed $116,030 over three years; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

19. Consider an Engineering Services Agreement with Carollo Engineers, Inc. of Walnut Creek, CA, for the River Trunk Rehabilitation Phase 1 Project, in an amount not to exceed $935,000. (Funding Source: Wastewater Fund)
    - Resolution approving an Engineering Services Agreement with Carollo Engineers, Inc., of Walnut Creek, CA, for the River Trunk Rehabilitation Phase 1 Project in the amount of $850,000, plus $85,000 in additional services, if needed, for a total amount not to exceed $935,000 and authorizing the City Manager, or his designee, to execute the Agreement.

- Resolution amending the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $5,260,000 to be transferred into the Project from Wastewater Reserves to fund the River Trunk Rehabilitation Phase 1 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: (Wright/Alvarez;7/0) Resolution 2023-509 approving an Engineering Services Agreement with Carollo Engineers, Inc., of Walnut Creek, CA, for the River Trunk Rehabilitation Phase 1 Project in the amount of $850,000, plus $85,000 in additional services, if needed, for a total amount not to exceed $935,000 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Wright/Alvarez;7/0) Resolution 2023-510 amending the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $5,260,000 to be transferred into the Project from Wastewater Reserves to fund the River Trunk Rehabilitation Phase 1 Project and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

Consent

20. Consider approving an Engineering Services Agreement with Carollo Engineers, Inc. of Walnut Creek, CA, for the River Trunk Realignment – Pump Station Project, in an amount not to exceed $2,750,742. (Funding Source: Wastewater Fund)

    - Resolution approving an Engineering Services Agreement with Carollo Engineers, Inc., of Walnut Creek, CA, for the River Trunk Realignment – Pump Station Project in the amount of $2,500,674, plus $250,068 in additional services, if needed, for a total amount not to exceed $2,750,742 and authorizing the City Manager, or his designee, to execute the Agreement.

UTILITIES; Cristian Ciotau, 209-577-5260, cciotau@modestogov.com

ACTION: (Wright/Alvarez;7/0) Resolution 2023-511 approving an Engineering Services Agreement with Carollo Engineers, Inc., of Walnut Creek, CA, for the River Trunk Realignment – Pump Station Project in the amount of $2,500,674, plus $250,068 in additional services, if needed, for a total amount not to exceed $2,750,742 and authorizing the City Manager, or his designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

Vice Mayor Ricci highlighted the City's efforts in addressing homelessness, emphasizing the success of programs such as CHAT, Park Rangers, Bridge Housing, Homeless Day Shelter, and Safe Parking. He expressed optimism about the evolution of these programs and the need for adjustments to maximize their impact, particularly focusing on the Safe Parking program. The Vice Mayor asked for adjustments to facilitate easier access, including allowing RVs to park regularly.

Councilmember Bavaro praised the progress on homelessness initiatives, particularly the Bridge Housing program, which he believed would bring dignity to those on the streets. He commended the City staff's swift actions in implementing these programs and anticipated positive outcomes. He commented that he looked forward to receiving proposals from service providers, expressing confidence that Modesto could set an example at the State level.

Councilmember Williams commented about homelessness and encouraged community participation in the Salvation Army's Kettle Kickoff to support homeless shelters. He stressed the importance of financial contributions from the community, urging individuals to attend the event or make monthly pledges. He also emphasized the need for collective financial support to address homelessness effectively.

Councilmember Alvarez discussed the Rental Housing Safety program, focusing on collaboration between the City Council, tenant advocacy groups, and stakeholders. The program aims to ensure the safety of responsible residents in rental properties and combat issues with substandard housing. He also expressed support for creative ideas to pay homage to the lowriding culture in Fourth Street Park.

Mayor Zwahlen shared various community events attended, including mural unveilings, cultural celebrations, Veterans Day parade, and the Ruby Bridges Walk. The Mayor emphasized the significance of recognizing veterans. The Mayor reflected on personal experiences related to the Ruby Bridges Walk, connecting with historical events and expressing pride in community engagement. She also announced that the memorial service for former Councilmember Jenny Kenoyer will be held this Friday at 11 a.m. at Our Lady of Fatima, Catholic Church on Granger Avenue.

Councilmember Escutia-Braaton reported she attended events recognizing the Modesto Police Department's promotions and welcomed new officers. They expressed pride in the dedication of law enforcement. Councilmember Escutia-Braaton highlighted participation in the Veterans Day parade. She also congratulated Laurie Smith on her 28 years of service as the Parks and Recreation Director, acknowledging her contributions to the City.

CITY MANAGER COMMENTS & REPORTS

City Manager Lopez congratulated Laurie Smith, Parks and Recreation Director, on her 28 years of service and upcoming retirement, acknowledging her significant role as the Parks and Recreation director. Expressing gratitude for her contributions, the City Manager praised Laurie's positive impact on the organization and wished her well in her future endeavors.

HEARINGS

Published in the Modesto Bee on November 3, 2023.

21. Hearing to consider an appeal by Cody Alkire, to deny his Variance request to permit existing fences and walls that exceed heights allowed by Title 10 of the Modesto Municipal Code and are within the required 7.5-foot street-side yard and 15-foot front

yard setbacks on property located at 219 North Morton Boulevard (APN: 107-007-050). (Funding Source: Development Appeal Fees)

- Resolution denying the appeal of Cody Alkire and affirming the Board of Zoning Adjustment decision denying a variance at the property at 219 N. Morton Boulevard.

CED; Diana Lowrance, 209-577-5302, dlowrance@modestogov.com

ACTION: (Wright/Ricci; 7/0) Resolution 2023-512 denying the appeal of Cody Alkire and affirming the Board of Zoning Adjustment decision denying a variance at the property at 219 N. Morton Boulevard.

Published in the Modesto Bee on November 3, 2023.

22. Hearing to consider an increase in Golf Green Fees at the City of Modesto Golf Courses by $2/round effective July 1, 2024, with an annual inflator of $1/round each year for the next two years, subject to annual review, rescinding Resolution No. 2018-377. (Funding Source: Golf Fund)

- Resolution approving an increase in Golf Green Fees at the City of Modesto Golf Courses by $2/round effective July 1, 2024, with an annual increase of $1/round each year for the next two years, subject to annual review, rescinding Resolution No. 2018-377.

PRN; Laurie Smith, 209-577-5437, lsmith@modestogov.com

ACTION: (Williams/Escutia-Braaton; 7/0) Resolution 2023-513 approving an increase in Golf Green Fees at the City of Modesto Golf Courses by $2/round effective July 1, 2024, with an annual increase of $1/round each year for the next two years, subject to annual review, rescinding Resolution No. 2018-377.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:15 pm.

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL Room
2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, December 04, 2023 at 4:00 PM

Roll Call: Present: Chair Zwahlen, Vice-Chair Ricci, Committee Member Alvarez

PUBLIC COMMENTS IN PERSON

None

SUBMITTING COMMENTS BY E-MAIL

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEMS 1-2 (Alvarez/Ricci; 3/0)

CONSENT

Consent
1. Consider a Grant of Easement Rights to the Sacramento and San Joaquin Drainage District, and a Land Grant to Reclamation District 2091, and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending a Grant of Easement Rights to the Sacramento and San Joaquin Drainage District, and a Land Grant to Reclamation District 2091, and forwarding to Council for approval.

    UTILITIES; Jeff Daniels, 209-577-6255, jdaniels@modestogov.com

    ACTION: (Alvarez/Ricci; 3/0) Motion recommending a Grant of Easement Rights to the Sacramento and San Joaquin Drainage District, and a Land Grant to Reclamation District 2091, and forwarding to Council for approval.

Consent
2. Consider the First Amendments to the On-Call Engineering Consultant Agreements with Brown & Caldwell, Carollo Engineers, and Hazen and Sawyer, and the Second Amendments to the On-Call Engineering Consultant Agreements with Black Water Consulting Engineers, Inc., West Yost Associates, and Woodard & Curran, to remove the annual “not to exceed” language and forwarding to Council for approval. (Funding Source: Sewer Fund and Storm Drain Fund)
    - Motion recommending the First Amendment to the On-Call Engineering Consultant Agreements with Brown & Caldwell, Carollo Engineers, and Hazen

and Sawyer, and the Second Amendment to the On-Call Engineering Consultant Agreements with Black Water Consulting Engineers, Inc., West Yost Associates, and Woodard & Curran, to remove the annual "not to exceed" language and forwarding to Council for approval.

UTILITIES; Jeff Daniels, 209-577-6255, jdaniels@modestogov.com

ACTION: (Alvarez/Ricci; 3/0) Motion recommending the First Amendment to the On-Call Engineering Consultant Agreements with Brown & Caldwell, Carollo Engineers, and Hazen and Sawyer, and the Second Amendment to the On-Call Engineering Consultant Agreements with Black Water Consulting Engineers, Inc., West Yost Associates, and Woodard & Curran, to remove the annual "not to exceed" language and forwarding to Council for approval.

NEW BUSINESS

3. Consider a Professional Services Agreement with Natelson Dale Group for Economic Development Strategic Planning, for a total amount not to exceed $144,875 and forwarding to Council for approval. (Funding Source: General Fund)
    - Motion recommending the Professional Services Agreement with The Natelson Dale Group, for a total amount not to exceed $144,875 for Economic Development Strategic Planning Services and forwarding to Council for approval.

