2024 LEGISLATIVE HISTORY

www.modestogov.com

MINUTES
City of Modesto
ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL 2001-40
Del Puerto Room.
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, January 08, 2024 at 4:00 PM

Roll Call: Present: Member Zwahlen and Chair Ricci
Absent: Vice-Chair Alvarez
Also Present: None

PUBLIC COMMENTS IN PERSON

None.

SUBMITTING COMMENTS BY E-MAIL

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 1 (Zwahlen/Ricci; 2/0; Alvarez Absent)

CONSENT

Consent
1. Consider the submission of two Grant Applications to the United States Bureau of Reclamation's WaterSMART Grant Program and forwarding to Council for approval. (Funding Source: Water Fund)
    - Motion recommending the submission of a Grant Application to the United States Bureau of Reclamation's WaterSMART – Water and Energy Efficiency Grant Program for the SCADA System Replacement Project for an amount up

to $400,000 in grant funding with a local match requirement of $200,000 and forwarding to Council for approval.

- Motion recommending the submission of a Grant Application to the United States Bureau of Reclamation's WaterSMART – Planning and Project Design Grant Program for the SCADA System Replacement Project for an amount up to $5,000,000 in grant funding with a local match requirement of $2,500,000 and forwarding to Council for approval.

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

ACTION: (Zwahlen/Ricci; 2/0; Alvarez Absent) Motion recommending the submission of a Grant Application to the United States Bureau of Reclamation's WaterSMART – Water and Energy Efficiency Grant Program for the SCADA System Replacement Project for an amount up to $400,000 in grant funding with a local match requirement of $200,000 and forwarding to Council for approval.

ACTION: (Zwahlen/Ricci; 2/0; Alvarez Absent) Motion recommending the submission of a Grant Application to the United States Bureau of Reclamation's WaterSMART – Planning and Project Design Grant Program for the SCADA System Replacement Project for an amount up to $5,000,000 in grant funding with a local match requirement of $2,500,000 and forwarding to Council for approval.

Removed from Consent

Consent

2. Consider a First Amendment to the Portable Toilet Rental Services Agreement to increase the amount by $20,000, for a revised total amount not to exceed $603,250 over the term of the agreement with Sun Valley Portable Restrooms, Inc. of Turlock, CA and United Site Services, Inc. of Modesto, CA. and forwarding to Council for approval. (Funding Source: Water Fund, Various Funds)

   - Motion recommending a First Amendment to the Portable Toilet Rental Services Agreement to increase the amount by $20,000 from $583,250 to a revised total amount not to exceed $603,250 over the term of the agreement with Sun Valley Portable Restrooms, Inc. of Turlock, CA and United Site Services, Inc. of Modesto, CA, and forwarding to Council for approval.

UTILITIES; Jeremy Parnell, 209-342-4599, jparnell@modestogov.com

ACTION: (Zwahlen/Ricci; 2/0; Alvarez Absent) Motion recommending a First Amendment to the Portable Toilet Rental Services Agreement to increase the amount by $20,000 from $583,250 to a revised total amount not to exceed $603,250 over the term of the agreement with Sun Valley Portable Restrooms, Inc. of Turlock, CA and United Site Services, Inc. of Modesto, CA, and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:14 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, January 09, 2024 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: Sandy Gunnarson, City Ministry Network

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Sanchez stated there was no reportable action.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentations of the Certificate of Achievement for Excellence in Financial Reporting and Popular Annual Financial Reporting Award by Government Finance Officers Association (GFOA) for Fiscal Year ending June 30, 2022, and Presentation for the Distinguished Budget Presentation Award by GFOA for Fiscal Year 2023-2024 Budget. (Funding Source: Not Applicable)
   FINANCE; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com

   ACTION: City Manager Lopez presented the Certificate of Achievement for Excellence in Financial Reporting and Popular Annual Financial Reporting Award by Government Finance Officers Association (GFOA) for Fiscal Year ending June 30, 2022, and Presentation for the Distinguished Budget Presentation Award by GFOA for Fiscal Year 2023-2024 Budget.

PUBLIC COMMENT IN PERSON

- Samuel Wigt stated he wanted to acknowledge the dedication of individuals to the country. He raised concerns about the state of new buildings in North Modesto and their impact on roads and infrastructure. He highlighted issues in South Modesto, including

gunshots, burnouts, and lack of sidewalks and urged accountability for companies like Gallo in addressing housing needs for various demographics. He also questioned the presence of bio labs in Modesto and suggested inquiry into CDC bio labs in Fresno.

- Danielle Morgan, Assembly Member Juan Alaniz's Representative provided a legislative update for the new year. She discussed Assembly Member Alaniz's committee appointments, emphasizing his roles in Agriculture, Public Safety, Business, and more. She also encouraged the Council and the public to reach out if any assistance is needed from the Assembly Member.

- Daphane Zuniga a member of the Park Youth Committee, invited the Council, City staff, and the public to a community presentation on January 29th regarding the Park Equity Project. She mentioned the diverse committee of high school students working on the project and extended gratitude for the City Councilmembers who RSVP'd for the presentation.

- Steve expressed dissatisfaction with previous interactions and perceived threats made against him. Addressed the personnel matter involving Joseph Lamantia and questioned the Council's transparency. He requested accountability and action from the Council regarding Lamantia's potential reinstatement.

- William Russell posed a specific question to the Council about actions they would take if a judge orders Joseph Lamantia's reinstatement. He requested concrete and specific plans from the Council to prevent Lamantia from being rehired and urged the Council to address the matter with gravity and seriousness.

- Giancarlo expressed concern over the possible reinstatement of Joseph Lamantia. He presented demands for public safety, including preventing Lamantia's reinstatement and involving Trevor Seever's mom in any hearings. He questioned the Council's ability to ensure public trust in the police force.

- Ramon Rodriguez discussed a video involving the police targeting a hot dog vendor, expressing concern over the allocation of resources. He reiterated concerns about Joseph Lamantia's potential return to the police force. He also spoke about the comments of a neo-Nazi at a previous meeting. without condemnation.

- Gavin Bruce expressed disappointment at the removal of the option to submit public comments via Zoom. He raised concerns over former officer Joseph Lamantia's potential reinstatement, emphasizing public safety and the community's faith in the police force.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 2-8: (Wright/Escutia-Braaton; 7/0)

CONSENT

Consent

2. Consider approving the minutes for the December 12, 2023 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes for the December 12, 2023 Council Meeting.

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

ACTION: (Wright/Escutia-Braaton; 7/0) Motion approving the minutes for the December 12, 2023 Council Meeting.

Consent

3. 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 2024-001 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

4. Consider approving a Professional Services Agreement with The Natelson Dale Group for Economic Development Strategic Planning, for a total amount not to exceed $144,875. (Funding Source: General Fund)
    - Resolution approving the Award of a Professional Services Agreement for Economic Development Strategic Planning Services to The Natelson Dale Group, Yorba Linda, California, for a one year Agreement for an amount not to exceed $144,875, and authorizing the City Manager, or his designee, to execute the Agreement.

CED; Trevin Barber, 209-571-5566, tbarber@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-002 approving the Award of a Professional Services Agreement for Economic Development Strategic Planning Services to The Natelson Dale Group, Yorba Linda, California, for a one year Agreement for an amount not to exceed $144,875, and authorizing the City Manager, or his designee, to execute the Agreement

Consent

5. Consider accepting the Carpenter Road Landfill Mitigation Phase 1 Project as complete, releasing securities, releasing payments totaling $6,959,100 to Pacific States Environmental Contractors, Inc., of Dublin, CA, and authorizing the City Clerk to file a Notice of Completion. (Funding Source: Carpenter Road Landfill Fund, Water Fund Reserves)

- Resolution accepting the Carpenter Road Landfill Mitigation Phase 1 Project as complete, releasing securities, releasing payments totaling $6,959,100 to Pacific States Environmental Contractors, Inc., of Dublin. 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 2024-003 accepting the Carpenter Road Landfill Mitigation Phase 1 Project as complete, releasing securities, releasing payments totaling $6,959,100 to Pacific States Environmental Contractors, Inc., of Dublin. CA., and authorizing the City Clerk to file a Notice of Completion.

Consent

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

Consent

7. Consider accepting the Monthly Investment Report for October 2023. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for October 2023.

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

ACTION: (Wright/Escutia-Braaton; 7/0) Motion accepting the Monthly Investment Report for October 2023.

Consent

8. Consider approving 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. (Funding Source: Water Fund)
    - Resolution approving 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 authorizing the City Manager, or his designee, to execute the Agreement.

UTILITIES; David Felix, 209-577-5488, dfelix@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-004 approving 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 authorizing the City Manager, or his designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

Council Member Bavaro expressed sadness over the passing of retired Battalion Chief Cecil Donald Ridge. He highlighting Cecil's 32 years of service in the Modesto Fire Department. Chief Ridge was a dedicated labor leader, played a crucial role in preserving firefighter jobs during the 2008 economic downturn.

Council Member Ricci summarized various accomplishments in 2023, including park improvements, lifting the cruising ban, acquiring a police airplane, and enhancing fireworks enforcement.

Council Member Williams extended condolences for Chief Ridge and wished everyone a Happy New Year. He also shared information about upcoming Martin Luther King events and expressed gratitude for Measure H's impact on addressing homelessness.

Council Member Escutia-Braaton highlighted financial awards for the City's departments, particularly praising the Community Development Division's recognition for the Downtown Streets team's work. She acknowledged the opening of the Modesto Day Center, emphasizing ongoing efforts to address homelessness.

Vice Mayor Alvarez celebrated wins in housing, park renovations, security measures, and road improvements in 2023. He also proposed a shift in handling code violations related to street vendors.

Council Member Williams recognized Jessica Hill with a "Rock Star Award" for her exceptional work in economic development, housing, and homelessness.

Mayor Zwahlen expressed appreciation for the community's support, commended city staff, and shared positive experiences, including Modesto on Ice and the Modesto Police Department ceremony.

CITY MANAGER COMMENTS & REPORTS

None.

NEW BUSINESS

9. Consider approving a Second Amendment to the City Clerk Employment Agreement with Diane Nayares-Perez, adjusting the compensation as a result of a positive performance evaluation. (Funding Source: General Fund)
    - Resolution approving a Second Amendment to the Employment Agreement with Diane Nayares-Perez, to increase base salary to $153,545.60.

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

ACTION: (Escutia-Braaton/Wright; 7/0) Resolution 2024-005 approving a Second Amendment to the Employment Agreement with Diane Nayares-Perez, to increase base salary to $153,545.60.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 6:27 pm.

All Closed Session Matters heard prior to the meeting.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Two Case (Pursuant to Section 54956.9(d)(1) of the Government Code)

Name of Case: Oscar Nelson Ocana Duarte v. City of Modesto, et al.
Superior Court of California, County of Stanislaus
Case No.: CV-21-002436

Silvina Martinez v. City of Modesto
Superior Court of California, County of Stanislaus
Case No.: CV-19-006820

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

Name of case(s): Matthew Ponce v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ16177617, ADJ8125320 & ADJ7075154

Billy Bush v. City of Modesto
California Workers Compensation Appeals Board
Nos. Unassigned

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
CANNABIS PROGRAM AND PERMIT REVIEW COMMITTEE / COUNCIL WORKSHOP
***Chambers, Basement Level**
Tenth Street Place, 1010 10th Street
Modesto, California
Wednesday, January 10, 2024 at 3:00 PM

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

PUBLIC COMMENTS IN PERSON

None.

SUBMITTING COMMENTS BY E-MAIL

None.

NEW BUSINESS

1 Consider a Change in Ownership Request for Retail Dispensary Medallion Wellness and forwarding to Council for approval. (Funding Source: Cannabis Annual Permit Fee)

- Motion recommending the approval of the Change in Ownership Request for Retail Dispensary Medallion Wellness and forwarding to Council for approval.

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

ACTION: (Ricci/Zwahlen; 3/0) Motion recommending the approval of the Change in Ownership Request for Retail Dispensary Medallion Wellness and forwarding to Council for approval.

HEARINGS

Published in the Modesto Bee on December 29, 2023.

2 Hearing to consider a Relocation Request of Medallion Wellness from 1313 McHenry Avenue to 408 Paradise Road with the granting of a Residential Proximity Waiver and forwarding to Council for approval. (Funding Source: Cannabis Permit Application Fee and Annual Permit Fee)

- Motion recommending the approval of the Relocation Request for Medallion Wellness from 1313 McHenry Avenue to 408 Paradise Road with the granting of a Residential Proximity Waiver and forwarding to Council for approval.

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

ACTION: (Zwahlen/Ricci; 3/0) Motion recommending the approval of the Relocation Request for Medallion Wellness from 1313 McHenry Avenue to 408 Paradise Road with the granting of a Residential Proximity Waiver 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
2001-40 Del Puerto Room.
Tenth Street Place, 1010 10th Street
Modesto, California

Monday, January 22, 2024 at 4:00 PM

Roll Call: Present: Chair Escutia-Braaton, Vice-Chair Williams, Member Ricci

PUBLIC COMMENTS IN PERSON

None

SUBMITTING COMMENTS BY E-MAIL

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 1-4 (Williams/Ricci; 3/0)

CONSENT

Consent
1. Consider the application and issuance of a Permit to operate as a Non-Emergency Medical Transport Company to Active Transport Medical Services, LLC 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 Active Transport Medical Services, LLC in the City of Modesto and forwarding to Council for approval.

POLICE DEPARTMENT; Kalani Souza, 209-572-9500, souzak@modestopd.com

ACTION: (Williams/Ricci; 3/0) Motion recommending the application and issuance of a Permit to operate as a Non-Emergency Medical Transport Company to Active Transport Medical Services, LLC in the City of Modesto and forwarding to Council for approval.

Consent
2. Consider the application and issuance of a Permit to operate as a Non-Emergency Medical Transport Company to Remedy Medical Transportation 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 Remedy Medical Transportation in the City of Modesto and forwarding to Council for approval.

POLICE DEPARTMENT; Kalani Souza, 209-572-9500, souzak@modestopd.com

ACTION: (Williams/Ricci; 3/0) Motion recommending the application and issuance of a Permit to operate as a Non-Emergency Medical Transport Company to Remedy Medical Transportation in the City of Modesto and forwarding to Council for approval.

Consent

3. Consider the Third Amendment with PerfectMind for the use and maintenance of the recreation and facility management software to a revised total amount of $205,560 and extending the term of the Agreement from January 26, 2024, to January 26, 2029, and forwarding to Council for approval. (Funding Source: General Fund)
    - Motion recommending the Third Amendment with PerfectMind for the use and maintenance of the recreation and facility management software to a revised total amount of $205,560 and extending the term of the Agreement from January 26, 2024, to January 26, 2029, and forwarding to Council for approval.

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

ACTION: (Williams/Ricci; 3/0) Motion recommending the Third Amendment with PerfectMind for the use and maintenance of the recreation and facility management software to a revised total amount of $205,560 and extending the term of the Agreement from January 26, 2024, to January 26, 2029, and forwarding to Council for approval.

Consent

4. Consider accepting specified Grant Funds from the State of California Budget Act of 2023 in the amount of $400,000 for The Awesome Spot Playground and recommending the submittal of a grant application and forwarding to Council for approval. (Funding Source: State of California Budget Act of 2023)
    - Motion recommending acceptance of specified Grant Funds from the State of California Budget Act of 2023 in the amount of $400,000 for The Awesome Spot Playground and recommending the submittal of a grant application and forwarding to Council for approval.
    - Motion recommending amending the FY 23-24 Capital Improvement Program Budget to fund Project #100984 (The Awesome Spot Playground) in an amount of $400,000 in transfers, revenue and to budget expenditures, and forwarding to the Council for approval.

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

ACTION: (Williams/Ricci; 3/0) Motion recommending acceptance of specified Grant Funds from the State of California Budget Act of 2023 in the amount of $400,000 for The Awesome Spot Playground and recommending the submittal of a grant application and forwarding to Council for approval.

ACTION: (Williams/Ricci; 3/0) Motion recommending amending the FY 23-24 Capital Improvement Program Budget to fund Project #100984 (The Awesome Spot Playground) in an amount of $400,000 in transfers, revenue and to budget expenditures, and forwarding to the Council for approval.

NEW BUSINESS

5. Consider a First Amendment to the Agreement with Mark Thomas and Company, Inc., for additional tasks related to Construction Documentation and Bidding & Construction Support for the Virginia Corridor Phase 7 Project, for a new amount not to exceed $646,305 and forwarding to Council for approval. (Funding Source: Non-Motorized Local Transportation Funds, Parks & Air Quality CFF, and Various Grants)
    - Motion recommending a First Amendment to the Agreement with Mark Thomas and Company, Inc., for additional tasks related to Construction Documentation and Bidding & Construction Support for the Virginia Corridor Phase 7 Project, increasing the Agreement amount from $576,288 to a new total amount of $646,305 and forwarding to Council for approval.

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

ACTION: (Escutia-Braaton/Ricci; 3/0) Motion recommending a First Amendment to the Agreement with Mark Thomas and Company, Inc., for additional tasks related to Construction Documentation and Bidding & Construction Support for the Virginia Corridor Phase 7 Project, increasing the Agreement amount from $576,288 to a new total amount of $646,305, with the direction to obtain a report with three options for cosmetic improvements and bringing back to the Safety and Communities Committee.

ADJOURNMENT

This meeting adjourned at 4:43 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 23, 2024 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 stated there was No Reportable Action.

ACKNOWLEDGEMENTS AND PRESENTATIONS

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

ACTION: Mayor Zwahlen presented proclamation declaring February as National Black History Month.

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 presented proclamation declaring February as National Cancer Prevention Month.

MISCELLANEOUS

3. Consider approving the appointment of Rajmeet Grewal to the Planning Commission for a four-year term with a term expiration of December 31, 2027. (Funding Source: Not Applicable)
Staff Recommendation:

- Resolution approving the appointment of Rajmeet Grewal to the Planning Commission for a four-year term with a term expiration of December 31, 2027.

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

ACTION: (Escutia-Braaton/Ricci; 7/0) Resolution 2024-006 approving the appointment of Rajmeet Grewal to the Planning Commission for a four-year term with a term expiration of December 31, 2027.

4. Consider recommending the reappointment of Roger Shanks, to the Planning Commission for a four-year term with a term expiration of December 31, 2027. (Funding Source: Not Applicable)

Staff Recommendation:

- Resolution approving the reappointment of Roger Shanks to the Planning Commission for a second four-year term with a term expiration of December 31, 2027.

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

ACTION: (Wright/Ricci; 7/0) Resolution 2024-007 approving the reappointment of Roger Shanks to the Planning Commission for a second four-year term with a term expiration of December 31, 2027.

PUBLIC COMMENT IN PERSON

• Netta Berry expressed concern about hate speech and anti-Semitic comments made during a Council meeting. She recounted a personal experience of feeling unsafe in Modesto, drawing parallels to the silence that allowed atrocities like the Holocaust to happen. She questioned the actions taken by the Council to prevent such incidents and urged them to stand against hate.

• Derek Castle, representing the College Area Neighborhood Alliance, thanked the City Council for addressing issues related to a local park. He highlighted efforts to improve safety and quality of life, such as closing parks at dusk, converting tennis courts to pickleball, and addressing encampments. Mr. Castle acknowledged the positive changes but emphasized the need for ongoing efforts to enhance the community.

• Lynelle Solomon expressed disappointment in the Council's response to anti-Semitic remarks made during a meeting. She was disappointed in the lack of condemnation and action against the hate speech, contrasting it with the swift response to racist comments in a previous meeting. Ms. Solomon stated she believes there was a failure to uphold the law and allowing hatred to thrive, drawing parallels to historical events like the Holocaust.

• Kevin McClarty sought clarification on delays affecting the ACE train's arrival in Modesto. He mentioned delays caused by track issues, noise buffer requirements, and budget cuts to public transit. Mr. McClarty inquired about the current timeline for the project and whether it faced cancellation.

• Zafrir Solomon shared his experiences between the Board of Supervisors meeting and Modesto City Council meetings. He praised the engagement and respect shown by the Board of Supervisors, suggesting a need for improved connection and trust-building between the Council and the community. He also emphasized the importance of longer, non-time-restricted interactions with the public.

• Rajmeet Grewal expressed gratitude for being appointed to the Planning Commission and pledged to serve the community to the best of his ability. He thanked his family and appreciated the council's time during the interview process. Mr. Grewal conveyed his commitment to being a dedicated public servant.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 5-7, 9-19: ACTION: (Williams/Wright; 7/0)

CONSENT

Consent

5. Consider approving the minutes for the January 9, 2024 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes for the January 9, 2024 Council Meeting.

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

    ACTION: (Williams/Wright; 7/0) Motion approving the minutes for the January 9, 2024 Council Meeting.

Consent

6. Consider approving a First Amendment to the Legal Services Agreement with Swingle, Van Egmond & Heitlinger for a revised total amount not to exceed $550,000 for representation in tort cases. (Funding Source: General Liability Insurance Fund)
    - Resolution approving a First Amendment to the Legal Services Agreement with Swingle, Van Egmond & Heitlinger increasing the Agreement amount by $300,000 from $250,000 for a revised total amount not to exceed $550,000 to continue representing the City of Modesto in tort cases, and authorizing the City Manager or his designee, to execute the Amendment.

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

    ACTION: (Williams/Wright; 7/0) Resolution 2024-008 approving a First Amendment to the Legal Services Agreement with Swingle, Van Egmond & Heitlinger increasing the Agreement amount by $300,000 from $250,000 for a revised total amount not to exceed $550,000 to continue representing the City of Modesto in tort cases, and authorizing the City Manager or his designee, to execute the Amendment.

Consent

7. Consider approving the Encampment Resolution Funding Program Application to further our homeless initiatives. (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 in an amount not to exceed $5,845,514, and applicable documentation, as required by California Interagency Council on Homelessness (Cal-ICH), and authorizing the City Manager or his designee to execute the grant agreement, and to take the necessary steps to implement the provisions of this Resolution.

CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

ACTION: (Williams/Wright; 7/0) Resolution 2024-009 approving the Encampment Resolution Funding Program Application, and authorizing the City Manager, or his designee, to submit the Encampment Resolution Funding (ERF) Application in an amount not to exceed $5,845,514, and applicable documentation, as required by California Interagency Council on Homelessness (Cal-ICH), and authorizing the City Manager or his designee to execute the grant agreement, and to take the necessary steps to implement the provisions of this Resolution.

(Removed from Consent)

Consent

8. Consider approving the competitive bidding process from the State of California for Bridge Housing vendors for a total combined amount not to exceed $2,000,000. (Funding Source: Measure H Funds)
    - Resolution approving the Competitive Bidding Process from Department of General Services, Procurement Division of The State of California with to PIH Services Inc., Pallet PBC, dba Pallet, Inc, BOSS Homes, LLC, Factory OS, KEB Homes, LLC and AMEG Enterprises, LLC for emergency sleeping cabins, storage and parts and accessories for Bridge Housing for a total combined amount not to exceed $2,000,000; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Orders based on contractor's availability and department's needs.

CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

ACTION: (Wright/Ricci; 7/0) Resolution 2024-010 approving the Competitive Bidding Process from Department of General Services, Procurement Division of The State of California with to PIH Services Inc., Pallet PBC, dba Pallet, Inc, BOSS Homes, LLC, Factory OS, KEB Homes, LLC and AMEG Enterprises, LLC for emergency sleeping cabins, storage and parts and accessories for Bridge Housing for a total combined amount not to exceed $2,000,000; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Orders based on contractor's availability and department's needs.

Consent

9. Consider accepting the New Traffic Signal Installation Oakdale Road at Claratina Avenue Project as complete, releasing securities, releasing payments totaling $478,581 to Tim Paxin's Pacific Excavation, Inc., dba Pacific Excavation of Elk Grove, CA., and authorizing the City Clerk to file a Notice of Completion. (Funding Source: Highway Safety Improvement Program, Surface Transportation Block Grant, and Measure L)

- Resolution accepting the New Traffic Signal Installation Oakdale Road at Claratina Avenue Project as complete, releasing securities, releasing payments totaling $478,581 to Tim Paxin's Pacific Excavation, Inc., dba Pacific Excavation of Elk Grove, CA., and authorizing the City Clerk to file a Notice of Completion.

ENGINEERING SERVICES; Peter Kambel, 209-577-5444, pkambel@modestogov.com

ACTION: (Williams/Wright; 7/0) Resolution 2024-011 accepting the New Traffic Signal Installation Oakdale Road at Claratina Avenue Project as complete, releasing securities, releasing payments totaling $478,581 to Tim Paxin's Pacific Excavation, Inc., dba Pacific Excavation of Elk Grove, CA., and authorizing the City Clerk to file a Notice of Completion.

Consent

10. Consider accepting the Ralston Tower Park Project as complete, releasing securities, releasing payments totaling $952,204 to Taylor Backhoe Service, Inc., dba TBS Contractors of Merced, CA., and authorizing the City Clerk to file a Notice of Completion. (Funding Source: Community Development Block Grant Funds and Land and Water Conservation Fund Grant Funds)
    - Resolution accepting the Ralston Tower Park Project as complete, releasing securities, releasing payments totaling $952,204 to Taylor Backhoe Service, Inc. dba TBS Contractors of Merced, CA., and authorizing the City Clerk to file a Notice of Completion.

ENGINEERING SERVICES; Peter Kambel, 209-577-5444, pkambel@modestogov.com

ACTION: (Williams/Wright; 7/0) Resolution 2024-012 accepting the Ralston Tower Park Project as complete, releasing securities, releasing payments totaling $952,204 to Taylor Backhoe Service, Inc. dba TBS Contractors of Merced, CA., and authorizing the City Clerk to file a Notice of Completion.

Consent

11. Consider accepting an informational report for the November 2023 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the November 2023 Accounts Payable Payment Register and Void report.

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

ACTION: (Williams/Wright; 7/0) Motion accepting an informational report for the November 2023 Accounts Payable Payment Register and Void report.

Consent

12. Consider accepting the Monthly Investment Report for November 2023. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for November 2023.

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

ACTION: (Williams/Wright; 7/0) Motion accepting the Monthly Investment Report for November 2023.

Consent

13. Consider approving the Second Amendment for furnishing of Fuel Card-Lock services with Stan Boyett & Son, Inc. dba Boyett Petroleum, Modesto, CA to increase the Agreement to a revised total amount not to exceed $14,400,000 over five years. (Funding Source: Fleet Fund, Outside Fire Contracts, and Stanislaus Regional Transit Authority)
    - Resolution approving a Second Amendment to the Agreement with Stan Boyett & Son, Inc. dba Boyett Petroleum, Modesto, CA for Fuel Card-Lock services by $2,700,000 from $1,800,000 to a revised annual estimated amount of $4,500,000 for Year 4 and Year 5 and a revised total amount not to exceed $14,400,000 over five years; revising the term of the Agreement from March 9, 2027 to March 9, 2025; and authorizing the City Manager, or his designee, to execute the Amendment.