CED; Trevin Barber, 209-571-5566, tbarber@modestogov.com

ACTION: (Ricci/Alvarez; 3/0) Motion recommending the Professional Services Agreement with The Natelson Dale Group, for a total amount not to exceed $144,875 for Economic Development Strategic Planning Services and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:21 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, December 05, 2023 at 5:30 PM

Roll Call - Councilmembers Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

Pledge of Allegiance to the Flag

Invocation: Bill Kenoyer, Redeemer Church

City Clerk's Announcements: None

Declaration of Conflicts of Interest: Bavaro - Item 9

Reports from Closed Session: Mayor Zwahlen report on the performance evaluation for the City Clerk. The council unanimously agreed that the City Clerk is doing an excellent job.

MISCELLANEOUS

1. Consider appointing Jim Stokes to the Citizen's Housing and Community Development Committee for a four-year term beginning on January 1, 2024 through December 31, 2027. (Funding Source: Not Applicable)
   Staff Recommendation:
   - Resolution appointing Jim Stokes to the Citizen's Housing and Community Development Committee (CH&CDC) for a four-year term beginning on January 1, 2024 through December 31, 2027.

   CED; Cynthia Formosa, 209-577-5211, cformosa@modestogov.com

   ACTION: (Ricci/Escutia-Braaton; 7/0) Resolution 2023-514 appointing Jim Stokes to the Citizen's Housing and Community Development Committee (CH&CDC) for a four-year term beginning on January 1, 2024 through December 31, 2027.

2. Consider appointing David Seymour, Babette Wagner, and Cheryl Lopina to the City of Modesto Landmark Preservation Commission with terms expiring December 31, 2027. (Funding Source: Not Applicable)
   Staff Recommendation:
   - Resolution appointing David Seymour, Babette Wagner, and Cheryl Lopina to the City of Modesto Landmark Preservation Commission with terms expiring December 31, 2027.

CED; Jessica Hill, 209-577-5267, jhill@modestogov.com

ACTION: (Escutia-Braaton/Williams; 7/0) Resolution 2023-515 appointing David Seymour, Babette Wagner, and Cheryl Lopina to the City of Modesto Landmark Preservation Commission with terms expiring December 31, 2027.

PUBLIC COMMENT IN PERSON

- Nancy Robinson, President of the Modesto Garden Club, expressed gratitude for the opportunity to speak. She highlighted the Garden Club's centennial celebration and invited the City Council and the public to two holiday events hosted by the club, emphasizing their community endeavors.

- Michael Brazeale, from the Downtown Street Team Committee addressed issues faced by the Downtown Street Team, focusing on local fast-food places denying restroom access and the disrespectful attitudes encountered during their cleanup efforts. He urged for understanding and respect for their work.

- Steve raised concerns about the conduct of Modesto Police Officers and accused certain Council Members of targeting and harassing him. He expressed fear regarding a specific police officer's potential return to duty and demanded accountability for police actions.

- Derek Castle advocated for establishing overnight warming centers for unsheltered men during winter months. They acknowledged efforts by the Modesto Gospel Mission but pointed out the need for additional options, suggesting support from the Salvation Army.

- Taylor McGuire representing the Park Youth Committee, addressed inequities in park funding distribution. She urged the City Council to support a resolution aiming to allocate more funds to parks lacking basic amenities, emphasizing the impact on community health.

- Diane Kroeze emphasized the need for 24/7 warming centers for the homeless during winter, stating that daytime-only options are insufficient. She urged the council to prioritize this issue to prevent illnesses and deaths among the homeless population.

- John Frailing shared two possible solutions for warming center. He also highlighted issues with trash in alleys behind houses and suggested modifying parking regulations to address the problem. He encouraged the council to explore solutions for safe parking to enhance street safety.

- John Lucas expressed concerns about homelessness and criticized the city's spending on housing projects. They urged the council to address the issue promptly to prevent further suffering and deaths among the homeless population.

- Sebastian Jones advocated for renaming the 10th Street Plaza after recently deceased Councilwoman Jenny Kenoyer. He emphasized her dedication to the city and urged the council to prioritize this change.

- Arthur Fabela expressed opposition to residential development at the Municipal Golf Course and advocated for modern commercial development to improve West Modesto. He highlighted the potential economic benefits and urged the council to consider the community's needs.

- Loretta Carhart raised concerns about children misbehaving on city buses and suggested implementing legal laws to address the issue. She also inquired about property ownership responsibility for damaged sidewalks.

- Jerry Thompson congratulated recent appointments to the Modesto Landmark Preservation and thanked the city for a successful Christmas parade. He expressed appreciation for American Graffiti's historical significance and supported Sebastian's call to rename 10th Street Plaza.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 3-8; 10-19: (Ricci/Wright; 7/0)

CONSENT

Consent

3. Consider approving the minutes from the November 14, 2023 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the November 14, 2023 Council Meeting.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Wright/Escutia-Braaton;7/0) Motion approving the minutes from the November 14, 2023 Council Meeting.

Consent

4. Consider approving the Mayor's appointments to the City of Modesto Standing Committees, and City Council Liaison Committees; and appointment of a Vice Mayor for the 2024 calendar year. (Funding Source: Not Applicable)
    - Motion appointing Council Member Alvarez as Vice Mayor for the 2024 calendar year.
    - Motion approving the appointments to the Standing Committees and City Council Liaison Committees for the 2024 calendar year.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Wright/Escutia-Braaton;7/0) Motion appointing Council Member Alvarez as Vice Mayor for the 2024 calendar year.

    ACTION: (Wright/Escutia-Braaton;7/0) Motion approving the appointments to the Standing Committees and City Council Liaison Committees for the 2024 calendar year.

Consent

5. Consider approving the recommended Budget Adjustments to Fiscal Year 2023-24 Annual Operating and Capital Improvement Program Budgets. (Funding Source: Various Funds)
    - Resolution amending Fiscal Year 2023-24 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 2023-516 amending Fiscal Year 2023-24 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 the Fourth Amendment to the Joint Exercise of Powers Agreement between the City of Modesto and the County of Stanislaus for Emergency Dispatch Services to extend the Agreement to June 30, 2024. (Funding Source: Not Applicable)
    - Resolution approving the Fourth Amendment to the Joint Exercise of Powers Agreement between the City of Modesto and the County of Stanislaus for Emergency Services, extending the expiration date to June 30, 2024, and authorizing the City Manager or his designee to execute the Agreement.

    CITY MANAGER; Forrest Ebbs, 209-577-9149, febbs@modestogov.com

    ACTION: (Wright/Escutia-Braaton;7/0) Resolution 2023-517 approving the Fourth Amendment to the Joint Exercise of Powers Agreement between the City of Modesto and the County of Stanislaus for Emergency Services, extending the expiration date to June 30, 2024, and authorizing the City Manager or his designee to execute the Agreement.

Consent

7. Consider approving an Agreement for Railroad Crossing Quiet Zone Consulting Services with RailPros of Irvine, CA for a total amount not to exceed $304,949. (Funding Source: American Rescue Plan Act Funds)
    - Resolution approving an Agreement with RailPros of Irvine, CA, to provide Quiet Zone Consulting Services for a total amount not to exceed $304,949, and authorizing the City Manager, or his designee to execute the Agreement.

    CED; Sean Rando, 209-577-5473, srando@modestogov.com

    ACTION: (Wright/Escutia-Braaton;7/0) Resolution 2023-518 approving an Agreement with RailPros of Irvine, CA, to provide Quiet Zone Consulting Services for a total amount not to exceed $304,949, and authorizing the City Manager, or his designee to execute the Agreement.

Consent

8. Consider approving the annexation of property (Annexation #1), approximately 24.62 acres, into the City of Modesto Community Facilities District (CFD) No. 2021-1

(Woodglen) and authorizing the levy of a special tax upon the annexation area (Funding Source: Developer Deposits)

- Resolution approving the annexation of property (Annexation #1) into the City of Modesto Community Facilities District (CFD) No. 2021-1 (Woodglen) and authorizing the levy of a special tax upon the annexation area.

CED; Peter Ibrahim, 209-577-5211, pibrahim@modestogov.com

ACTION: (Wright/Escutia-Braaton;7/0) Resolution 2023-519 approving the annexation of property (Annexation #1) into the City of Modesto Community Facilities District (CFD) No. 2021-1 (Woodglen) and authorizing the levy of a special tax upon the annexation area.

Removed from Consent; Councilmember Bavaro recused due to conflict of interest

Consent

9. Consider accepting the Jennings Water Quality Control (WQC) Plant New Entrance and Exit Project as complete, releasing securities, releasing payments totaling $3,533,015 to T&S Intermodal Maintenance Inc., d.b.a. T&S West. of Linden, CA., and authorizing the City Clerk to file a Notice of Completion. (Funding Source: Wastewater Fund)

    - Resolution accepting the Jennings Water Quality Control Plant New Entrance and Exit project as complete, releasing securities, releasing payments totaling $3,533,015 to T&S Intermodal Maintenance Inc., d.b.a. T&S West of Linden, CA., and authorizing the City Clerk to file a Notice of Completion.

ENGINEERING SERVICES; Peter Kambel, 209-577-5444, pkambel@modestogov.com

ACTION: (Wright/Ricci; 6/0; Bavaro recused due to conflict of interest) Resolution 2023-520 accepting the Jennings Water Quality Control Plant New Entrance and Exit project as complete, releasing securities, releasing payments totaling $3,533,015 to T&S Intermodal Maintenance Inc., d.b.a. T&S West of Linden, CA., and authorizing the City Clerk to file a Notice of Completion.

Consent

10. Consider accepting an Informational Report for the September 2023 Accounts Payable Payment Register and Void Report. (Funding Source: Not Applicable)

    - Motion accepting an Informational Report for the September 2023 Accounts Payable Payment Register and Void Report.

FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

ACTION: (Wright/Escutia-Braaton;7/0) Motion accepting an Informational Report for the September 2023 Accounts Payable Payment Register and Void Report.

Consent

11. Consider accepting an Informational Report on the May and June 2023 Grant Applications and Awards. (Funding Source: Not Applicable)
    - Motion accepting an Informational Report for the May and June 2023 Grant Applications and Awards.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

    ACTION: (Wright/Escutia-Braaton;7/0) Motion accepting an Informational Report for the May and June 2023 Grant Applications and Awards.

Consent

12. Consider accepting the Monthly Investment Report for August 2023. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for August 2023.

    FINANCE DEPARTMENT; Calogero Maniscalco, 209-577-5219, cmaniscalco@modestogov.com

    ACTION: (Wright/Escutia-Braaton;7/0) Motion accepting the Monthly Investment Report for August 2023.

Consent

13. Consider approving the Plans and Specifications for the Park Turf Reduction, Phase 1 Project, and awarding a Construction Contract to Marina Landscape, Inc., of Orange, CA, in an amount not to exceed $376,690. (Funding Source: American Rescue Plan Act (ARPA), Urban Community Drought Relief Grant Program)
    - Resolution approving the Plans and Specifications for the Park Turf Reduction, Phase 1 Project, and awarding a Construction Contract to Marina Landscape, Inc., of Orange, CA, in the amount of $342,445 plus $34,245 in contingency (if needed), for a total amount not to exceed $376,690 and authorizing the City Manager, or his designee, to execute the Contract.
    - Resolution amending the Fiscal Year 2023-2024 Capital Improvement Program Budget to fund Project #101555 (PRN – 2022 Urban Drought Relief Program) in an amount not to exceed $3,359,922 in transfers, revenue, and to budget expenditures to fully fund the project, and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

    PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

    ACTION: (Wright/Escutia-Braaton;7/0) Resolution 2023-521 approving the Plans and Specifications for the Park Turf Reduction, Phase 1 Project, and awarding a Construction Contract to Marina Landscape, Inc., of Orange, CA, in the amount of $342,445 plus $34,245 in contingency (if needed), for a total amount not to exceed $376,690 and authorizing the City Manager, or his designee, to execute the Contract.

    ACTION: (Wright/Escutia-Braaton;7/0) Resolution 2023-522 amending the Fiscal Year 2023-2024 Capital Improvement Program Budget to fund Project #101555 (PRN – 2022 Urban Drought Relief Program) in an amount not to exceed $3,359,922 in

transfers, revenue, and to budget expenditures to fully fund the project, and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

Consent

14. Consider approving an Agreement with Verde Design, Inc. to prepare construction documentation for the Mary E. Grogan Synthetic Turf Replacement Project for a total amount not to exceed $88,000.00 (Funding Source: American Rescue Plan Act)
    - Resolution approving an Agreement with Verde Design, Inc. to prepare construction documentation for the Mary E. Grogan Synthetic Turf Replacement Project for a total amount of $80,000 plus $8,000 for additional services, if needed, for an Agreement total amount not to exceed $88,000 and authorizing the City Manager, or his designee to execute the Agreement.

    PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

    ACTION: (Wright/Escutia-Braaton;7/0) Resolution 2023-523 approving an Agreement with Verde Design, Inc. to prepare construction documentation for the Mary E. Grogan Synthetic Turf Replacement Project for a total amount of $80,000 plus $8,000 for additional services, if needed, for an Agreement total amount not to exceed $88,000 and authorizing the City Manager, or his designee to execute the Agreement.

Consent

15. Consider approving an Agreement with Todd Groundwater, Alameda, CA, for the Groundwater Sustainability Plan Update and Annual Reporting for Years 2023-2028 for a total amount not to exceed $1,994,601 on behalf of the Stanislaus and Tuolumne Rivers Groundwater Basin Association – Groundwater Sustainability Agency and the associated Equitable Project Cost Sharing and Reimbursement Agreement. (Funding Source: Water Fund)
    - Resolution approving an Agreement with Todd Groundwater, of Alameda, CA for the Groundwater Sustainability Plan Update and Annual Reporting, in the amount of $1,813,273, plus $181,328 in additional services, if needed, for a total amount not to exceed $1,994,601 and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution approving the Stanislaus and Tuolumne Rivers Groundwater Basin Association – Groundwater Sustainability Agency Equitable Project Cost Sharing and Reimbursement Agreement and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution amending the Fiscal Year 2023/24 Multi-Year Program Budget in the amount of $2,174,601 to be transferred into the project from Water Fund Reserves and authorizing the City Manager, or his designee, to implement the provision of the Resolution.

    UTILITIES; Jim Alves, 209-571-5557, jalves@modestogov.com

    ACTION: (Wright/Escutia-Braaton;7/0) Resolution 2023-524 approving an Agreement with Todd Groundwater, of Alameda, CA for the Groundwater Sustainability Plan Update and Annual Reporting, in the amount of $1,813,273, plus

$181,328 in additional services, if needed, for a total amount not to exceed $1,994,601 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Wright/Escutia-Braaton;7/0) Resolution 2023-525 approving the Stanislaus and Tuolumne Rivers Groundwater Basin Association – Groundwater Sustainability Agency Equitable Project Cost Sharing and Reimbursement Agreement and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Wright/Escutia-Braaton;7/0) Resolution 2023-526 amending the Fiscal Year 2023/24 Multi-Year Program Budget in the amount of $2,174,601 to be transferred into the project from Water Fund Reserves and authorizing the City Manager, or his designee, to implement the provision of the Resolution.

Consent

16. Consider approving an Engineering Services Agreement with West Yost Associates, of Davis, CA, for the Chicago-Paradise Area Strengthen and Replace Water Mains Project, in an amount not to exceed $1,134,933. (Funding Source: Water Fund)
    - Resolution approving an Engineering Services Agreement with West Yost Associates, of Davis, CA, for the Chicago-Paradise Area Strengthen and Replace Water Mains Project in the amount of $1,031,757, plus $103,176 in additional services, if needed, for a total amount not to exceed $1,134,933 and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution amending the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $12,815,417 to be transferred into the project from Water Fund Reserves to fund the Chicago-Paradise Area Strengthen and Replace Water Mains Project and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

    UTILITIES; Edgar Vargas, 209-577-5424, evargas@modestogov.com

    ACTION: (Wright/Escutia-Braaton;7/0) Resolution 2023-527 approving an Engineering Services Agreement with West Yost Associates, of Davis, CA, for the Chicago-Paradise Area Strengthen and Replace Water Mains Project in the amount of $1,031,757, plus $103,176 in additional services, if needed, for a total amount not to exceed $1,134,933 and authorizing the City Manager, or his designee, to execute the Agreement.

    ACTION: (Wright/Escutia-Braaton;7/0) Resolution 2023-528 amending the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $12,815,417 to be transferred into the project from Water Fund Reserves to fund the Chicago-Paradise Area Strengthen and Replace Water Mains Project and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

Consent

17. Consider approving the purchase of 4,320 square feet of real property at 5132 South Avenue, Empire, CA owned by Stanislaus Regional Housing Authority for $26,073,

plus $10,000 in closing costs to be used for the Well 312 Treatment System and Flushline Project. (Funding Source: Water Fund)

- Resolution approving the purchase of 4,320 square feet of real property located at 5132 South Avenue, Empire, CA 95319 owned by Stanislaus Regional Housing Authority for $26,073, plus $10,000 in closing costs, to be used for the Well 312 Treatment & Flushline Project, and authorizing the City Manager, or his designee, to execute the Purchase and Sale Agreement and all related documents required to complete the transaction.

UTILITIES; Edgar Vargas, 209-577-5424, evargas@modestogov.com

ACTION: (Wright/Escutia-Braaton;7/0) Resolution 2023-529 approving the purchase of 4,320 square feet of real property located at 5132 South Avenue, Empire, CA 95319 owned by Stanislaus Regional Housing Authority for $26,073, plus $10,000 in closing costs, to be used for the Well 312 Treatment & Flushline Project, and authorizing the City Manager, or his designee, to execute the Purchase and Sale Agreement and all related documents required to complete the transaction.

Consent

18. Consider approving an Agreement for Material Hauling Services with Sekhon and Son Trucking, Inc. of Modesto, CA and California Materials of Stockton, CA for a total amount not to exceed $2,375,000 over five years. (Funding Source: Green Waste; Storm Drain; Surface Transportation; Wastewater and Water Funds)

    - Resolution approving the Award of Bid and Agreements for Material Hauling Services to Sekhon and Son Trucking, Inc. of Modesto, CA and California Materials, Inc. of Stockton, CA for a two year Agreement with three one-year extension options, for an annual estimated amount of $475,000 and a total amount not to exceed $2,375,000 over five years, and authorizing the City Manager or his designee, to execute the Amendment.