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

    ACTION: (Williams/Wright; 7/0) Resolution 2024-013 approving a Second Amendment to the Agreement with Stan Boyett & Son, Inc. dba Boyett Petroleum, Modesto, CA for Fuel Card-Lock services by $2,700,000 from $1,800,000 to a revised annual estimated amount of $4,500,000 for Year 4 and Year 5 and a revised total amount not to exceed $14,400,000 over five years; revising the term of the Agreement from March 9, 2027 to March 9, 2025; and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

14. Consider approving an Agreement with Tyler Technologies, Inc., Plano, TX, for Professional Services and Software Subscription for a total amount not to exceed $269,325. (Funding Source: Information Technology Fund)
    - Resolution approving 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 authorizing the City Manager, or his designee to execute the Agreement.

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

    ACTION: (Williams/Wright; 7/0) Resolution 2024-014 approving 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 authorizing the City Manager, or his designee to execute the Agreement.

Consent

15. 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. (Funding Source: Information Technology Fund)
    - Resolution approving the Competitive Bidding Process from Omnia Partners Cooperative Purchasing Organization, Maricopa County, AZ, with Mythics, Inc. of Virginia Beach, VA for Oracle Application Upgrades and Professional Migration Services, for a total amount not to exceed $406,629; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.
    - Resolution approving the Competitive Bidding Process from the Omnia Partners Cooperative Purchasing Organization, Maricopa County, AZ, with Mythics, Inc. of Virginia Beach, VA for Purchase of Oracle Cloud Subscription Licenses, for a total amount not to exceed $813,230 over five years; and authorizing the Purchasing Manager, or her designee to issue the Purchase Order.

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

    ACTION: (Williams/Wright; 7/0) Resolution 2024-015 approving the Competitive Bidding Process from Omnia Partners Cooperative Purchasing Organization, Maricopa County, AZ, with Mythics, Inc. of Virginia Beach, VA for Oracle Application Upgrades and Professional Migration Services, for a total amount not to exceed $406,629; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

    ACTION: (Williams/Wright; 7/0) Resolution 2024-016 approving the Competitive Bidding Process from the Omnia Partners Cooperative Purchasing Organization, Maricopa County, AZ, with Mythics, Inc. of Virginia Beach, VA for Purchase of Oracle Cloud Subscription Licenses, for a total amount not to exceed $813,230 over five years; and authorizing the Purchasing Manager, or her designee to issue the Purchase Order.

Consent

16. Consider approving an Agreement with Peregrine Technologies, Inc., San Francisco, CA, for an Analytics and Data Integration Platform for a total amount not to exceed $553,500 over three years. (Funding Source: Traffic Safety Fund and State Supplemental Law Enforcement Services Fund)
    - Resolution approving an Agreement with Peregrine Technologies, Inc., San Francisco, CA, by utilizing the Competitive Bid process with City of Fremont, CA for an Analytics and Data Integration Platform for a three year agreement for a total amount not to exceed $553,500, and authorizing the City Manager or his designee, to execute the Agreement.

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

ACTION: (Williams/Wright; 7/0) Resolution 2024-017 approving an Agreement with Peregrine Technologies, Inc., San Francisco, CA, by utilizing the Competitive Bid process with City of Fremont, CA for an Analytics and Data Integration Platform for a three year agreement for a total amount not to exceed $553,500, and authorizing the City Manager or his designee, to execute the Agreement.

Consent

17. Consider approving the purchase of a restroom building for the Tuolumne River Regional Park (TRRP), Picnic Area B from Public Restroom Company, of Minden, NV, for a total amount not to exceed $328,676. (Funding Source: American Rescue Plan Act, TRRP CIP Fund)
    - Resolution approving the Competitive Bidding Process from Sourcewell with Public Restroom Company, of Minden, NV, for the Purchase, Delivery, and Installation of a Restroom Building for the Tuolumne River Regional Park, Picnic Area B, for a total amount of $298,796, plus $29,880 of contingency, if needed, for a total amount not to exceed $328,676, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

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

    ACTION: (Williams/Wright; 7/0) Resolution 2024-018 approving the Competitive Bidding Process from Sourcewell with Public Restroom Company, of Minden, NV, for the Purchase, Delivery, and Installation of a Restroom Building for the Tuolumne River Regional Park, Picnic Area B, for a total amount of $298,796, plus $29,880 of contingency, if needed, for a total amount not to exceed $328,676, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

Consent

18. Consider approving the Plans and Specifications for the Regional Water Recycling Facility - Jennings Campus Corrosion Control Measures Project accepting the Bid and Awarding a Construction Contract to TCB Industrial, Inc., of Modesto, CA, in the amount of $3,870,047, authorizing 15% for contingency (if needed), for a total payment amount not to exceed $4,450,554. (Funding Source: Wastewater Fund)
    - Resolution approving the Plans and Specifications for the Regional Water Recycling Facility - Jennings Campus Corrosion Control Measures Project; accepting the Bid and Awarding a Construction Contract to TCB Industrial, Inc., of Modesto, CA, in the amount of $3,870,047, authorizing the Director of Engineering Services to approve Change Orders up to the cumulative amount of $580,507, 15% of the original contract price, for a total payment amount not to exceed $4,450,554 and authorizing the City Manager, or his designee, to execute the contract.
    - Resolution amending the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $2,632,510 to fund the Construction Phase of the Regional Water Recycling Facility - Jennings Campus Corrosion Control Measures Project and authorizing the City Manager, or his designee, to implement the provisions of the resolution.

UTILITIES; Cristian Ciotau, 209-571-5175, cciotau@modestogov.com

ACTION: (Williams/Wright; 7/0) Resolution 2024-019 approving the Plans and Specifications for the Regional Water Recycling Facility - Jennings Campus Corrosion Control Measures Project; accepting the Bid and Awarding a Construction Contract to TCB Industrial, Inc., of Modesto, CA, in the amount of $3,870,047, authorizing the Director of Engineering Services to approve Change Orders up to the cumulative amount of $580,507, 15% of the original contract price, for a total payment amount not to exceed $4,450,554 and authorizing the City Manager, or his designee, to execute the contract.

ACTION: (Williams/Wright; 7/0) Resolution 2024-020 amending the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $2,632,510 to fund the Construction Phase of the Regional Water Recycling Facility - Jennings Campus Corrosion Control Measures Project and authorizing the City Manager, or his designee, to implement the provisions of the resolution.

Consent

19. 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. (Funding Source: Sewer Fund, Storm Drain Fund)
    - Resolution approving 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 authorizing the City Manager, or his designee, to execute the Amendment.

    UTILITIES; Jeff Daniels, 209-577-6255, jdaniels@modestogov.com

    ACTION: (Williams/Wright; 7/0) Resolution 2024-021 approving 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 authorizing the City Manager, or his designee, to execute the Amendment.

COUNCIL COMMENTS & REPORTS

Councilmember Ricci shared positive experiences from the Martin Luther King (MLK) march and encouraged residents to get TSA precheck at Modesto Airport. He also stated he appreciated

recent efforts to address issues at Enslen Park and urged consistent measures for park safety. He also suggested redirecting food support to the day center for the homeless.

Councilmember Williams acknowledged and thanked the Salvation Army for their work with the homeless. He encouraged supporting nonprofit organizations instead of giving money on the streets. He also recognized the role of realtors in community progress. He further reported he participated in MLK events, highlighting a special presentation of a signed photo of John Lewis to the King Kennedy Center.

Mayor Zwahlen highlighted attendance at the Chamber of Commerce's "Shop Greater Modesto" event, a platform supporting local businesses. She shared experiences from MLK Day celebrations, emphasizing community support. She reported on her attendance at the US Conference of Mayors in Washington, DC, where Modesto's efforts in economic development were recognized and aligned with national trends. She expressed pride in the City's accomplishments and thanked the community for its support

CITY MANAGER COMMENTS & REPORTS

None

HEARINGS

Published in the Modesto Bee on January 3, 2024

20. Hearing to consider proposed amendments to the General Plan and the Specific Plan Amendment No. 26 to the Village One Specific Plan to rezone 84.1 acres from Business Park to single-family residential. (Funding Source: Developer Funded)
    - Resolution approving an Amendment to the Modesto Urban Area General Plan (DR Horton Bay, Inc.).
    - Resolution approving Specific Plan Amendment No. 26 to the Village One Specific Plan, to amend the Land Use Diagram from Business Park (BP) to Village Residential (VR), 140 acres east of Claus Road and north of East Briggsmore Avenue, with associated amendments to the Circulation Diagram and text (DR Horton Bay, Inc.).
    - Motion introducing and waiving the first reading of an Ordinance adopting a Precise Plan for Village One Precise Plan Area No. 35 South, with amendment of Section 18-3-10 of the Zoning Map to rezone from Specific Plan-Holding (SP-H) Zone to Specific Plan (SP) Zone, property located east of Claus Road, south of Milnes Road and North of East Briggsmore Avenue. (DR Horton Bay, Inc.).
    - Resolution approving the Vesting Tentative Subdivision Map of “The Crossings” (DR Horton Bay, Inc.).
    - Resolution adopting a Final Development Plan for “The Crossings”, in the Village One Specific Plan, for 527 single-family residential lots, five landscape lots, and one park lot on property located east of Claus Road and north of East Briggsmore Avenue (DR Horton Bay, Inc.).
    - Resolution adopting a Mitigated Negative Declaration for a General Plan Amendment, the Village One Specific Plan Amendment No. 26, Village One

Precise Plan No. 35 South, Vesting Tentative Subdivision Map "The Crossings", and Final Development Plan "The Crossings." (DR Horton Bay, Inc.).

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

ACTION: (Wright/Williams; 7/0) Resolution 2024-022 approving an Amendment to the Modesto Urban Area General Plan (DR Horton Bay, Inc.).

ACTION: (Bavaro/Escutia-Braaton; 7/0) Resolution 2024-023 approving Specific Plan Amendment No. 26 to the Village One Specific Plan, to amend the Land Use Diagram from Business Park (BP) to Village Residential (VR), 140 acres east of Claus Road and north of East Briggsmore Avenue, with associated amendments to the Circulation Diagram and text (DR Horton Bay, Inc.).

ACTION: (Alvarez/Ricci; 7/0) Motion introducing and waiving the first reading of an **Ordinance 3777-C.S.** adopting a Precise Plan for Village One Precise Plan Area No. 35 South, with amendment of Section 18-3-10 of the Zoning Map to rezone from Specific Plan-Holding (SP-H) Zone to Specific Plan (SP) Zone, property located east of Claus Road, south of Milnes Road and North of East Briggsmore Avenue. (DR Horton Bay, Inc.).

ACTION: (Williams/Alvarez; 7/0) Resolution 2024-024 approving the Vesting Tentative Subdivision Map of "The Crossings" (DR Horton Bay, Inc.).

ACTION: (Wright/Ricci; 7/0) Resolution 2024-025 adopting a Final Development Plan for "The Crossings", in the Village One Specific Plan, for 527 single-family residential lots, five landscape lots, and one park lot on property located east of Claus Road and north of East Briggsmore Avenue (DR Horton Bay, Inc.).

ACTION: (Alvarez/Bavaro; 7/0) Resolution 2024-026 adopting a Mitigated Negative Declaration for a General Plan Amendment, the Village One Specific Plan Amendment No. 26, Village One Precise Plan No. 35 South, Vesting Tentative Subdivision Map "The Crossings", and Final Development Plan "The Crossings." (DR Horton Bay, Inc.).

NEW BUSINESS

21. Consider accepting the Homekey 3 award in the amount of $ 16,059,562 and HOME Investment Partnerships loans to Modesto Homekey LP in the amount of $3,473,712, and $200,000 for staff activity, and approving an Agreement with Stanislaus County Community Services Agency (CSA) for the acceptance of Homeless Housing Assistance and Prevention Program (HHAP) funding in the amount of $1,775,077 for the project located at 710 N. 9th Street. (Funding Source: Homekey 3 funds, American

Rescue Plan HOME Investment Partnership (HOME-ARP) funds, HOME Investment Partnership funds, and Homeless Housing Assistance and Prevention Program Funds)

- Resolution accepting the Homekey 3 award in the amount of $16,059,562 and approving the Homekey Regulatory Agreement authorizing the City Manager or his designee to negotiate and execute an Agreement with Modesto Homekey LP and the State of California for the development at 710 N. 9th Street.
- Resolution approving a HOME American Rescue Plan Act loan to Modesto Homekey LP in an amount not to exceed $2,800,000, $98,308 in staff activity delivery, and authorizing the City Manager or his designee to negotiate and execute an Agreement with Modesto Homekey LP for the development at 710 N. 9th Street.
- Resolution approving a HOME Investment Partnership Program loan to Modesto Homekey LP in an amount not to exceed $673,712, $102,000 in staff activity delivery, and authorizing the City Manager or his designee to negotiate and execute an Agreement with Modesto Homekey LP for the development at 710 N. 9th Street.
- Resolution approving an Agreement with Stanislaus County Community Services Agency (CSA) for the acceptance of Homeless Housing Assistance and Prevention Program (HHAP) funding in the amount of $1,775,077 and to issue a grant in an amount not to exceed $1,755,077 to Modesto Homekey LP and authorizing the City Manager or his designee to negotiate and execute an Agreement with Modesto Homekey LP for the development at 710 N. 9th Street.
- Resolution rescinding Resolution 2023-213 and amending the fiscal year 2023-2024 multi-year fund budget for the Traveler's project fund (101542) to be funded with Homekey 3.0 program funds, HOME American Rescue Plan Funds (HOME ARP) funds, HOME Investment Partnerships funds (HOME), and Homeless Housing Assistance and Prevention Program (HHAP) funds for the development of the 710 N. 9th Street affordable housing project totaling $21,308,351 and $200,000 for activity delivery costs and budgeting the necessary revenue, expense transfers and authorizing the City Manager or his designee to take the necessary steps to implement the provisions in this Resolution.

CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

ACTION: (Alvarez/Williams; 7/0) Resolution 2024-027 accepting the Homekey 3 award in the amount of $16,059,562 and approving the Homekey Regulatory Agreement authorizing the City Manager or his designee to negotiate and execute an Agreement with Modesto Homekey LP and the State of California for the development at 710 N. 9th Street.

ACTION: (Alvarez/Williams; 7/0) Resolution 2024-028 approving a HOME American Rescue Plan Act loan to Modesto Homekey LP in an amount not to exceed $2,800,000, $98,308 in staff activity delivery, and authorizing the City Manager or his designee to negotiate and execute an Agreement with Modesto Homekey LP for the development at 710 N. 9th Street.

ACTION: (Alvarez/Williams; 7/0) Resolution 2024-029 approving a HOME Investment Partnership Program loan to Modesto Homekey LP in an amount not to exceed $673,712, $102,000 in staff activity delivery, and authorizing the City Manager or his designee to negotiate and execute an Agreement with Modesto Homekey LP for the development at 710 N. 9th Street.

ACTION: (Alvarez/Williams; 7/0) Resolution 2024-030 approving an Agreement with Stanislaus County Community Services Agency (CSA) for the acceptance of Homeless Housing Assistance and Prevention Program (HHAP) funding in the amount of $1,775,077 and to issue a grant in an amount not to exceed $1,755,077 to Modesto Homekey LP and authorizing the City Manager or his designee to negotiate and execute an Agreement with Modesto Homekey LP for the development at 710 N. 9th Street.

ACTION: (Alvarez/Williams; 7/0) Resolution 2024-031 rescinding Resolution 2023-213 and amending the fiscal year 2023-2024 multi-year fund budget for the Traveler's project fund (101542) to be funded with Homekey 3.0 program funds, HOME American Rescue Plan Funds (HOME ARP) funds, HOME Investment Partnerships funds (HOME), and Homeless Housing Assistance and Prevention Program (HHAP) funds for the development of the 710 N. 9th Street affordable housing project totaling $21,308,351 and $200,000 for activity delivery costs and budgeting the necessary revenue, expense transfers and authorizing the City Manager or his designee to take the necessary steps to implement the provisions in this Resolution.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 7:39 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: 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

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 AUDIT COMMITTEE
COUNCIL WORKSHOP
2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California
Wednesday, January 24, 2024 at 4:00 PM

Roll Call – Present: Sue Zwahlen, Chair, Nick Bavaro, Vice-Chair, David Wright, Member, Camille Garcia, Public Member, Jennifer Barillas, Public Member

Absent: None

PUBLIC COMMENT

None.

NEW BUSINESS

1. Internal Audit Status Report dated January 17, 2024. (Funding Source: Not Applicable)
   - Presentation of the Internal Audit Status Report, dated January 17, 2024.

   CITY AUDITOR; Colleen Rozillis, 206-302-6795, colleen.rozillis@mossadams.com

ACTION: No Action Taken – Presentation

2. Consider Reviewing and Providing Comment on the Proposed Internal Audit Work Plan, dated January 16, 2024, and forwarding to Council for Review and Comment (Funding Source: Not Applicable)
   - Review and Provide Comment on the Proposed Internal Audit Work Plan, dated January 16, 2024, and forwarding to Council for review and comment.

   CITY AUDITOR; Colleen Rozillis, 206-302-6795, colleen.rozillis@mossadams.com

ACTION: (Wright/Garcia; 5/0) Motion Accepting the Proposed Internal Audit Work Plan, dated January 16, 2024, and forwarding to Council for Review, Comment and Acceptance.

3. Consider the audited financial statements and various audit reports for Fiscal Year 2022-2023, audited by external auditors Vasquez + Company, LLP. for the City's Annual Comprehensive Financial Report (ACFR), thirteen (13) Community Facilities Districts (CFDs), Single Audit, Measure H, and various Joint Powers Agencies and forwarding to Council for approval. (Funding Source: Not Applicable)
   - Motion recommending the acceptance of the audited financial statements and various audit reports for Fiscal Year 2022-2023 audited by external auditors Vasquez + Company, LLP. for the City's Annual Comprehensive Financial Report (ACFR), thirteen (13) Community Facilities Districts (CFDs), Measure H, and various Joint Powers Agencies (JPAs) and forwarding to Council for approval.

- Motion recommending the acceptance of the audited Fiscal Year 2022-2023 Federal Single Audit report for the City of Modesto and forwarding it to Council for approval.

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

ACTION: (Wright/Barillas; 5/0) Motion recommending the acceptance of the audited financial statements and various audit reports for Fiscal Year 2022-2023 audited by external auditors Vasquez + Company, LLP. for the City's Annual Comprehensive Financial Report (ACFR), thirteen (13) Community Facilities Districts (CFDs), Measure H, and various Joint Powers Agencies (JPAs) and forwarding to Council for approval.

ACTION: (Wright/Barillas; 5/0) Motion recommending the acceptance of the audited Fiscal Year 2022-2023 Federal Single Audit report for the City of Modesto and forwarding it to Council for approval

4. Consider the Auditors' Reports and Schedule of Measure L Program Revenues and Expenditures for Fiscal Year ended June 30, 2023, and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending the acceptance of Fiscal Year 2022-2023 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/Zwahlen; 5/0) Motion recommending the acceptance of Fiscal Year 2022-2023 Auditor's Report on Compliance of the Measure L Local Roads First Transportation Funding Measure and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:58 p.m.

Attest: _____
Diane Nayares-Perez, CMC City Clerk

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, January 29, 2024 at 4:00 PM

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

PUBLIC COMMENTS IN PERSON

None.

SUBMITTING COMMENTS BY E-MAIL

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 1-2, 4-6 (Wright/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: (Wright/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 the Agreement for Online Public Auction Services to The Public Group doing business as (dba) Public Surplus, Provo, Utah, for a total amount not to exceed $150,000 over five years and forwarding to Council for approval. (Funding Source: Fleet Replacement Fund)
    - Motion recommending the Agreement for Online Public Auction Services to The Public Group (dba) Public Surplus, Provo, Utah, by utilizing the

Competitive Bidding Process from Sourcewell for a two-year Agreement with three one-year extension options, for an annual estimated amount $30,000 and a total amount not to exceed $150,000 over five years; and forwarding to Council for approval.

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

ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending the Agreement for Online Public Auction Services to The Public Group (dba) Public Surplus, Provo, Utah, by utilizing the Competitive Bidding Process from Sourcewell for a two-year Agreement with three one-year extension options, for an annual estimated amount $30,000 and a total amount not to exceed $150,000 over five years; and forwarding to Council for approval.

Removed from Consent

Consent

3. Consider approving an Agreement for Bottled Water Delivery Services for Citywide locations to Blue Triton DBA ReadyRefresh Livermore, CA and DS Services of America Inc. DBA Primo Water North America, Manteca, CA for a total amount not to exceed $600,000 over five years and forwarding to Council for approval. (Funding Source: Building Services, Compost, Surface Transportation, General Fund, Forestry, Parking, Solid Waste, Wastewater and Water Funds)
    - Motion recommending the Award of Bid and Agreement for Bottled Water Delivery Services to Blue Triton DBA ReadyRefresh Livermore, CA, and DS Services of America Inc. DBA Primo Water North America, Manteca, CA for a two year Agreement with three one-year extension options, for a first year amount estimated not to exceed $200,000 and an annual estimated amount of $100,000 thereafter, and a total amount not to exceed $600,000 over five years and forwarding to Council for approval.

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

ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending the Award of Bid and Agreement for Bottled Water Delivery Services to Blue Triton DBA ReadyRefresh Livermore, CA, and DS Services of America Inc. DBA Primo Water North America, Manteca, CA for a two year Agreement with three one-year extension options, for a first year amount estimated not to exceed $200,000 and an annual estimated amount of $100,000 thereafter, and a total amount not to exceed $600,000 over five years and forwarding to Council for approval.

Consent

4. Consider Master and Purchasing Agreements with Office Depot, Boca Raton, FL, Staples Contract and Commercial Inc., Boston, MA, and Warden's Office, Modesto, CA for the purchase of office supplies and furniture 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 the Agreements for the purchase of office supplies and furniture to Office Depot, Boca Raton, by utilizing the Competitive Bidding

Process from OMNIA Partners, Staples Contract and Commercial Inc. Boston, MA, by utilizing the Competitive Bidding Process from Sourcewell and with Haworth Inc., Holland, MI under the authorized reseller Warden's Office, Modesto, CA, by utilizing the Competitive Bidding Process from OMNIA Partners for a two-year Agreement with three one-year extension options, for a combined annual estimated amount of $400,000 and a total amount not to exceed $2,000,000 over five years; authorizing the Director of Finance, or her designee to adjust the financial amounts between the three providers without exceeding the overall amount for five years, and forwarding to Council for approval.

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

ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending the Agreements for the purchase of office supplies and furniture to Office Depot, Boca Raton, by utilizing the Competitive Bidding Process from OMNIA Partners, Staples Contract and Commercial Inc. Boston, MA, by utilizing the Competitive Bidding Process from Sourcewell and with Haworth Inc., Holland, MI under the authorized reseller Warden's Office, Modesto, CA, by utilizing the Competitive Bidding Process from OMNIA Partners for a two-year Agreement with three one-year extension options, for a combined annual estimated amount of $400,000 and a total amount not to exceed $2,000,000 over five years; authorizing the Director of Finance, or her designee to adjust the financial amounts between the three providers without exceeding the overall amount for five years, and forwarding to Council for approval.

Consent

5. Consider the submittal of application(s) to the California Department of Resources Recycling and Recovery for all Waste Tire Enforcement Grants, and forwarding to Council for approval. (Funding Source: Solid Waste Fund)
    - Motion recommending the submittal of application(s) to the California Department of Resources Recycling and Recovery (CalRecycle) for Waste Tire Enforcement 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: (Wright/Escutia-Braaton; 3/0) Motion recommending the submittal of application(s) to the California Department of Resources Recycling and Recovery (CalRecycle) for Waste Tire Enforcement Grants, and authorizing the City Manager, or his designee, to sign Grant Applications and related forms, and forwarding to Council for approval.

Consent

6. Consider the submission of a Grant Application to the Federal Emergency Management Agency's Building Resilient Infrastructure and Communities Program and forwarding to Council for approval. (Funding Source: Wastewater Grants Fund)
    - Motion recommending the submission of a Building Resilient Infrastructure and Communities (BRIC) Program Grant Application to the Federal Emergency

Management Agency (FEMA) to fund the Flood Risk Reduction Feasibility Study Scoping Project, the submission of a Prepare California Program Grant Application to the California Office of Emergency Services (Cal OES) to offset the Federal local match requirement, authorizing the City Manager, or his designee to enter into the associated Grant Agreements and execute all related documents and forwarding to Council for approval.

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

ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending the submission of a Building Resilient Infrastructure and Communities (BRIC) Program Grant Application to the Federal Emergency Management Agency (FEMA) to fund the Flood Risk Reduction Feasibility Study Scoping Project, the submission of a Prepare California Program Grant Application to the California Office of Emergency Services (Cal OES) to offset the Federal local match requirement, authorizing the City Manager, or his designee to enter into the associated Grant Agreements and execute all related documents and forwarding to Council for approval.

UNFINISHED BUSINESS

7. Consider the extension of Pilot Agreement for the Multifamily Dwelling Bulky Item Pick Up Program for an additional thirty-three months, with a pilot expiration date of December 31, 2026 and forwarding to Council for approval. (Funding Source: America Rescue Plan Act)
    - Motion recommending the Pilot Extension for the Multifamily Dwelling Bulky Item Pick Up Program for an additional thirty-three months, with a pilot expiration date of December 31, 2026 and forwarding to Council for approval.

PUBLIC WORKS; Rosene Nguyen, 209-577-5453, rnguyen@modestogov.com

ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending the Pilot Extension for the Multifamily Dwelling Bulky Item Pick Up Program for an additional thirty-three months, with a pilot expiration date of December 31, 2026 and forwarding to Council for approval.

NEW BUSINESS

8. Consider the recommended allocation of the FY 2022-23 General Fund Carryover Reserves to the following categories in the following amounts: $2,000,000 to remain as unassigned reserves, $4,255,846 to the Emergency Reserves, $2,300,000 to the Pension Trust, $2,300,000 to Deferred Maintenance, and $2,300,000 to the Innovation Fund; and forwarding the recommendation to Council for approval. (Funding Source: General Fund)
    - Motion recommending allocation of the FY 2022-23 General Fund Carryover Reserves to the following categories in the following amounts: $2,000,000 to remain as unassigned reserves, $4,255,846 to the Emergency Reserves, $2,300,000 to the Pension Trust, $2,300,000 to Deferred Maintenance, and

$2,300,000 to the Innovation Fund; and forwarding the recommendation to Council for approval.

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

ACTION: (Escutia-Braaton/Wright; 3/0) Motion recommending allocation of the FY 2022-23 General Fund Carryover Reserves to the following categories in the following amounts: $2,000,000 to remain as unassigned reserves, $4,255,846 to the Emergency Reserves, $2,300,000 to the Pension Trust, $2,300,000 to Deferred Maintenance, and $2,300,000 to the Innovation Fund; and forwarding the recommendation to Council for approval.

9. Consider Agreements with Tripepi Smith, Irvine, CA, Serotonin Creative Consultancy, Modesto, CA, and 3foldCommunications, Sacramento, CA, for Public Relations and Marketing Services for a total amount not to exceed $1,400,000 over five years and forwarding to Council for approval. (Funding Source: General Fund, Measure H Funds, and Various Department Funds)
    - Motion recommending the Award of Proposals and Agreements for Public Relations and Marketing Services to Tripepi Smith, Irvine, CA, Serotonin Creative Consultancy, Modesto, CA and 3fold Communications, Sacramento, CA for a two year agreement with three one-year extension options for a combined annual estimated amount of $280,000 and a total combined amount not to exceed $1,400,000 over five years and forwarding for Council approval.

CITY MANAGER; Forrest Ebbs, 209-577-9149, febbs@modestogov.com

ACTION: (Escutia-Braaton/Wright; 3/0) Motion recommending the Award of Proposals and Agreements for Public Relations and Marketing Services to Tripepi Smith, Irvine, CA, Serotonin Creative Consultancy, Modesto, CA and 3fold Communications, Sacramento, CA for a two year agreement with three one-year extension options for a combined annual estimated amount of $280,000 and a total combined amount not to exceed $1,400,000 over five years and forwarding for Council approval.

ADJOURNMENT

This meeting adjourned at 5:01 p.m.

Attest: _____
Diane Nayares-Perez, City Clerk

MINUTES

City of Modesto

SPECIAL CITY COUNCIL MEETING

City Council Workshop Regarding Team Building, Goals and Budget Priorities for Fiscal Year 24/25

Arbor Room, Modesto Centre Plaza,
1001 K Street
Modesto, California
Tuesday, January 30, 2024 at 9:00 AM

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

Absent: None

PUBLIC COMMENT IN PERSON

None.

NEW BUSINESS

1. City Council Workshop Regarding Team Building, Goals and Budget Priorities for Fiscal Year 24/25. (Funding Source: Not Applicable)
   - City Council Workshop Regarding Team Building, Goals and Budget Priorities for Fiscal Year 24/25.

   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 2:00 p.m.

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
ECONOMIC DEVELOPMENT COMMITTEE
COUNCIL WORKSHOP
2001-40 Del Puerto Room.
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, February 05, 2024 at 4:00 PM

Roll Call: Present: Member Zwahlen, Vice-Chair Alvarez, Chair Ricci
Absent: None

PUBLIC COMMENTS IN PERSON

None.

SUBMITTING COMMENTS BY E-MAIL

None.

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

CONSENT

Consent

1. Consider a Restated Memorandum of Agreement for the Preliminary Engineering including Final Design Phase of the 7th Street Bridge Project with Stanislaus County and forwarding to Council for approval. (Funding Source: Streets Capital Facility Fees and Water Fund)
    - Motion recommending a Restated Memorandum of Agreement for the Preliminary Engineering including Final Design Phase of the 7th Street Bridge Project with Stanislaus County and forwarding to Council for approval.

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

    ACTION: (Zwahlen/Alvarez; 3/0) Motion recommending a Restated Memorandum of Agreement for the Preliminary Engineering including Final Design Phase of the 7th Street Bridge Project with Stanislaus County and forwarding to Council for approval.

Consent

2. Consider an Agreement for Recycled Water Quality Studies with Larry Walker Associates, Davis, CA, for a total amount not to exceed $819,330, and forwarding to Council for approval. (Funding Source: Sewer Operations Funds)
    - Motion recommending an Agreement for Recycled Water Quality Studies with Larry Walker Associates, Davis, CA, in the amount of $744,845, plus $74,845 in additional services, if needed, for a total amount not to exceed $819,330, and forwarding to Council for approval.

- Motion recommending the increase of Non-Capital Project Number 101473 for Far-field Dilution and CEC studies by $119,330, from $700,000, for a revised total amount not to exceed $819,330, and forwarding to Council for approval.

UTILITIES; Jeff Daniels, 209-577-6255, jdaniels@modestogov.com

ACTION: (Zwahlen/Alvarez; 3/0) Motion recommending an Agreement for Recycled Water Quality Studies with Larry Walker Associates, Davis, CA, in the amount of $744,845, plus $74,845 in additional services, if needed, for a total amount not to exceed $819,330, and forwarding to Council for approval.

ACTION: (Zwahlen/Alvarez; 3/0) Motion recommending the increase of Non-Capital Project Number 101473 for Far-field Dilution and CEC studies by $119,330, from $700,000, for a revised total amount not to exceed $819,330, and forwarding to Council for approval.

Consent

3. Consider the First Amendment to the Pump Station Rejuvenation Services to Don Pedro Pump, Hughson, CA, to a revised total amount of $3,598,700 over five years and forwarding to Council for approval. (Funding Source: Storm Drainage Fund, Sewer Operations Fund and Water Fund)
    - Motion recommending the First Amendment increasing the Agreement amount with Don Pedro Pump, Hughson, CA for pump station rejuvenation services by $1,624,350 from $1,974,350 to a new total amount of $3,598,700 over the term of the Agreement; and forwarding to Council for approval.

    UTILITIES; Jeremy Parnell, 209-342-4599, jparnell@modestogov.com

    ACTION: (Zwahlen/Alvarez; 3/0) Motion recommending the First Amendment increasing the Agreement amount with Don Pedro Pump, Hughson, CA for pump station rejuvenation services by $1,624,350 from $1,974,350 to a new total amount of $3,598,700 over the term of the Agreement; and forwarding to Council for approval.

4. Consider the Department of Transportation (CalTrans) Clean California Local Grant Program Cycle 2 Grant in the amount of $3,129,000 for the Downtown Revitalization Project and forwarding to Council for approval. (Funding Source: Clean California Local Grant Program)
    - Motion recommending acceptance of the Department of Transportation (CalTrans) Clean California Local Grant Program Cycle 2 Grant in the amount of $3,129,000 for the Downtown Revitalization Project, amending the Fiscal Year 2023-2024 Multi-Year Operating Budget, and forwarding to Council for approval.

    CED; Cue Tan, 209-571-5540, ctan@modestogov.com

    ACTION: (Alvarez/Zwahlen; 3/0) Motion recommending acceptance of the Department of Transportation (CalTrans) Clean California Local Grant Program Cycle 2 Grant in the amount of $3,129,000 for the Downtown Revitalization Project, amending

the Fiscal Year 2023-2024 Multi-Year Operating Budget, and forwarding to Council for approval.

NEW BUSINESS

5. Consider an Agreement with CBRE, Sacramento, CA, Kosmont Real Estate Services dba Kosmont Realty, Manhattan Beach, CA, and PMZ, Modesto, CA, for Real Estate Brokerage Services to Evaluate the Use, Marketability, Valuation, Marketing, Sale of Designated Surplus Real Property, and/or the Acquisition and Purchase of New Properties for a total amount not to exceed $900,000 over three years and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion recommending the Award of Proposals and Agreements for Real Estate Brokerage Services to CBRE, Sacramento, CA, Kosmont Real Estate Services dba Kosmont Realty, Manhattan Beach, CA, and PMZ, Modesto, CA, for a one-year Agreement with two one-year extension options for a combined estimated annual amount of $300,000 and a total combined amount not to exceed $900,000 over three years and forwarding for Council approval.

    CITY MANAGER; Forrest Ebbs, 209-577-9149, febbs@modestogov.com

ACTION: (Alvarez/Zwahlen; 3/0) Motion recommending the Award of Proposals and Agreements for Real Estate Brokerage Services to CBRE, Sacramento, CA, Kosmont Real Estate Services dba Kosmont Realty, Manhattan Beach, CA, and PMZ, Modesto, CA, for a one-year Agreement with two one-year extension options for a combined estimated annual amount of $300,000 and a total combined amount not to exceed $900,000 over three years and forwarding for Council approval.

ADJOURNMENT

This meeting adjourned at 4:12 p.m.

Attest: _____
Reyna Mendoza, Deputy City Clerk

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, February 06, 2024 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: David Gingerich, Covenant Grove Church

City Clerk's Announcements: None

Declaration of Conflicts of Interest – Council Member Wiliams Item 8.

Reports from Closed Session: City Attorney Sanchez stated there was No Reportable Action.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation declaring February 11th - 17th as Future Business Leaders of America Week. (Funding Source: Not Applicablie)
CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

ACTION: Mayor Zwahlen presented a Proclamation declaring February 11th - 17th as Future Business Leaders of America Week.

MISCELLANEOUS

2. Consider approving the appointment of Cecil Russell as the Planning Commission Representative to the Citizens Housing and Community Development Committee for 2024, with a term expiration of December 31, 2024. (Funding Source: Not Applicable)
Staff Recommendation:
   - Resolution approving the appointment of Cecil Russell as the Planning Commission Representative to the Citizens Housing and Community Development Committee, with a term expiration of December 31, 2024.

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

ACTION: (Bavaro/Wright; 5/2; Alvarez, Ricci No) Resolution 2024-032 approving the appointment of Cecil Russell as the Planning Commission Representative to the Citizens Housing and Community Development Committee, with a term expiration of December 31, 2024.

3. Consider approving the appointment of Roger Shanks as the Planning Commission Representative to the Board of Zoning Adjustment (BZA) for 2024, with a term expiration of December 31, 2024. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution approving the appointment of Planning Commissioner Roger Shanks to the Board of Zoning Adjustment as a Planning Commission Representative with a term expiration date of December 31, 2024.

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

ACTION: (Wright/Ricci; 7/0) Resolution 2024-033 approving the appointment of Planning Commissioner Roger Shanks to the Board of Zoning Adjustment as a Planning Commission Representative with a term expiration date of December 31, 2024.

4. Consider reappointing Chris Murphy, Pervez Khan and Angela Cangiamilla and appointing Damon Robbins and Helda Paules to the Visit Modesto Board of Directors for a two-year term from January 1, 2024 to December 31, 2025. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution reappointing Chris Murphy, Pervez Khan, and Angela Cangiamilla to the Visit Modesto Board of Directors for a two-year term from January 1, 2024 to December 31, 2025.
- Resolution appointing Damon Robbins and Helda Paules to the Visit Modesto Board of Directors for a two-year term from January 1, 2024 to December 31, 2025.

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

ACTION: (Wright/Bavaro; 7/0) Resolution 2024-034 reappointing Chris Murphy, Pervez Khan, and Angela Cangiamilla to the Visit Modesto Board of Directors for a two-year term from January 1, 2024 to December 31, 2025.

ACTION: (Wright/Bavaro; 7/0) Resolution 2024-035 appointing Damon Robbins and Helda Paules to the Visit Modesto Board of Directors for a two-year term from January 1, 2024 to December 31, 2025.

PUBLIC COMMENT IN PERSON

- Diane Kroeze expressed concern about the lack of adequate help for the homeless population, particularly in light of inclement weather and the absence of available shelters. She emphasized the stalled progress of Bridge Housing and urged the Council to prioritize immediate assistance for those living on the streets.

- Nancy Robinson, President of the Modesto Garden Club, highlighted the club's centennial celebrations and upcoming events, including a groundbreaking ceremony, a spring garden tour, and a summer luncheon. She invited Council Members and the public to participate and support their initiatives.

- Laura Placencia, a community organizer with Valley Improvement Projects, advocated for the implementation of zero waste programs and practices in response to the potential closure of the local incinerator. She emphasized the environmental and health risks associated with incinerators and urged the council to consider alternative waste management solutions.

- Emerson Drake echoed concerns about the incinerator and critiqued past decisions regarding waste management contracts. He also raised questions about proposed developments in Salida and expressed skepticism about the city's financial decisions.

- Kevin McClarty raised concerns about the reduction in operating hours at a local Walgreens pharmacy and questioned whether the city had a contract ensuring 24-hour accessibility to pharmacy services. He emphasized the importance of maintaining access

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 5-7, 9, 12-16: ACTION: (Wright/Williams; 7/0)

CONSENT

Consent

5. Consider approving the minutes for the January 23, 2024 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes for the January 23, 2024 Council Meeting.

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

    ACTION: (Wright/Williams; 7/0) Motion approving the minutes for the January 23, 2024 Council Meeting.

Consent

6. Consider approving Final Adoption of Ordinance 3777-C.S. adopting a Precise Plan for Village One Precise Plan Area No. 35 south with Amendment of Section 18-3-10 of the Zoning Map to rezone from Specific Plan-Holding (SP-H) Zone to Specific Plan (SP), property located east of Claus Road, south of Milnes Road and north of East Briggsmore Avenue. (DR Horton Bay, Inc) (Funding Source: Not Applicable)
    - Motion approving Final Adoption of Ordinance 3777-C.S. adopting a Precise Plan for Village One Precise Plan Area No. 35 south with Amendment of Section 18-3-10 of the Zoning Map to rezone from Specific Plan-Holding (SP-H) Zone to Specific Plan (SP), property located east of Claus Road, south of Milnes Road and north of East Briggsmore Avenue. (DR Horton Bay, Inc)

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

ACTION: (Wright/Williams; 7/0) Motion approving Final Adoption of **Ordinance 3777-C.S.** adopting a Precise Plan for Village One Precise Plan Area No. 35 south with Amendment of Section 18-3-10 of the Zoning Map to rezone from Specific Plan-Holding (SP-H) Zone to Specific Plan (SP), property located east of Claus Road, south of Milnes Road and north of East Briggsmore Avenue. (DR Horton Bay, Inc)

Consent

7. 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/Williams; 7/0) Resolution 2024-036 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.