    UTILITIES; Manuel Martinez, 209-342-4592, mmartinez@modestogov.com

    ACTION: (Wright/Escutia-Braaton;7/0) Resolution 2023-530 approving the Award of Bid and Agreements for Material Hauling Services to Sekhon and Son Trucking, Inc. of Modesto, CA and California Materials, Inc. of Stockton, CA for a two year Agreement with three one-year extension options, for an annual estimated amount of $475,000 and a total amount not to exceed $2,375,000 over five years, and authorizing the City Manager or his designee, to execute the Amendment.

Consent

19. Consider approving an Agreement with Olea Networks, Inc., Bee Cave, TX for Large Commercial Water Meter Health Analytic Software and Technology for a total cost not to exceed $1,500,000 over five years. (Funding Source: Water Fund)

    - Resolution approving an Agreement with Olea Networks Inc., Bee Cave, TX, for Large Commercial Water Meter Health Analytic Software and Technology for a two-year Agreement with three one-year extension options, for an annual estimated amount of $340,000 and a total amount not to exceed $1,500,000

over five years and authorizing the City Manager or his designee to execute the Agreement.

UTILITIES; Manuel Martinez, 209-342-4592, mmartinez@modestogov.com

ACTION: (Wright/Escutia-Braaton;7/0) Resolution 2023-531 approving an Agreement with Olea Networks Inc., Bee Cave, TX, for Large Commercial Water Meter Health Analytic Software and Technology for a two-year Agreement with three one-year extension options, for an annual estimated amount of $340,000 and a total amount not to exceed $1,500,000 over five years and authorizing the City Manager or his designee to execute the Agreement.

Recessed 6:02 p.m.
Reconvened 6:09 p.m.

COUNCIL COMMENTS & REPORTS

Council Member Williams congratulated Vice Mayor Ricci for role as Vice Mayor and mentioned his phenomenal job. He also congratulated Councilmember Alvarez for becoming the new Vice Mayor for the 2024 calendar year. He also highlighted positive developments in the Lakewood area, including street maintenance and playground updates. He further commends the Downtown Streets Team for their significant impact in picking up 750 tons of garbage over the last five and a half years.

Council Member Bavaro thanked Vice Mayor Ricci for his service. He discussed challenges faced by the Downtown Streets Team with some local businesses and spoke about updates on street maintenance projects in his district. He also reported on Measure H funding for playground updates. He further stressed the importance of supporting the Downtown Streets Team program.

Vice Mayor Ricci echoed Council Member Bavaro's praise for the Downtown Streets Team. He highlighted the team's success in finding shelter for 40 people in 2023. He reported on the success of the Celebration of Lights Parade and Christmas tree lighting. He further discussed ongoing efforts to improve the Safe Parking program and expressed concern about the closure of A&W Root Beer and hopes for its preservation. He further encouraged collaboration on bridge housing solutions to reduce homelessness.

Council Member Escutia-Braaton discussed Modesto hosting a clean air summit and efforts to improve air quality. She highlighted accomplishments in replacing old equipment to reduce emissions. She spoke about mitigating the impact of fireworks on air quality during the 4th of July. She further reported on attending the retirement event celebrating Laurie Smith, the Director of Parks and Recreation.

Mayor Zwahlen thanked Vice Mayor Ricci for his service and looks forward to Council Member Alvarez serving as the new Vice Mayor. She highlighted various community events, including the Salvation Army Kettle Kickoff, Interfaith Council event, Small Business Saturday, and the holiday parade. She appreciates the generosity and diversity of Modesto residents.

Council Member Alvarez highlighted his support for a mixed-use development at the Muni Golf Course, advocating for a comprehensive approach with both residential and commercial components on the 54-acre plot. He'll advocate resident involvement in decision-making regarding the golf course. Alvarez also shared his participation in the South Modesto Business United event and their annual Posada, acknowledging the Skanless Car Club for their partnership with the Red Shield of Modesto in a toy drive benefiting 700 children. Expressing gratitude, he thanked Mayor Zwahlen for appointing him as Vice Mayor for the coming year and acknowledged his family, including the presence of his parents, for their unwavering support during his public service journey.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on November 24, 2023.

20. Hearing to consider adopting an Amendment to the General Plan approving the 6th Cycle Housing Element for 2023-2031. (Funding Source: General Fund)
    - Resolution approving an Amendment to the Modesto Urban Area General Plan to replace the 2015-2023 Housing Element with the 2023-2031 Housing Element, Chapter IV of the General Plan and authorizing the City Manager or designee to make all non-substantive changes to the Housing Element to make it internally consistent or to address any non-substantive changes or amendments requested by the Department of Housing and Community Development to achieve state certification of the Housing Element, and that such changes by the City Manager shall not change the policy of the City or include any legislative action.

    CED; Michael Hren, 209-577-5273, mhren@modestogov.com

    ACTION: (Ricci/Williams; 7/0) Resolution 2023-532 approving an Amendment to the Modesto Urban Area General Plan to replace the 2015-2023 Housing Element with the 2023-2031 Housing Element, Chapter IV of the General Plan and authorizing the City Manager or designee to make all non-substantive changes to the Housing Element to make it internally consistent or to address any non-substantive changes or amendments requested by the Department of Housing and Community Development to achieve state certification of the Housing Element, and that such changes by the City Manager shall not change the policy of the City or include any legislative action.

Published in the Modesto Bee on November 24, 2023.

21. Hearing to consider accepting the Capital Facilities Fees Annual Report for Fiscal Year 2022-23 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 2022-23 and making findings related to each of the fee categories.

CED; Peter Ibrahim, 209-577-5211, pibrahim@modestogov.com

ACTION: (Wright/Alvarez; 7/0) Resolution 2023-533 accepting the Capital Facilities Fees Annual Report for Fiscal Year 2022-23 and making findings related to each of the fee categories.

Published in the Modesto Bee on November 24, 2023.

22. Hearing to consider accepting the Fiscal Year 2022-23 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 2022-23 Annual Report of Funds Held for Future Improvements and making findings related to each security on file.

    CED; Peter Ibrahim, 209-577-5211, pibrahim@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2023-534 accepting the Fiscal Year 2022-23 Annual Report of Funds Held for Future Improvements and making findings related to each security on file.

NEW BUSINESS

23. Consider an Ordinance amending Section 11-6.05 "Charges for Metered Water Service," of Chapter 6, "Collection of Public Utilities Charges," of Title 11, "Public Utilities," of the Modesto Municipal Code to establish a Water Rate Surcharge for new water connections located outside of the City's water service area. (Funding Source: Water Enterprise Fund)
    - Motion introducing and waiving the first reading of the Ordinance amending Section 11-6.05 "Charges for Metered Water Service," of Chapter 6, "Collection of Public Utilities Charges," of Title 11, "Public Utilities," of the Modesto Municipal Code to establish a Water Rate Surcharge for new water connections located outside of the City's water service area.

    CED; Peter Ibrahim, 209-577-5211, pibrahim@modestogov.com

    ACTION: (Williams/Ricci; 7/0) Motion introducing and waiving the first reading of the **Ordinance 3776-C.S**. amending Section 11-6.05 "Charges for Metered Water Service," of Chapter 6, "Collection of Public Utilities Charges," of Title 11, "Public Utilities," of the Modesto Municipal Code to establish a Water Rate Surcharge for new water connections located outside of the City's water service area.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:31 pm

Closed Session Matters heard prior to the meeting.

CLOSED SESSION

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Pursuant to Section 54957 of the Government Code)
Title: City Clerk

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
One Case (Pursuant to Section 54956.9(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

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, December 12, 2023 at 5:30 PM

Roll Call Present: Councilmembers Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

Absent: Councilmember Bavaro

Pledge of Allegiance to the Flag

Invocation: Jon Apodaca, Good Life Church

City Clerk's Announcements

Declaration of Conflicts of Interest

Reports from Closed Session: City Attorney Sanchez reported that no reportable action was taken.

PUBLIC COMMENT IN PERSON

- Beth Goodridge provided an update on the intersection at Coldwell and Sycamore, expressing gratitude for police presence but highlighting continued issues with traffic. She requested additional traffic calming measures, especially considering the area's school zone.

- Derek Castle shared positive news about the establishment of a seven-nights-a-week winter warming center for unsheltered individuals, thanks to collaboration with the Gospel Mission and city staff. He emphasized the need for compassionate solutions to homelessness.

- Citlalit Alvarez, representing the Parks Youth Committee, addressed concerns about park equity in West Modesto, specifically at James Marshall and Robertson Road parks. She requested improvements and policy changes to ensure these parks receive necessary amenities.

- Angelica Aguilar, also from the Parks Youth Committee, reiterated the need for park equity and improvements at James Marshall and Robertson Road parks, emphasizing the

importance of these spaces for community well-being.

- Scottie made inappropriate and offensive remarks, promoting harmful stereotypes and conspiracy theories. The comments were not included in the summary.

- Sebastian Jones proposed naming a plaza after Jenny Kenoyer and urged the Council to take action on this matter promptly. He emphasized her contributions to the community.

- Steve raised concerns about the potential reinstatement of Officer Joseph Lamantia, expressing fear about public safety. He called for proactive measures to prevent harm from officers with problematic records.

- Darlene Ruiz, Trevor Seever's mother, pleaded with the council to prevent Joseph Lamantia from getting his job back, citing the threat he poses to the community.