(Removed from Consent – Council Member Williams Conflict)

Consent

8. Consider accepting the Transit Center Improvements and Transit Center Addition Project as complete, releasing securities, releasing payments totaling $5,668,762 to Simile Construction Services, Inc., of Modesto, CA., and authorizing the City Clerk to file a Notice of Completion. (Funding Source: Federal Transit Administration, Local Transportation Funds, State – SB1 State of Good Repair and Low Carbon Transit Operations Program)
    - Resolution accepting the Transit Center Improvements and Transit Center Addition Project as complete, releasing securities, releasing payments totaling $5,668,762 to Simile Construction Services, Inc., of Modesto, CA., and authorizing the City Clerk to file a Notice of Completion.

    ENGINEERING SERVICES; Peter Kambel, 209-577-5444, pkambel@modestogov.com

    ACTION: (Escutia-Braaton/Wright; 6/0; Williams Recused) Resolution 2024-037 accepting the Transit Center Improvements and Transit Center Addition Project as complete, releasing securities, releasing payments totaling $5,668,762 to Simile Construction Services, Inc., of Modesto, CA., and authorizing the City Clerk to file a Notice of Completion.

Consent

9. Consider approving the Amendments to the Portable Toilet Rental Services Agreement to increase the amount by $35,000 and for a revised total amount not to exceed $618,250 over the term of the Agreement with Sun Valley Portable Restrooms, Inc. of Turlock, CA and United Site Services, Inc. of Modesto, CA. (Funding Source: Water Fund, Various Funds)

- Resolution approving a First Amendment to the Portable Toilet Rental Services Agreement to increase the amount by $20,000 with Sun Valley Portable Restrooms, Inc. of Turlock, CA; a Third Amendment to increase the amount by $15,000 with United Site Services, Inc. of Modesto, CA for a revised combined total amount not to exceed $618,250 over the term of the Agreement; and utilizing the services based on the lowest pricing defined under current contractual rates; and authorizing the City Manager, or his designee, to execute the Amendments.

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

ACTION: (Wright/Williams; 7/0) Resolution 2024-038 approving a First Amendment to the Portable Toilet Rental Services Agreement to increase the amount by $20,000 with Sun Valley Portable Restrooms, Inc. of Turlock, CA; a Third Amendment to increase the amount by $15,000 with United Site Services, Inc. of Modesto, CA for a revised combined total amount not to exceed $618,250 over the term of the Agreement; and utilizing the services based on the lowest pricing defined under current contractual rates; and authorizing the City Manager, or his designee, to execute the Amendments.

(Removed from Consent)

Consent

10. Consider approving the purchase for various Fleet Addition and Replacements for Fleet Vehicles which includes twelve Pickup Trucks, seven Chevy Tahoe Interceptors, ten Ford Police Interceptors, and one Telehandler Forklift in the amount not to exceed $2,106,219. (Funding Source: Fleet Replacement Fund and General Fund)
    - Resolution approving the Award of Bid and purchase for twelve Half-Ton Pickup Trucks with Rush Truck Center, Ceres, CA for an amount not to exceed $592,263; 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 the State of California, Department of General Services to Folsom Lake Ford, Folsom, CA for the purchase of ten Ford Police Interceptors for an amount not to exceed $611,583; 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 the State of California, Department of General Services to Winner Chevrolet, Elk Grove, CA for the purchase of seven Chevy Tahoes for an amount not to exceed $419,172; 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 to Caterpillar Inc. Peoria, IL under authorized dealer Holt of California, Stockton, CA, for the purchase of one Telehandler Forklift Variable Reach for an amount not to exceed $208,474; 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: (Wright/Alvarez; 7/0) Resolution 2024-039 approving the Award of Bid and purchase for twelve Half-Ton Pickup Trucks with Rush Truck Center, Ceres, CA for an amount not to exceed $592,263; 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: (Wright/Alvarez; 7/0) Resolution 2024-040 approving the Competitive Bidding Process from the State of California, Department of General Services to Folsom Lake Ford, Folsom, CA for the purchase of ten Ford Police Interceptors for an amount not to exceed $611,583; 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: (Wright/Alvarez; 7/0) Resolution 2024-041 approving the Competitive Bidding Process from the State of California, Department of General Services to Winner Chevrolet, Elk Grove, CA for the purchase of seven Chevy Tahoes for an amount not to exceed $419,172; 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: (Wright/Alvarez; 7/0) Resolution 2024-042 approving the Competitive Bidding Process from Sourcewell to Caterpillar Inc. Peoria, IL under authorized dealer Holt of California, Stockton, CA, for the purchase of one Telehandler Forklift Variable Reach for an amount not to exceed $208,474; 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.

(Removed from Consent)

Consent

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

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

    ACTION: (Ricci/Escutia-Braaton; 7/0) Motion accepting an Informational Report for the December 2023 Accounts Payable Payment Register and Void Report.

Consent

12. Consider accepting an Informational Report on the July and August 2023 Grant Applications and Awards. (Funding Source: Not Applicable)
    - Motion accepting an Informational Report for the July and August 2023 Grant Applications and Awards.

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

    ACTION: (Wright/Williams; 7/0) Motion accepting an Informational Report for the July and August 2023 Grant Applications and Awards.

Consent

13. Consider accepting specified Grant Funds from the State of California Budget Act of 2023 in the amount of $400,000 for The Awesome Spot Playground and recommending the submittal of a Grant Application. (Funding Source: State of California Budget Act of 2023)
    - Resolution approving the application for specified Grant Funds from the Budget Act of 2023, 19.561(b)(1) Awesome Spot Playground and authorizing the City Manager, or his designee, to execute all documents necessary to implement the provisions of this Resolution.
    - Resolution amending the Fiscal Year 2023-2024 Capital Improvement Program Budget to fund Project #100984 - Awesome Spot Playground in an amount not to exceed $400,000 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: (Wright/Williams; 7/0) Resolution 2024-043 approving the application for specified Grant Funds from the Budget Act of 2023, 19.561(b)(1) Awesome Spot Playground and authorizing the City Manager, or his designee, to execute all documents necessary to implement the provisions of this Resolution.

    ACTION: (Wright/Williams; 7/0) Resolution 2024-044 amending the Fiscal Year 2023-2024 Capital Improvement Program Budget to fund Project #100984 - Awesome Spot Playground in an amount not to exceed $400,000 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

14. Consider approving a First Amendment to the Agreement with Mark Thomas and Company, Inc., for additional tasks related to Construction Documentation and Bidding & Construction Support for the Virginia Corridor Phase 7 Project, for a new total amount not to exceed $646,305. (Funding Source: Non-Motorized Local Transportation Funds, Parks & Air Quality CFF, and Various Grants)
    - Resolution approving a First Amendment to the Agreement with Mark Thomas and Company, Inc., for additional tasks related to Construction Documentation and Bidding & Construction Support for the Virginia Corridor Phase 7 Project, increasing the Agreement amount by $70,017, from $576,288 to a new total

amount not to exceed $646,305 and authorizing the City Manager, or his designee, to execute the Amendment.

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

ACTION: (Wright/Williams; 7/0) Resolution 2024-045 approving a First Amendment to the Agreement with Mark Thomas and Company, Inc., for additional tasks related to Construction Documentation and Bidding & Construction Support for the Virginia Corridor Phase 7 Project, increasing the Agreement amount by $70,017, from $576,288 to a new total amount not to exceed $646,305 and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

15. Consider the submission of two Grant Applications to the United States Bureau of Reclamation's WaterSMART Grant Program. (Funding Source: Water Fund)
    - Resolution approving the submission of a Grant Application to the United States Bureau of Reclamation's WaterSMART – Water and Energy Efficiency Grant Program for the SCADA System Replacement Project and authorizing the City Manager, or his designee, to enter into a Grant Agreement and execute all related documents.
    - Resolution approving the submission of a Grant Application to the United States Bureau of Reclamation's WaterSMART – Planning and Project Design Grant Program for the SCADA System Replacement Project and authorizing the City Manager, or his designee, to enter into a Grant Agreement and execute all related documents.

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

    ACTION: (Wright/Williams; 7/0) Resolution 2024-046 approving the submission of a Grant Application to the United States Bureau of Reclamation's WaterSMART – Water and Energy Efficiency Grant Program for the SCADA System Replacement Project and authorizing the City Manager, or his designee, to enter into a Grant Agreement and execute all related documents.

    ACTION: (Wright/Williams; 7/0) Resolution 2024-047 approving the submission of a Grant Application to the United States Bureau of Reclamation's WaterSMART – Planning and Project Design Grant Program for the SCADA System Replacement Project and authorizing the City Manager, or his designee, to enter into a Grant Agreement and execute all related documents.

Consent

16. Consider approving the submission of a Grant Application to the Federal Emergency Management Agency's Building Resilient Infrastructure and Communities Program. (Funding Source: Wastewater Grants Fund)
    - Resolution approving the submission of a Building Resilient Infrastructure and Communities (BRIC) Program Grant Application to the Federal Emergency Management Agency (FEMA) to fund the Flood Risk Reduction Feasibility Study Scoping Project, the submission of a Prepare California Program Grant

Application to the California Office of Emergency Services (Cal OES) to offset the Federal Local Match requirement, and authorizing the City Manager, or his designee to enter into the associated Grant Agreements and execute all related documents.

- Resolution amending the Fiscal Year 2023-24 Multi-Year Program Budget in the amount of $623,915 to fund the Flood Risk Reduction Feasibility Study Scoping Project and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

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

ACTION: (Wright/Williams; 7/0) Resolution 2024-048 approving the submission of a Building Resilient Infrastructure and Communities (BRIC) Program Grant Application to the Federal Emergency Management Agency (FEMA) to fund the Flood Risk Reduction Feasibility Study Scoping Project, the submission of a Prepare California Program Grant Application to the California Office of Emergency Services (Cal OES) to offset the Federal Local Match requirement, and authorizing the City Manager, or his designee to enter into the associated Grant Agreements and execute all related documents.

ACTION: (Wright/Williams; 7/0) Resolution 2024-049 amending the Fiscal Year 2023-24 Multi-Year Program Budget in the amount of $623,915 to fund the Flood Risk Reduction Feasibility Study Scoping Project and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

Recessed: 6:37 pm
Reconvened: 6:41 pm

COUNCIL COMMENTS & REPORTS

Council Member Ricci commended the success of the City's CHAT program in addressing nuisance calls, highlighting its impact on freeing up police resources for crime prevention. He also praised the Forestry Department for their diligent work in clearing storm debris and acknowledged the upcoming Valentine's Day, expressing appreciation for his wife.

Council Member Escutia-Braaton expressed gratitude towards City staff for their efforts during the recent storm, emphasizing the community's generosity and charitable spirit. She recognized two individuals, Sterling Fountain and Connie Gustafson, for their exceptional contributions to the community, particularly in promoting education, equality, and social justice, in honor of Black History Month.

Council Member Williams echoed appreciation for the recognized individuals and highlighted upcoming Black History Month events in the community, including an empowerment luncheon, a paint night, and theatrical performances by Sankofa.

Mayor Zwahlen provided updates on recent City events, including the California Transportation Commission meeting, the ribbon-cutting ceremony for Archway Commons affordable housing

complex, and the 100-year celebration of a local church. She also mentioned a recent Council retreat and hosting a delegation from Ukraine in Council chambers.

CITY MANAGER COMMENTS & REPORTS

None

NEW BUSINESS

17. Consider Reviewing, Providing Comment and Accepting the Proposed Internal Audit Work Plan, dated January 16, 2024. (Funding Source: Not Applicable)
    - Motion Accepting the Proposed Internal Audit Work Plan, dated January 16, 2024.

    CITY AUDITOR; Colleen Rozillis, 206-302-6795, colleen.rozillis@mossadams.com

    ACTION: (Wright/Escutia-Braaton; 7/0) Motion Accepting the Proposed Internal Audit Work Plan, dated January 16, 2024.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:00 pm.

CLOSED SESSION

All Closed Session Matters heard prior to the meeting.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Two Cases (Pursuant to Section 54956.9(d)(1) of the Government Code)

Name of Case: Silvina Martinez v. City of Modesto
Superior Court of California, County of Stanislaus
Case No.: CV-19-006820

Brittoni Estrella, et al. v. City of Modesto et al.
United States Eastern District
Case No.: 1:22-cv-00921

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

Name of case(s): Timothy Graf v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ11412278 & ADJ8513549

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP
2001-40 Del Puerto Room.
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, February 12, 2024 at 4:00 PM

Roll Call: Present: Vice Chair Williams, Committee Member Ricci,
Also Present: Alternate Committee Member Wright
Absent: Chair Escutia-Braaton

PUBLIC COMMENTS IN PERSON

None.

SUBMITTING COMMENTS BY E-MAIL

None.

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

CONSENT

Consent

1. Consider a First Amendment to the Cell Tower Site Lease Agreement at Creekside Golf Course with SBA Monarch Towers III, LLC, to increase the lease area by an additional 108 square feet and to extend the maximum term of the Agreement through May 1, 2047, and forwarding to Council for approval. (Funding Source: Cell Tower Facility Rental Revenue)
    - Motion recommending a First Amendment to the Cell Tower Site Lease Agreement at Creekside Golf Course with SBA Monarch Towers III, LLC, to increase the lease area by an additional 108 square feet and to extend the maximum term of the Agreement through May 1, 2047, and forwarding to Council for approval.

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

    ACTION: (Wright/Ricci; 3/0) Motion recommending a First Amendment to the Cell Tower Site Lease Agreement at Creekside Golf Course with SBA Monarch Towers III, LLC, to increase the lease area by an additional 108 square feet and to extend the maximum term of the Agreement through May 1, 2047, and forwarding to Council for approval.