- Ray Ruiz, Trevor Seever's stepfather, echoed concerns about Lamantia's potential reinstatement and urged the Council to take action.

- Brittoni Chavez shared her frustration about the lack of justice for Paul Chavez, who was shot by Samuel Muncy. She criticized the city's response and called for accountability.

- Theresa Clutter emphasized the need for justice for Paul Chavez and proposed that police officers carry personal liability insurance to ensure accountability.

- Kevin McClarty raised concerns about the change in traffic lights, specifically left turn arrows being replaced with blinking yellow lights, affecting safety. He also urged the council to reconsider restricting public comments during Zoom meetings.

- Mani Grewal, Stanislaus County Board of Supervisor thanked the Council for their work and invited them and the public to County Board workshop. He expressed appreciation for the collaboration between the City and the County.

- Zafrir Solomon responded to offensive comments made earlier, defending his Jewish identity and inviting the speaker to a debate.

- A gentleman stated that he decries antisemitism in all forms. He expressed concerns about feeling unsafe approaching police officers in Modesto due to mental health conditions. They urged the City to address systemic police brutality and make the community safer for individuals with mental illness.

- Jerry Thompson expressed the challenges of the night and addressed the issue of integrity. He commended Councilman Chris Ricci for his efforts to preserve the A&W sign. He also shared a personal connection to World War II through his grandfather and uncles who were Second World War veterans fighting against the Nazis. He sympathized

with the Jewish community, stating that hate only worsens the situation and divides people and communities.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 1-25: (Wright/Escutia-Braaton; 6/0; Bavaro absent)

CONSENT

Consent

1. Consider approving the minutes from the December 5, 2023 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the December 5, 2023 Council Meeting.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Motion approving the minutes from the December 5, 2023 Council Meeting.

Consent

2. Consider approving Final Adoption of Ordinance 3776-C.S. amending Section 11-6.05 "Charges for Metered Water Service," of Chapter 6, "Collection of Public Utilities Charges," of Title 11, "Public Utilities," of the Modesto Municipal Code to establish a Water Rate Surcharge for new water connections located outside of the City's water service area. (Funding Source: Not Applicable)
    - Motion approving Final Adoption of Ordinance 3776-C.S. amending Section 11-6.05 "Charges for Metered Water Service," of Chapter 6, "Collection of Public Utilities Charges," of Title 11, "Public Utilities," of the Modesto Municipal Code to establish a Water Rate Surcharge for new water connections located outside of the City's water service area.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Motion approving Final Adoption of **Ordinance 3776-C.S.** amending Section 11-6.05 "Charges for Metered Water Service," of Chapter 6, "Collection of Public Utilities Charges," of Title 11, "Public Utilities," of the Modesto Municipal Code to establish a Water Rate Surcharge for new water connections located outside of the City's water service area.

Consent

3. Consider approving a Fourth Amendment to the Legal Services Agreement with Nossaman LLP for a revised total amount not to exceed $2,200,000, adjust rates and extend the term of the agreement for one remaining year and a Sixth Amendment to the Legal Services Agreement with Bartkiewicz, Kronick & Shanahan P.C. for a revised total amount not to exceed $392,300 for continued representation in water related matters. (Funding Source: Streets Capital Facility Fees, Regional Measure L and Water Fund)
    - Resolution approving a Fourth Amendment to the Legal Services Agreement with Nossaman LLP increasing the Agreement amount by $200,000 from

$2,000,000 for a revised total amount not to exceed $2,200,000, adjusting the blended hourly rate from $438 to $452 and extending the term of the agreement to December 31, 2024, to continue to provide Eminent Domain Legal Services for State Route 132 West Freeway/Expressway Phase 1 Project, and authorizing the City Manager, or his designee, to execute the Amendment.

- Resolution approving a Sixth Amendment to the Legal Services Agreement with Bartkiewicz, Kronick & Shanahan P.C. in the amount of $100,000, for a revised total amount not to exceed $392,300 for continued representation in water related matters and authorizing the City Manager or his designee, to execute the Agreement.

CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2023-535 approving a Fourth Amendment to the Legal Services Agreement with Nossaman LLP increasing the Agreement amount by $200,000 from $2,000,000 for a revised total amount not to exceed $2,200,000, adjusting the blended hourly rate from $438 to $452 and extending the term of the agreement to December 31, 2024, to continue to provide Eminent Domain Legal Services for State Route 132 West Freeway/Expressway Phase 1 Project, and authorizing the City Manager, or his designee, to execute the Amendment.

ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2023-536 approving a Sixth Amendment to the Legal Services Agreement with Bartkiewicz, Kronick & Shanahan P.C. in the amount of $100,000, for a revised total amount not to exceed $392,300 for continued representation in water related matters and authorizing the City Manager or his designee, to execute the Agreement.

Consent

4. Consider approving Amendments to Community Police Review Board Bylaws (Funding Source: Not Applicable)

    - Resolution amending the Community Police Review Board Bylaws changing the meeting date from the third Thursday of each month at 5:00 p.m. to the third Wednesday of each month at 5:30 p.m. starting on January 17, 2024.

CITY MANAGER; Allison Van Guilder, 209-577-5228, avanguilder@modestogov.com

ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2023-537 amending the Community Police Review Board Bylaws changing the meeting date from the third Thursday of each month at 5:00 p.m. to the third Wednesday of each month at 5:30 p.m. starting on January 17, 2024.

Consent

5. Consider approving a ten-year Lease Agreement with John A. Paoluccio and Dorene J. Paoluccio to lease approximately 5,325 square feet located at 4701 Quinturn Lane, Modesto (APN 078-013-031) in the amount of $1,681.24 for the 2024 payment with a cost-of-living increase of three percent (3%) each year for ten years, with two five year

extension options. (Funding Source: NorthPointe Community Facilities District (CFD 2002-1))

- Resolution approving a ten-year Lease Agreement with John A. Paoluccio and Dorene J. Paoluccio to lease approximately 5,325 square feet located at 4701 Quinturn Lane, Modesto (APN 078-013-031) in the amount of $1,681.24 for the 2024 payment with a cost-of-living increase of three percent (3%) each year for ten years, with two five year extension options, and authorizing the City Manager or his designee to execute the Agreement.

CED; Peter Ibrahim, 209-577-5211, pibrahim@modestogov.com

ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2023-538 approving a ten-year Lease Agreement with John A. Paoluccio and Dorene J. Paoluccio to lease approximately 5,325 square feet located at 4701 Quinturn Lane, Modesto (APN 078-013-031) in the amount of $1,681.24 for the 2024 payment with a cost-of-living increase of three percent (3%) each year for ten years, with two five year extension options, and authorizing the City Manager or his designee to execute the Agreement.

Consent

6. Consider an Agreement with the Modesto Children's Museum (MoChiMu) for a two-year term for discounted employee parking. (Funding Source: Parking Services Enterprise Fund)

    - Resolution approving an Agreement with the Modesto Children's Museum for discounted employee parking and authorizing the City Manager or his designee to execute the Agreement.

    CED; Trevin Barber, 209-860-1251, tbarber@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2023-539 approving an Agreement with the Modesto Children's Museum for discounted employee parking and authorizing the City Manager or his designee to execute the Agreement.

Consent

7. Consider approving an amendment to the Section 4 Policy- "HOME Investment Partnership Program Policy" of the Housing and Urban Development Policies & Procedures Manual. (Funding Source: HOME Investment Partnerships)

    - Resolution approving an amendment to Section 4 Policy- "HOME Investment Partnership Program Policy" of the Housing and Urban Development Policies & Procedures Manual.

    CED; Edgar Garcia, 209-571-5101, edgarcia@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2023-539 approving an amendment to Section 4 Policy- "HOME Investment Partnership Program Policy" of the Housing and Urban Development Policies & Procedures Manual.

Consent

8. Consider approving Administrative Amendments to the Consolidated Plan for Program Year 2015-2020 and Administrative Amendment #1 to City Annual Action Plan for Program Years 2017-2018 and 2023-2024 Annual Action Plan. (Funding Source: Various HUD Entitlement Funds)
    - Resolution approving the proposed Administrative Amendment No. 1 to the Consolidated Plan for Program Year 2015-2020 and authorizing the City Manager or his designee, to execute any required documents for submittal to the U.S. Department of Housing and Urban Development.
    - Resolution approving the proposed Administrative Amendments No. 1 to the City's Annual Action Plan for Program Years 2017-2018 and 2023-2024 Annual Action Plan and authorizing the City Manager or his designee, to execute any required documents for submittal to the U.S. Department of Housing and Urban Development.

    CED; Edgar Garcia, 209-571-5101, edgarcia@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2023-541 approving the proposed Administrative Amendment No. 1 to the Consolidated Plan for Program Year 2015-2020 and authorizing the City Manager or his designee, to execute any required documents for submittal to the U.S. Department of Housing and Urban Development.

    ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2023-542 approving the proposed Administrative Amendments No. 1 to the City's Annual Action Plan for Program Years 2017-2018 and 2023-2024 Annual Action Plan and authorizing the City Manager or his designee, to execute any required documents for submittal to the U.S. Department of Housing and Urban Development.

Consent

9. Consider approving a First Amendment to the Catering and Concessionaire Agreement between the City of Modesto and Modesto Hospitality, LLC, to provide Catering and Concessionaire Services to the Modesto Centre Plaza. (Funding Source: Fund 4700 – Cultural Services Administration)
    - Resolution approving a First Amendment extending the Catering and Concessionaire Agreement between the City of Modesto and Modesto Hospitality, LLC, by a six-month period ending June 30, 2024 followed by a month-to-month basis to provide Catering and Concessionaire Services to the Modesto Centre Plaza, and authorizing the City Manager, or designee, to negotiate, and execute the Amendment.

    CED; Sean Rando, 209-577-5473, srando@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2023-543 approving a First Amendment extending the Catering and Concessionaire Agreement between the City of Modesto and Modesto Hospitality, LLC, by a six-month period ending June 30, 2024 followed by a month-to-month basis to provide Catering and

Concessionaire Services to the Modesto Centre Plaza, and authorizing the City Manager, or designee, to negotiate, and execute the Amendment.

Consent

10. Consider approving the Fifth Amendment to Agreement regarding John Thurman Field with The Baseball Club of Modesto, LLC, as successor in interest to HWS Baseball IV, LLC, extending the expiration date of the accelerated termination provision from December 31, 2023 to February 29, 2024. (Funding Source: Capital Improvement Project (CIP) 101019/General Fund)
    - Resolution approving the Fifth Amendment to Agreement regarding John Thurman Field with The Baseball Club of Modesto LLC, as successor in interest to HWS Baseball IV, LLC, extending the expiration date of the accelerated termination provision from December 31, 2023 to February 29, 2024, and authorizing the City Manager, or his designee, to negotiate and execute the Fifth Amendment to the Agreement.

    CED; Sean Rando, 209-577-5473, srando@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2023-544 approving the Fifth Amendment to Agreement regarding John Thurman Field with The Baseball Club of Modesto LLC, as successor in interest to HWS Baseball IV, LLC, extending the expiration date of the accelerated termination provision from December 31, 2023 to February 29, 2024, and authorizing the City Manager, or his designee, to negotiate and execute the Fifth Amendment to the Agreement.

Consent

11. Consider approving a Will Serve Letter and Outside Service Agreement with Maa Shakti Jagran and Raymayna Sanstha Inc., a California Non-Profit Corporation, to connect to the City of Modesto's existing water system for the property located at 4801 Tully Road (APN: 046-006-009). (Funding Source: Water Fund)
    - Resolution approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and Maa Shakti Jagran and Raymayna Sanstha Inc., a California Non-Profit Corporation, to connect to the City of Modesto's existing water system for the property located at 4801 Tully Road (APN: 046-006-009), and authorizing the City Manager, or his designee, to the sign the Will Serve Letter and execute the Outside Service Agreement.

    ENGINEERING SERVICES; Toby Wells, 209-571-5542, twells@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2023-545 approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and Maa Shakti Jagran and Raymayna Sanstha Inc., a California Non-Profit Corporation, to connect to the City of Modesto's existing water system for the property located at 4801 Tully Road (APN: 046-006-009), and authorizing the City Manager, or his designee, to the sign the Will Serve Letter and execute the Outside Service Agreement.

Consent

12. Consider approving a Will Serve Letter and Outside Service Agreement with Panna Yi and Ravin Yi, husband and wife as joint tenants, to connect to the City of Modesto's existing sewer system for the property located at 2012 Blue Gum Avenue (APN: 081-022-007). (Funding Source: Sewer Fund)
    - Resolution approving a Will Serve Letter and Outside Service Agreement with and Panna Yi and Ravin Yi, husband and wife as joint tenants, to connect to the City of Modesto's existing sewer system for the property located at 2012 Blue Gum Avenue (APN: 081-022-007), and authorizing the City Manager, or his designee, to sign the Will Serve Letter and execute the Outside Service Agreement.

ENGINEERING SERVICES; Toby Wells, 209-571-5542, twells@modestogov.com

ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2023-546 approving a Will Serve Letter and Outside Service Agreement with and Panna Yi and Ravin Yi, husband and wife as joint tenants, to connect to the City of Modesto's existing sewer system for the property located at 2012 Blue Gum Avenue (APN: 081-022-007), and authorizing the City Manager, or his designee, to sign the Will Serve Letter and execute the Outside Service Agreement.

Consent

13. Consider approving the Plans and Specifications for the State Route 99/Pelandale Interchange Reconstruction Phase II - Pelandale Avenue and Sisk Road, CML 5059(258) project, accepting the bid, and awarding a contract to United Pavement Maintenance, Inc. of Hughson, CA, in the amount of $1,669,217, authorizing the Director of Engineering Services to approve Change Orders up to the cumulative amount of $166,922 (10% of the original contract price), for a total agreement amount not to exceed $1,836,139. (Funding Source: Congestion Mitigation and Air Quality (CMAQ) and Streets Capital Facilities Fees (CFF))
    - Resolution approving the Plans and Specifications for the State Route 99/Pelandale Interchange Reconstruction Phase II - Pelandale Avenue and Sisk Road, CML 5059(258) project, accepting the bid, and awarding a contract to United Pavement Maintenance, Inc. of Hughson, CA, in the amount of $1,669,217, authorizing the Director of Engineering Services to approve Change Orders up to the cumulative amount of $166,922 (10% of the original contract price), for a total agreement amount not to exceed $1,836,139 and authorizing the City Manager, or his designee, to execute the Agreement.

ENGINEERING SERVICES; Phillip Soares, 209-577-5258, psoares@modestogov.com

ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2023-547 approving the Plans and Specifications for the State Route 99/Pelandale Interchange Reconstruction Phase II - Pelandale Avenue and Sisk Road, CML 5059(258) project, accepting the bid, and awarding a contract to United Pavement Maintenance, Inc. of Hughson, CA, in the amount of $1,669,217, authorizing the Director of Engineering Services to approve Change Orders up to the cumulative amount of $166,922 (10% of the original contract price), for a total agreement amount not to exceed $1,836,139 and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

14. Consider approving a Second Amendment to increase the Agreement with Badger Meter, Inc. for the purchase of Badger water meters, automated meter readers, and related parts to a total revised amount not to exceed $12,340,760 over five years. (Funding Source: Water Fund)
    - Resolution approving a Second Amendment to increase the Agreement with Badger Meter, Inc. for the purchase of Badger water meters, automated meter readers, and related parts by $1,612,120 from $1,500,880 per year to a revised annual estimated total of $3,113,000 per year and increasing the total amount by $4,836,360 from $7,504,400 to a new revised total not to exceed $12,340,760 over five years and authorizing the Director of Finance, or her designee, to execute the Amendment.

    FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2023-548 approving a Second Amendment to increase the Agreement with Badger Meter, Inc. for the purchase of Badger water meters, automated meter readers, and related parts by $1,612,120 from $1,500,880 per year to a revised annual estimated total of $3,113,000 per year and increasing the total amount by $4,836,360 from $7,504,400 to a new revised total not to exceed $12,340,760 over five years and authorizing the Director of Finance, or her designee, to execute the Amendment.

Consent

15. Consider accepting the Monthly Investment Report for September 2023. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for September 2023.

    FINANCE DEPARTMENT; Calogero Maniscalco, 209-577-5219, cmaniscalco@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Motion accepting the Monthly Investment Report for September 2023.

Consent

16. Consider approving a Memorandum of Understanding (MOU) with the Stanislaus County Fire Warden's Office (SCFW) for Hazardous Materials Emergency Response, for a three-year term. (Funding Source: General Fund)
    - Resolution approving a Memorandum of Understanding (MOU) with the Stanislaus County Fire Warden's Office (SCFW) for Hazardous Materials Emergency Response for a three-year term and authorizing the City Manager, or his designee, to execute the MOU.

    FIRE DEPARTMENT; Kevin Wise, 209-572-9590, kwise@modestofire.com

    ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2023-549 approving a Memorandum of Understanding (MOU) with the Stanislaus County Fire

Warden's Office (SCFW) for Hazardous Materials Emergency Response for a three-year term and authorizing the City Manager, or his designee, to execute the MOU.

Consent

17. Consider approving an Agreement with Zoom Video Communications, Inc., for Professional Deployment Services in the amount of $53,297 and the Purchase of Zoom Room equipment from Think Fast Track for $188,307 for a total amount not to exceed $241,604. (Funding Source: Public Educational and Government (PEG) Fund and Fire Department General Fund)
    - Resolution approving the Sole Source Agreement with Zoom Video Communications, Inc., for Professional Deployment Services in the amount of $53,297 and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution approving a Purchase Agreement for the Sole Source purchase of Zoom Room equipment from Think Fast Track in the amount of $175,593 plus an 8% contingency of $12,714 for a total amount not to exceed $188,307 and authorizing the Director of Finance, or her designee to issue the Purchase Order.

    IT; Kevin Harless, 209-571-5593, kharless@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2023-550 approving the Sole Source Agreement with Zoom Video Communications, Inc., for Professional Deployment Services in the amount of $53,297 and authorizing the City Manager, or his designee, to execute the Agreement.

    ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2023-551 approving a Purchase Agreement for the Sole Source purchase of Zoom Room equipment from Think Fast Track in the amount of $175,593 plus an 8% contingency of $12,714 for a total amount not to exceed $188,307 and authorizing the Director of Finance, or her designee to issue the Purchase Order.

Consent

18. Consider approving the purchase of Bi-Occular Box (BOB) cameras with Dotworkz Systems, San Diego, CA, for a total amount not to exceed $859,332; and a purchase of cradle points with AT&T FirstNet for a total amount not to exceed $158,376. (Funding Source: American Rescue Plan Act, General Fund, Measure H, Supplemental Law Enforcement Services Fund, and Traffic Safety Fund)
    - Resolution approving the purchase of Bi-Ocular Box (BOB) cameras with Dotworkz Systems for a total amount not to exceed $859,332, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.
    - Resolution approving the purchase of cradle points with AT&T FirstNet for a total amount not to exceed $158,376, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.
    - Resolution amending the Fiscal Year 2023-2024 multi-year non-capital budget to create a new project and establish applicable revenue, expense and transfer budgets for the parking garage camera project to be funded with Measure H

funds in the amount of $529,338 and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this resolution.

POLICE DEPARTMENT; Brandon Gillespie, 209-572-9501, gillespieb@modestopd.com

ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2023-552 approving the purchase of Bi-Ocular Box (BOB) cameras with Dotworkz Systems for a total amount not to exceed $859,332, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2023-553 approving the purchase of cradle points with AT&T FirstNet for a total amount not to exceed $158,376, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2023-554 amending the Fiscal Year 2023-2024 multi-year non-capital budget to create a new project and establish applicable revenue, expense and transfer budgets for the parking garage camera project to be funded with Measure H funds in the amount of $529,338 and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this resolution.

Consent

19. Consider approving a Purchasing Agreement with Axon Enterprise, Inc., Scottsdale, AZ, for body worn cameras, tasers and related equipment and software for a total amount not to exceed $6,125,690 over five years. (Funding Source: General Fund, Supplemental Law Enforcement Services Fund (SLESF) and Traffic Safety Fund)
    - Resolution approving a Purchasing Agreement with Axon Enterprise, Inc., Scottsdale, AZ, by utilizing the Competitive Bid Process with Omnia, University of Nebraska, NE, for body worn cameras, tasers and related equipment and software, for a five year agreement for a total amount not to exceed $6,125,690; and authorizing the City Manager, or his designee, to execute the Agreement.

POLICE DEPARTMENT; Brandon Gillespie, 209-572-9501, gillespieb@modestopd.com

ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2023-555 approving a Purchasing Agreement with Axon Enterprise, Inc., Scottsdale, AZ, by utilizing the Competitive Bid Process with Omnia, University of Nebraska, NE, for body worn cameras, tasers and related equipment and software, for a five year agreement for a total amount not to exceed $6,125,690; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

20. Consider approving an Agreement with Officer Nicholas Largent for the purchase of Retired City of Modesto Police Canine, Hank in the amount of $1. (Funding Source: General Fund)
    - Resolution approving the Agreement with Officer Nicholas Largent for the purchase of Retired City of Modesto Police Canine Hank for the amount of $1, and authorizing the City Manager, or his designee, to execute the Agreement.

    POLICE DEPARTMENT; Brian Kleiber, 209-572-9500, kleiberb@modestopd.com

    ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2023-556 approving the Agreement with Officer Nicholas Largent for the purchase of Retired City of Modesto Police Canine Hank for the amount of $1, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

21. Consider accepting the Department of Health and Human Services Substance Abuse and Mental Health Services Administration Grant in the amount of $970,370 in Grants Funds with no match requirement. (Funding Source: Grant Funds)
    - Resolution accepting the Department of Health and Human Services Substance Abuse and Mental Health Services Administration Grant in the amount of $970,370 in Grant Funds with no match requirement, and authorizing the City Manager, or his designee, to execute and submit all documents which may be necessary for the completion of the grant acceptance.
    - Resolution amending the Fiscal Year 2023-2024 annual Operating and Multi-Year Non-Capital Project Budget to appropriate revenue and expenses in the total amount of $970,370 related to the Department of Health and Human Services Substance Abuse and Mental Health Services Administration Grant, and authorizing the City Manager, or his designee, to take the necessary steps to implement the required budget adjustment.

    POLICE DEPARTMENT; Jessica Smart, 209-572-9500, smartj@modestopd.com

    ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2023-557 accepting the Department of Health and Human Services Substance Abuse and Mental Health Services Administration Grant in the amount of $970,370 in Grant Funds with no match requirement, and authorizing the City Manager, or his designee, to execute and submit all documents which may be necessary for the completion of the grant acceptance.

    ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2023-558 amending the Fiscal Year 2023-2024 annual Operating and Multi-Year Non-Capital Project Budget to appropriate revenue and expenses in the total amount of $970,370 related to the Department of Health and Human Services Substance Abuse and Mental Health Services Administration Grant, and authorizing the City Manager, or his designee, to take the necessary steps to implement the required budget adjustment.

Consent

22. Consider approving the Second Amendment to the Agreement with Mansfield, Lierly and Associates for Polygraph Examination Services for a new total amount of $231,485 over three years and extending the term of the Agreement to July 12, 2024. (Funding Source: General Fund)
    - Resolution approving the Second Amendment to the Agreement with Mansfield, Lierly and Associates for Polygraph Examination Services for a new total amount not to exceed $231,485 over three years and extending the term of the Agreement to July 12, 2024; and authorizing the City Manager, or his designee, to execute the Amendment.

    POLICE DEPARTMENT; Jessica Smart, 209-572-9500, smartj@modestopd.com

    ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2023-559 approving the Second Amendment to the Agreement with Mansfield, Lierly and Associates for Polygraph Examination Services for a new total amount not to exceed $231,485 over three years and extending the term of the Agreement to July 12, 2024; and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

23. Consider approving a Purchase Order with Vigilant Solutions, LLC, Dallas, TX, for the update and expansion of the Modesto Police Department's Automated License Plate Reader Program, for an amount not to exceed $2,939,812; approving a Purchase Order with Special Services Group (SSG), Marina, CA, for the purchase of equipment, software, installation, and warranty for cameras and trackers for an amount not to exceed $122,366; approving a Purchase Order with Dotworkz, San Diego, CA, for the purchase of equipment, software, and warranty for quad/PTZ camera systems, for an amount not to exceed $357,528; and approving a Purchase Order with Vorp Energy, Rexburg, ID, for the purchase of equipment, software, and warranty for camera trailers, for an amount not to exceed $218,883. (Funding Source: Police Grants)
    - Resolution approving a Purchase Order with Vigilant Solutions, LLC, Dallas, TX, for the update and expansion of the Modesto Police Department's Automated License Plate Reader Program, for an amount not to exceed $2,939,812; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.
    - Resolution approving a Purchase Order with Special Services Group (SSG), Marina, CA, for the purchase of equipment, software, installation, and warranty for cameras and trackers for an amount not to exceed $122,366; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.
    - Resolution approving a Purchase Order with Dotworkz, San Diego, CA, for the purchase of equipment, software, and warranty for quad/PTZ camera systems, for an amount not to exceed $357,528; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.
    - Resolution approving a Purchase Order with Vorp Energy, Rexburg, ID, for the purchase of equipment, software, and warranty for camera trailers, for an amount not to exceed $218,883; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

POLICE DEPARTMENT; Bob Meredith, 209-572-9500, meredithb@modestopd.com

ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2023-560 approving a Purchase Order with Vigilant Solutions, LLC, Dallas, TX, for the update and expansion of the Modesto Police Department's Automated License Plate Reader Program, for an amount not to exceed $2,939,812; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2023-561 approving a Purchase Order with Special Services Group (SSG), Marina, CA, for the purchase of equipment, software, installation, and warranty for cameras and trackers for an amount not to exceed $122,366; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2023-562 approving a Purchase Order with Dotworkz, San Diego, CA, for the purchase of equipment, software, and warranty for quad/PTZ camera systems, for an amount not to exceed $357,528; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution **2023-563** approving a Purchase Order with Vorp Energy, Rexburg, ID, for the purchase of equipment, software, and warranty for camera trailers, for an amount not to exceed $218,883; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

Consent

24. Consider an Engineering Services Agreement with Black Water Consulting Engineers, of Modesto, CA, for the Paradise-Grimes-Ohio Area Strengthen and Replace Water Mains Project, in an amount not to exceed $489,500. (Funding Source: Water Fund)
    - Resolution approving an Engineering Services Agreement with Black Water Consulting Engineers, of Modesto, CA, for the Paradise-Grimes-Ohio Area Strengthen and Replace Water Mains Project in the amount of $445,000, plus $44,500 in additional services, if needed, for a total amount not to exceed $489,500 and authorizing the City Manager, or his designee, to execute the Agreement.

UTILITIES; Edgar Vargas, 209-577-5424, evargas@modestogov.com

ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2023-564 approving an Engineering Services Agreement with Black Water Consulting Engineers, of Modesto, CA, for the Paradise-Grimes-Ohio Area Strengthen and Replace Water Mains Project in the amount of $445,000, plus $44,500 in additional services, if needed, for a total amount not to exceed $489,500 and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

25. Consider approving a Grant of Easement Rights to the Sacramento and San Joaquin Drainage District, and a Land Grant to Reclamation District 2091. (Funding Source: Not Applicable)
    - Resolution approving a Grant of Easement Rights to the Sacramento and San Joaquin Drainage District and authorizing the City Manager to execute the necessary documents.
    - Resolution approving a Land Grant to Reclamation District 2091 and authorizing the City Manager to execute the necessary documents.

    UTILITIES; Jeff Daniels, 209-577-6255, jdaniels@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2023-565 approving a Grant of Easement Rights to the Sacramento and San Joaquin Drainage District and authorizing the City Manager to execute the necessary documents.

    ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2023-566 approving a Land Grant to Reclamation District 2091 and authorizing the City Manager to execute the necessary documents.

COUNCIL COMMENTS & REPORTS

Councilmember Wright reported the Board of Supervisors' approval of a conditional permit for Adult Teen Challenge in Ceres, California. This Christian organization aims to build workforce houses in Modesto, collaborating with local entities to address homelessness and provide rehabilitation for men facing life challenges.

Recess at 6:27 pm.
Reconvened 6:33 p.m.

Vice Mayor Chris Ricci expressed disappointment over the loss of the historic A&W Rootbeer location in downtown Modesto. Despite efforts to protect it through the Landmark Preservation Committee, challenges persisted. Ricci also highlighted the City's positive initiatives in addressing homelessness, acknowledging the hard work of the Downtown Streets Team and City staff.

Councilmember Williams announced a free Christmas breakfast at Sunrise Fellowship building and a charitable basketball giveaway by his son and daughter. He emphasized the importance of community support, especially during the holiday season, and extended holiday wishes to fellow councilmembers and City staff.

Councilmember Escutia-Braaton reflected on the City's achievements in 2023, including Measure H, Seventh Street Housing, and the formation of the Community Police Review Board. She commended City staff, police, and firefighters for their dedicated work in making Modesto a great place to live.

Councilmember Alvarez praised South Modesto Business United's annual holiday giveaway and commended the Modesto All Children Thrive Project for contributing to community parks. He

condemned hate speech, highlighting Modesto's welcoming and diverse community.

Councilmember Williams also expressed condolences for the passing of a City employee and wished everyone a Merry Christmas.

CITY MANAGER COMMENTS & REPORTS

City Manager Lopez expressed gratitude to the Mayor, City Council, and City staff for their dedication, reflecting on positive accomplishments in 2023 and looking forward to 2024.

HEARINGS

Published in the Modesto Bee on November 27, 2023 and December 4, 2023.

26. Hearing to consider approving the abandonment of a 0.548-acre portion of E. Glenn Avenue, located east of Reliance Street and west of the Union-Pacific Railroad. (Funding Source: Developer Application Fees)
    - Resolution approving the abandonment of a 0.548-acre portion of E. Glenn Avenue, located east of Reliance Street and west of the Union-Pacific Railroad.

    CED; Michael Hren, 209-577-5273, mhren@modestogov.com

    ACTION: (Wright/Ricci; 6/0; Bavaro absent) Resolution 2023-567 approving the abandonment of a 0.548-acre portion of E. Glenn Avenue, located east of Reliance Street and west of the Union-Pacific Railroad.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 6:49 pm

All Closed Session Matters heard prior to the meeting.

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – Unrepresented Employee
Negotiator: Christina Alger
Unrepresented Employee: City Clerk

Attest:_____
Diane Nayares-Perez, City Clerk

AGENDA
City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Room 2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, December 18, 2023 at 4:00 PM

Roll Call: Present: Alternate Member Zwahlen, Vice-Chair Escutia-Braaton, and Chair Wright
Absent: Member Bavaro
Also Present: None

PUBLIC COMMENTS IN PERSON

None.

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

CONSENT

Consent
1. Consider the recommended Budget adjustments to Fiscal Year 2023-24 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion recommending the Budget adjustments to Fiscal Year 2023-24 Annual Operating and Capital Improvement Program Budgets; and forwarding to Council for approval.

BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com

ACTION: (Zwahlen/Escutia-Braaton; 3/0) Motion recommending the Budget adjustments to Fiscal Year 2023-24 Annual Operating and Capital Improvement Program Budgets; and forwarding to Council for approval.

Consent
2. Consider an Agreement with Tyler Technologies, Inc., Plano, TX, for Professional Services and Software Subscription for a total amount not to exceed $269,325 and forwarding to Council for approval. (Funding Source: Information Technology Fund)
    - Motion recommending the Agreement with Tyler Technologies, Plano, TX by utilizing the Competitive Bid Process with Sourcewell through the State of Minnesota, for Professional Services and Software Subscription for a term of

three (3) years, in the amount of $256,500 plus a 5% contingency of $12,825 for a total amount not to exceed $269,325; and forwarding to Council for approval.

IT; James Dotson, 209-571-5508, jadotson@modestogov.com

ACTION: (Zwahlen/Escutia-Braaton; 3/0) Motion recommending the Agreement with Tyler Technologies, Plano, TX by utilizing the Competitive Bid Process with Sourcewell through the State of Minnesota, for Professional Services and Software Subscription for a term of three (3) years, in the amount of $256,500 plus a 5% contingency of $12,825 for a total amount not to exceed $269,325; and forwarding to Council for approval.

Consent

3. Consider an Engineering Services Agreement with NorthStar Engineering Group, of Modesto, CA, for the Bystrum Area Phase 1 – Strengthen and Replace Water Mains Project, in an amount not to exceed $366,432 and forwarding to Council for approval. (Funding Source: Water Fund)
    - Motion recommending an Engineering Services Agreement with NorthStar Engineering Group, of Modesto, CA, for the Bystrum Area Phase 1 - Strengthen and Replace Water Mains Project in the amount of $333,120, plus $33,312 in additional services, if needed, for a total amount not to exceed $366,432 and forwarding to Council for approval.

UTILITIES; David Felix, 209-577-5488, dfelix@modestogov.com

ACTION: (Zwahlen/Escutia-Braaton; 3/0) Motion recommending an Engineering Services Agreement with NorthStar Engineering Group, of Modesto, CA, for the Bystrum Area Phase 1 - Strengthen and Replace Water Mains Project in the amount of $333,120, plus $33,312 in additional services, if needed, for a total amount not to exceed $366,432 and forwarding to Council for approval.

NEW BUSINESS

4. Consider the purchase of Oracle Application Upgrades and Professional Migration Services to move the City's On-Premises E-Business Suite to Oracle Cloud using Mythics, Inc. of Virginia Beach, VA for a combined total amount not to exceed $1,219,859 over five years and forwarding to Council for approval. (Funding Source: Information Technology Fund)
    - Motion recommending the acceptance of the Competitive Bidding Process from Omnia Partners, Maricopa County, AZ, with Mythics, Inc. for Oracle Application Upgrades and Professional Migration Services to move the City's On-Premises E-Business Suite to Oracle Cloud for a combined total amount not to exceed $1,219,859; and forwarding to Council for approval.

IT; James Dotson, 209-571-5508, jadotson@modestogov.com

ACTION: (Escutia-Braaton/Zwahlen; 3/0) Motion recommending the acceptance of the Competitive Bidding Process from Omnia Partners, Maricopa County, AZ, with

Mythics, Inc. for Oracle Application Upgrades and Professional Migration Services to move the City's On-Premises E-Business Suite to Oracle Cloud for a combined total amount not to exceed $1,219,859; and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:11 p.m.

Attest: _____
Andrea Cook, Deputy City Clerk

MINUTES
City of Modesto
SPECIAL APPOINTMENTS COMMITTEE / COUNCIL WORKSHOP
2001-40 Del Puerto Room.
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, December 19, 2023 at 4:00 PM

Roll Call: Present: Committee Members Escutia-Braaton, Williams, Alternate Member Wright
Absent: Committee Member Ricci

PUBLIC COMMENTS IN PERSON

None.

NEW BUSINESS

1. Consider interviewing and recommending the appointment for one vacancy on the City of Modesto Planning Commission and the reappointment of Roger Shanks to the City of Modesto Planning Commission and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion to interview and recommend the appointment to fill one vacancy with a term expiring on December 31, 2027, for the City of Modesto Planning Commission and forwarding to Council for approval.
    - Motion to reappoint for a second term to Roger Shanks expiring December 31, 2027, for the City of Modesto Planning Commission and forwarding to Council for approval.

   CED; Jessica Hill, 209-577-5267, jhill@modestogov.com

   ACTION: (Wright/Williams; 3/0) Motion recommending the appointment of Rajmeet Grewa with a term expiring on December 31, 2027 to the City of Modesto Planning Commission and forwarding to Council for approval.

   ACTION: (Wright/Williams; 3/0) Motion to reappoint for a second term Roger Shanks, expiring December 31, 2027, for the City of Modesto Planning Commission and forwarding to Council for approval.

   Recessed 4:40 p.m.
   Reconvened 4:46 p.m.

2. Consider recommending the reappointments of Chris Murphy, Pervez Khan and Angela Cangiamila, and the appointment of new members to fill two vacancies on the

Visit Modesto Board of Directors for two-year terms from January 1, 2024 to December 31, 2025; and forwarding to Council for approval. (Funding Source: Not Applicable)

- Motion recommending the reappointments of Chris Murphy, Pervez Khan and Angela Cangiamila, and the appointment of new members to fill two vacancies on the Visit Modesto Board of Directors for two-year terms from January 1, 2024 to December 31, 2025; and forwarding to Council for approval.

PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Wright/Williams; 3/0) Motion recommending the reappointments of Chris Murphy, Pervez Khan and Angela Cangiamila, and the appointment of Helda Paules and Eric (Damon) Robbins to fill two vacancies on the Visit Modesto Board of Directors for two-year terms from January 1, 2024 to December 31, 2025; and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 5:02 p.m.

Attest: _____
Diane Nayares-Perez, City Clerk