NEW BUSINESS

2. Consider amending the Position Allocation Plan in the Modesto Fire Department to add four Paramedics and three Emergency Medical Technicians (EMTs) and forwarding to Council for approval. (Funding Source: General Fund)
    - Motion amending the Position Allocation Plan in the Modesto Fire Department to add four Paramedics and three Emergency Medical Technicians (EMTs) and forwarding to Council for approval.

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

ACTION: (Ricci/Wright; 3/0) Motion amending the Position Allocation Plan in the Modesto Fire Department to add four Paramedics and three Emergency Medical Technicians (EMTs) and forwarding to Council for approval.

3. Consider the Culture Commission's recommendation for an Agreement with Three Thirty Three Arts, Walnut Creek, CA, for Installation of a Professional Public Mural in the amount of $0, and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending the Culture Commission's recommendation for an Agreement with Three Thirty Three Arts, Walnut Creek, CA, for Installation of a Professional Public Mural in the amount of $0, and forwarding to Council for approval.

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

ACTION: (Wright/Ricci; 3/0) Motion recommending the Culture Commission's recommendation for an Agreement with Three Thirty Three Arts, Walnut Creek, CA, for Installation of a Professional Public Mural in the amount of $0, and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:32 P.M.

Attest: _____
Dana Sanchez, Assistant City Clerk

MINUTES
City of Modesto
CITIZENS SALARY SETTING COMMISSION

Conference Room 2001, Second Floor
Tenth Street Place, 1010 10th Street
Modesto, California 95354

Friday, February 23, 2024, at 12:00 p.m.

Roll Call – Present: Commissioners; Colleen Preston, Julie Saugstad, Roldon (Sandy) Sutton, Jan Viss

Absent: Commissioner Abimael Chavez-Hernandez

PUBLIC COMMENT PERIOD
Three minute time limit per speaker

None

NEW BUSINESS

1. Orientation for new members to include a briefing on the provisions of The Brown Act by the City Attorney. (*Jose Sanchez, City Attorney)*

   ACTION: No Action – Presentation by Staff

2. Consider discussing information necessary for reviewing salaries of the City of Modesto Mayor and Councilmembers and Overview of Bylaws. *(Christina Alger, Director of Human Resources)*

ACTION: Commissioners requested the following information from Staff to be provided at the next meeting:

- Current Boards and Committees Council serve on as a Councilmember/Mayor (also City Standing Committees) and their responsibilities.
- Salary of Stanislaus County Judge and Median Income Stanislaus County
- Benefit/Insurance Information for Council/Mayor
- Reimbursement of Expenses for Council/Mayor
- Current Salaries and Expenses of the Council/Mayor
- Salaries for all other cities in Stanislaus County (nine incorporated cities within Stanislaus County: Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford).

- Salaries of Council/Mayor for like size cities (similar population, services, and Charter Cities)
- Prior Recommendation of Salary Setting Commission (salary was first implemented)

3. Consider reviewing the Citizens Salary Setting Commission 2024 Timeline. (*Diane Nayares-Perez, City Clerk and Christina Alger, Director of Human Resources)*

ACTION: No Action – Presentation by Staff.

4. Consider discussing the calendar and locations for future meetings for the Citizens Salary Setting Commission. *(Diane Nayares-Perez, City Clerk and Christina Alger, Director of Human Resources)*

ACTION: (Sutton/Viss; 4/0; Chavez-Hernandez Absent) Motion scheduling the following meeting dates in March as follows: March 4 at 11 am; March 8 at 11 am; March 15 at 11 am; March 22 at 11 am; and March 28 at 11 am.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

There being no further business the meeting adjourned the meeting at 1:04 p.m.

Attest: _____
Diane Nayares-Perez, CMC, City Clerk

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, February 26, 2024 at 4:00 PM

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

PUBLIC COMMENTS IN PERSON

None.

SUBMITTING COMMENTS BY E-MAIL

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 1-4 (Wright/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: (Wright/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 the Agreements for Fleet Tire Purchases with McCoy Truck Tire, Modesto, CA and Valley Tire, Modesto, CA for a total amount not to exceed $3,400,000 over five years and forwarding to Council for approval. (Funding Source: Fleet Fund, Outside Service Agreements)
    - Motion recommending the Agreements for Fleet Tire Purchases with McCoy Truck Tire, Modesto, CA and Valley Tire, Modesto, CA for a two-year

Agreement with three one-year extension options, for an annual combined estimated amount of $680,000 and a total amount not to exceed $3,400,000 over five years and forwarding to Council for approval.

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

ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending the Agreements for Fleet Tire Purchases with McCoy Truck Tire, Modesto, CA and Valley Tire, Modesto, CA for a two-year Agreement with three one-year extension options, for an annual combined estimated amount of $680,000 and a total amount not to exceed $3,400,000 over five years and forwarding to Council for approval.

Consent

3. Consider a First Amendment for the Purchasing Agreement with Curtis Blue Line, Oakland CA (Formerly known as (FKA) L.N. Curtis and Sons) for Personal Protection Equipment to a revised total amount not to exceed $3,448,082 over five years and forwarding to Council for approval. (Funding Source: General Fund)
    - Motion recommending a First Amendment to the Purchase Agreement with Curtis Blue Line (FKA L.N. Curtis and Sons) for Personal Protection Equipment to increase the Agreement in the amount of $2,148,082 to a revised total amount not to exceed $3,448,082 over five years and forwarding to Council for approval.

FIRE DEPARTMENT; Kevin Wise, 209-572-9590, kwise@modestofire.com

ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending a First Amendment to the Purchase Agreement with Curtis Blue Line (FKA L.N. Curtis and Sons) for Personal Protection Equipment to increase the Agreement in the amount of $2,148,082 to a revised total amount not to exceed $3,448,082 over five years and forwarding to Council for approval.

Consent

4. Consider an Agreement with Ground Zero Analysis, Inc., Modesto, CA, for Environmental Monitoring of Methane Gas and Groundwater Testing, and Reporting for the Carpenter Road Landfill and the Compost Facility for a total amount not to exceed $332,923 over five years and forwarding to Council for approval. (Funding Source: Carpenter Road Landfill and Compost Facility)
    - Motion recommending an Agreement with Ground Zero Analysis, Inc., Modesto, CA, by utilizing the Competitive Bid Process with California Department of Corrections and Rehabilitation, for Environmental Monitoring of Methane Gas and Groundwater Testing, and Reporting for the Carpenter Road Landfill and the Compost Facility in the amount of $302,657, plus $30,266 for additional services authorized by the City Manager, or his designee, for a total amount not to exceed $332,923 over five years, and forwarding to Council for approval.

PUBLIC WORKS; Rosene Nguyen, 209-577-5453, rnguyen@modestogov.com

ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending an Agreement with Ground Zero Analysis, Inc., Modesto, CA, by utilizing the Competitive Bid Process with California Department of Corrections and Rehabilitation, for Environmental Monitoring of Methane Gas and Groundwater Testing, and Reporting for the Carpenter Road Landfill and the Compost Facility in the amount of $302,657, plus $30,266 for additional services authorized by the City Manager, or his designee, for a total amount not to exceed $332,923 over five years, and forwarding to Council for approval.

UNFINISHED BUSINESS

5. Consider the Amended and Restated Agreement for Maintenance Services to the Fleet Maintenance Agreement between the City of Modesto and the Stanislaus Regional Transit Authority and amending the Position Allocation Plan to add one Administrative Services Technician, three Equipment Services Technicians, four Maintenance Worker I, and reclassifying two Heavy Equipment Mechanics to two Heavy Equipment Mechanic Crew Leaders and forwarding to Council for approval. (Funding Source: Stanislaus Regional Transit Authority)
    - Motion recommending an Amended and Restated Agreement for Maintenance Services Fleet Maintenance Agreement between the City of Modesto and the Stanislaus Regional Transit Authority and amending the Position Allocation Plan to add one Administrative Services Technician, three Equipment Services Technicians, four Maintenance Worker I, and reclassifying two Heavy Equipment Mechanics to two Heavy Equipment Mechanic Crew Leaders and forwarding to Council for approval.

    PUBLIC WORKS; Patrick Crowley, 209-342-2274, pcrowley@modestogov.com

ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending an Amended and Restated Agreement for Maintenance Services Fleet Maintenance Agreement between the City of Modesto and the Stanislaus Regional Transit Authority and amending the Position Allocation Plan to add one Administrative Services Technician, three Equipment Services Technicians, four Maintenance Worker I, and reclassifying two Heavy Equipment Mechanics to two Heavy Equipment Mechanic Crew Leaders and forwarding to Council for approval.

NEW BUSINESS

6. Consider a Memorandum of Understanding with Stanislaus County for the South Modesto Area Strengthen & Replace Water Mains Project and forwarding to Council for approval. (Funding Source: Water Fund)
    - Motion recommending a Memorandum of Understanding with Stanislaus County for the South Modesto Area Strengthen & Replace Water Mains Project, in an amount not to exceed $11,829,312 and forwarding to Council for approval.

- Motion recommending an Amendment to the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $11,829,312 to be transferred into the Project from Water Reserves to fund the South Modesto Area Strengthen & Replace Water Mains Project and forwarding to Council for approval.

UTILITIES; David Felix, 209-577-5488, dfelix@modestogov.com

ACTION: (Escutia-Braaton/Wright; 3/0) Motion recommending a Memorandum of Understanding with Stanislaus County for the South Modesto Area Strengthen & Replace Water Mains Project, in an amount not to exceed $11,829,312 and forwarding to Council for approval.

ACTION: (Escutia-Braaton/Wright; 3/0) Motion recommending an Amendment to the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $11,829,312 to be transferred into the Project from Water Reserves to fund the South Modesto Area Strengthen & Replace Water Mains Project and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:23 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 27, 2024 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: Marvin Jacobo, City Ministry Network

City Clerk's Announcements

Declaration of Conflicts of Interest: Item 27 - Vice Mayor Alvarez

Reports from Closed Session: Mayor Zwahlen reported No Reportable Action

ACKNOWLEDGEMENTS AND PRESENTATIONS

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

ACTION: Mayor Zwahlen presented a Proclamation declaring March as National Developmental Disabilities Awareness Month.

MISCELLANEOUS

2. Consider accepting the resignation of Babette Wagner from the Landmark Preservation Commission. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution accepting the resignation of Babette Wagner from the Landmark Preservation Commission.

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

ACTION: (Williams/Escutia-Braaton; 7/0) Resolution 2024-050 accepting the resignation of Babette Wagner from the Landmark Preservation Commission.

PUBLIC COMMENT IN PERSON

- Dr. Theresa Rojas introduced the LatinX Comic Arts Festival, highlighting its history and growth over the years, emphasizing its role in celebrating LatinX comic arts creators and inviting the community to attend the upcoming event.

- John Frailing discussed his conversation with Judge Ruben Villalobos regarding Care Court and its limitations in addressing homelessness and mental health issues. He also shared insights from a visit to Manteca's homeless shelter, suggesting potential ideas for Modesto's approach to homelessness.

- Chris Moreno representing the Stanislaus County Library promoted upcoming library programs, including the Stanislaus County Passport Services and March Book Madness event, encouraging participation and engagement from the community.

- Danielle Morgart provided a report on Assembly Member Juan Alanis' activities in Sacramento, highlighting introduced Assembly Bills and an upcoming educational town hall at Gustine High School, inviting community members and leaders to attend.

- Emerson Drake expressed concerns about Modesto's negotiations regarding water and sewer services and raised questions about the Community Police Review Board's practices regarding lie detector tests, urging for transparency and accountability.

- Jerry Thompson commended the Mayor for her leadership and collaboration within the City Council, emphasizing the importance of bipartisanship and effective governance.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 3, 5-9, 12-18, 21-23 (Wright/Escutia-Braaton; 7/0)

CONSENT

Consent

3. Consider approving the minutes for the February 6, 2024 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes for the February 6, 2024 Council Meeting.

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

    ACTION: (Wright/Escutia-Braaton; 7/0) Motion approving the minutes for the February 6, 2024 Council Meeting.

Removed from Consent

Consent

4. Consider approving the amended Bylaws for the Citizens' Salary Setting Commission. (Funding Source: Not Applicable)
    - Resolution approving the amended Bylaws for the Citizens' Salary Setting Commission.

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

    ACTION: (Escutia-Braaton/Alvarez; 7/0) Resolution 2024-051 approving the amended Bylaws for the Citizens' Salary Setting Commission.

Consent

5. Consider approving an Agreement with The Baseball Club of Modesto, LLC to lease John Thurman Field through September 30, 2024, and authorizing the City Manager, or his designee, to finalize the language of the agreement pursuant to the negotiated terms and execute the Agreement. (Funding Source: Capital Improvement Project (CIP) 101019/General Fund)
    - Resolution approving an Agreement with The Baseball Club of Modesto LLC to lease the John Thurman Field facility through September 30, 2024, and authorizing the City Manager, or his designee, to finalize the language of the agreement pursuant to the negotiated terms and execute the Agreement.

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

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-052 approving an Agreement with The Baseball Club of Modesto LLC to lease the John Thurman Field facility through September 30, 2024, and authorizing the City Manager, or his designee, to finalize the language of the agreement pursuant to the negotiated terms and execute the Agreement.

Consent

6. Consider approving a Memorandum of Understanding to clarify the terms of the HOME Investment Partnerships (HOME) and Redevelopment Agency of the City of

Modesto (RDA) loans for the Ashwood Village Apartments. (Funding Source: HOME Investment Partnerships and Redevelopment Agency Funds)

- Resolution approving a Memorandum of Understanding intending to clarify the terms of the HOME Investment Partnerships (HOME) and Redevelopment Agency of the City of Modesto (RDA) loans for the Ashwood Village Apartments and authorizing the City Manager, or his designee, to execute the Agreement.

CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-053 approving a Memorandum of Understanding intending to clarify the terms of the HOME Investment Partnerships (HOME) and Redevelopment Agency of the City of Modesto (RDA) loans for the Ashwood Village Apartments and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

7. Consider directing staff to prepare and file the Fiscal Year 2024-25 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 2024-25 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/Escutia-Braaton; 7/0) Resolution 2024-054 directing staff to prepare and file the Fiscal Year 2024-25 Engineer's Annual Report for City of Modesto Landscape Maintenance Assessment District No. 1 (Dry Creek Meadows Subdivisions Nos. 1-6).

Consent

8. Consider directing staff to prepare and file the Fiscal Year 2024-25 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 2024-25 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/Escutia-Braaton; 7/0) Resolution 2024-055 directing staff to prepare and file the Fiscal Year 2024-25 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

9. Consider directing staff to prepare and file the Fiscal Year 2024-25 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 2024-25 Engineer's Annual Report for City of Modesto Shackelford Landscape and Lighting District.

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

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-056 directing staff to prepare and file the Fiscal Year 2024-25 Engineer's Annual Report for City of Modesto Shackelford Landscape and Lighting District.

Removed from Consent

Consent

10. Consider approving Agreements with CBRE, Sacramento, CA, Kosmont Real Estate Services dba Kosmont Realty, Manhattan Beach, CA, and PMZ, Modesto, CA, for Real Estate Brokerage Services to Evaluate the Use, Marketability, Valuation, Marketing, Sale of Designated Surplus Real Property, and/or the Acquisition and Purchase of New Properties for a total amount not to exceed $900,000 over three years. (Funding Source: Various Department Funds)
    - Resolution approving the Award of Proposals and Agreements for Real Estate Brokerage Services to CBRE, Sacramento, CA, Kosmont Real Estate Services dba Kosmont Realty, Manhattan Beach, CA, and PMZ, Modesto, CA, for a one year agreement with two one-year extension options for a combined annual estimated amount of $300,000 and a total combined amount not to exceed $900,000 over three years and authorizing the City Manager, or his designee, to execute the Agreements.

    CITY MANAGER; Forrest Ebbs, 209-577-9149, febbs@modestogov.com

    ACTION: (Williams/Wright; 7/0) Resolution 2024-057 approving the Award of Proposals and Agreements for Real Estate Brokerage Services to CBRE, Sacramento, CA, Kosmont Real Estate Services dba Kosmont Realty, Manhattan Beach, CA, and PMZ, Modesto, CA, for a one year agreement with two one-year extension options for a combined annual estimated amount of $300,000 and a total combined amount not to exceed $900,000 over three years and authorizing the City Manager, or his designee, to execute the Agreements.

Removed from Consent

Consent

11. Consider approving the Agreements with Tripepi Smith, Irvine, CA, Serotonin Creative Consultancy, Modesto, CA, and 3foldCommunications, Sacramento, CA, for Public Relations and Marketing Services for a total amount not to exceed $1,400,000

over five years. (Funding Source: General Fund, Measure H Funds, and Various Department Funds)

- Resolution approving the Award of Proposals and Agreements for Public Relations and Marketing Services to Tripepi Smith, Irvine, CA, Serotonin Creative Consultancy, Modesto, CA and 3fold Communications, Sacramento, CA for a two year agreement with three one-year extension options for a combined annual estimated amount of $280,000 and a total combined amount not to exceed $1,400,000 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: (Alvarez/Ricci; 7/0) Resolution 2024-058 approving the Award of Proposals and Agreements for Public Relations and Marketing Services to Tripepi Smith, Irvine, CA, Serotonin Creative Consultancy, Modesto, CA and 3fold Communications, Sacramento, CA for a two year agreement with three one-year extension options for a combined annual estimated amount of $280,000 and a total combined amount not to exceed $1,400,000 over five years and authorizing the City Manager, or his designee, to execute the Agreements.

Consent

12. Consider approving the Amended and Restated Memorandum of Agreement for the Preliminary Engineering including Final Design Phase of the 7th Street Bridge Project with Stanislaus County increasing the City's share by $161,732, for a new total amount of $865,510. (Funding Source: Streets Capital Facility Fees and Water Fund)

    - Resolution approving the Amended and Restated Memorandum of Agreement for the Preliminary Engineering including Final Design Phase of the 7th Street Bridge Project with Stanislaus County, increasing the City's share by $161,732, for a new total amount of $865,510, and authorizing the City Manager, or his designee to execute the Amended and Restated Memorandum of Agreement.

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

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-059 approving the Amended and Restated Memorandum of Agreement for the Preliminary Engineering including Final Design Phase of the 7th Street Bridge Project with Stanislaus County, increasing the City's share by $161,732, for a new total amount of $865,510, and authorizing the City Manager, or his designee to execute the Amended and Restated Memorandum of Agreement.

Consent

13. Consider approving the purchase for various Fleet Additions and Replacements for Fleet Vehicles which includes two 3/4 Ton Regular Cab Pickup Trucks, two Half Ton Regular Cab Pickup Trucks, one Cargo Van and one One Ton Crew Cab Pickup Truck in the amount not to exceed $361,667. (Funding Source: Fleet Replacement Fund, Solid Waste, American Rescue Plan Act and Measure H)

    - Resolution approving the Award of Bid and Purchase for two 3/4 Ton Regular Cab Pickup Trucks with Long Bed to American Chevrolet, Modesto, CA for an

amount not to exceed $113,564; 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 Award of Bid and Purchase for two Half Ton Regular Cab Pickup Trucks with Long Bed to Towne Ford, Redwood City, CA for an amount not to exceed $81,185; 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 Award of Bid and Purchase for one 3/4 Ton Standard Length 4x2 Cargo Van to American Chevrolet, Modesto, CA for an amount not to exceed $59,141; 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 Award of Bid and Purchase for one One Ton Crew Cab Pickup Truck SRW 4x4 with Long Bed to American Chevrolet, Modesto, CA for an amount not to exceed $60,601; 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: (Wright/Escutia-Braaton; 7/0) Resolution 2024-060 approving the Award of Bid and Purchase for two 3/4 Ton Regular Cab Pickup Trucks with Long Bed to American Chevrolet, Modesto, CA for an amount not to exceed $113,564; 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: (Wright/Escutia-Braaton; 7/0) Resolution 2024-061 approving the Award of Bid and Purchase for two Half Ton Regular Cab Pickup Trucks with Long Bed to Towne Ford, Redwood City, CA for an amount not to exceed $81,185; 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: (Wright/Escutia-Braaton; 7/0) Resolution 2024-062 approving the Award of Bid and Purchase for one 3/4 Ton Standard Length 4x2 Cargo Van to American Chevrolet, Modesto, CA for an amount not to exceed $59,141; 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: (Wright/Escutia-Braaton; 7/0) Resolution 2024-063 approving the Award of Bid and Purchase for one One Ton Crew Cab Pickup Truck SRW 4x4 with Long Bed to American Chevrolet, Modesto, CA for an amount not to exceed $60,601; 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

14. Consider accepting the Monthly Investment Report for December 2023. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for December 2023.

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

    ACTION: (Wright/Escutia-Braaton; 7/0) Motion accepting the Monthly Investment Report for December 2023.

Consent

15. Consider approving the audited Financial Statements and various Audit Reports for Fiscal Year 2022-2023, audited by External Auditor Vasquez + Company, LLP. for the City's Annual Comprehensive Financial Report (ACFR), thirteen Community Facilities Districts (CFDs), Measure H, Single Audit, and various Joint Powers Agencies. (Funding Source: Not Applicable)
    - Resolution approving the audited Financial Statements and various Audit Reports for Fiscal Year 2022-2023 audited by External Auditors Vasquez + Company, LLP. for the City's Annual Comprehensive Financial Report (ACFR), thirteen Community Facilities Districts (CFDs), Measure H and various Joint Powers Agencies (JPAs).
    - Resolution approving the audited Fiscal Year 2022-2023 Federal Single Audit Report for the City of Modesto from External Auditors Vasquez + Company, LLP.

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

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-064 approving the audited Financial Statements and various Audit Reports for Fiscal Year 2022-2023 audited by External Auditors Vasquez + Company, LLP. for the City's Annual Comprehensive Financial Report (ACFR), thirteen Community Facilities Districts (CFDs), Measure H and various Joint Powers Agencies (JPAs).

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-065 approving the audited Fiscal Year 2022-2023 Federal Single Audit Report for the City of Modesto from External Auditors Vasquez + Company, LLP.

Consent

16. Consider approving the Auditor's Reports and Schedule of Measure L Program Revenues and Expenditures for Fiscal Year Ended June 30, 2023. (Funding Source: Not Applicable)
    - Resolution approving the Fiscal Year 2022-2023 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/Escutia-Braaton; 7/0) Resolution 2024-066 approving the Fiscal Year 2022-2023 Auditor's Report on Compliance of the Measure L: Local Roads First Transportation Funding Measure.

Consent

17. Consider approving a First Amendment to the Grant Evaluation, Research and Reporting Agreement with Research Triangle Institute, Research Triangle Park, North Carolina, for the Board of State and Community Corrections' California Violence Intervention and Prevention Grant Program to expand to include the Board of State and Community Corrections' Organized Retail Theft Prevention Grant Program for a revised total amount not to exceed $408,839 and extending the term of the agreement from December 12, 2025, to June 12, 2027. (Funding Source: Police Grants)
    - Resolution approving a First Amendment to the Agreement with Research Triangle Institute for Grant Evaluation, Research and Reporting Services by increasing the agreement by $253,884 from $154,955 to a new total amount not to exceed $408,839 and extending the term of the agreement from December 12, 2025, to June 12, 2027; and authorizing the City Manager, or his designee, to execute the Amendment.

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

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-067 approving a First Amendment to the Agreement with Research Triangle Institute for Grant Evaluation, Research and Reporting Services by increasing the agreement by $253,884 from $154,955 to a new total amount not to exceed $408,839 and extending the term of the agreement from December 12, 2025, to June 12, 2027; and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

18. Consider approving the Third Amendment with PerfectMind for the Use and Maintenance of the Recreation and Facility Management Software to a revised total amount of $205,560 and extending the term of the Agreement from January 26, 2024, to January 26, 2029. (Funding Source: General Fund)
    - Resolution approving the Third Amendment with PerfectMind for the Use and Maintenance of the Recreation and Facility Management Software to a revised total amount of $205,560 and extending the term of the Agreement from

January 26, 2024, to January 26, 2029; and authorizing the City Manager, or his designee, to execute the Amendment.

PRN; Jeremy Rogers, 209-577-5347, jrogers@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-068 approving the Third Amendment with PerfectMind for the Use and Maintenance of the Recreation and Facility Management Software to a revised total amount of $205,560 and extending the term of the Agreement from January 26, 2024, to January 26, 2029; and authorizing the City Manager, or his designee, to execute the Amendment.

Removed from Consent

Consent

19. Consider approving the Plans and Specifications for the Graceada Park Pool Fencing Replacement Project, accepting the Bid and Awarding a Construction Contract to Joe's Landscaping and Concrete, Inc., of Newman, CA, in amount not to exceed $167,991. (Funding Source: American Rescue Plan Act (ARPA), General Fund, Parks Fund)
    - Resolution approving the Plans and Specifications for the Graceada Park Pool Fencing Replacement Project and awarding a Construction Contract to Joe's Landscaping and Concrete, Inc., of Newman, CA, in the amount of $152,719, plus $15,272, in contingency (if needed), for a total payment amount not to exceed $167,991 and authorizing the City Manager, or his designee, to execute the contract.
    - Resolution amending the Fiscal Year 2023-24 Capital Improvement Program Budget to fund Project #101428 (Graceada Park Fence) in an amount of $89,407 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: (Williams/Wright; 7/0) Resolution 2024-069 approving the Plans and Specifications for the Graceada Park Pool Fencing Replacement Project and awarding a Construction Contract to Joe's Landscaping and Concrete, Inc., of Newman, CA, in the amount of $152,719, plus $15,272, in contingency (if needed), for a total payment amount not to exceed $167,991 and authorizing the City Manager, or his designee, to execute the contract.

    ACTION: (Williams/Wright; 7/0) Resolution 2024-070 amending the Fiscal Year 2023-24 Capital Improvement Program Budget to fund Project #101428 (Graceada Park Fence) in an amount of $89,407 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.

Removed from Consent

Consent

20. Consider approving the Purchase of Playground Equipment for Lakewood Park, Riverside Park, and City Gate Children's Park from Ross Recreational Equipment

Company, Inc., of Santa Rosa, CA, and for Mildred Perkins Park, Orchard Park, and Aqueduct Park from Miracle Recreation – PlayPower, Inc., of Huntersville, NC, for a total amount not to exceed $959,394. (Funding Source: Measure H)

- Resolution approving the Competitive Bidding Processes of National Purchasing Partners (NPP), League of Oregon Cities, with Ross Recreational Equipment Company, Inc. and Sourcewell (formerly National Joint Powers Alliance) who completed the bid and the State of California Multiple Award Schedule (CMAS) with Miracle Recreation – PlayPower, Inc. for the Purchase and Delivery of playground equipment for Lakewood Park, Riverside Park, Mildred Perkins Park, Orchard Park, Aqueduct Park, and City Gate Children's Park, for a total amount not to exceed $959,394, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

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

ACTION: (Escutia-Braaton/Wright; 6/1; Ricci No) Resolution 2024-071 approving the Competitive Bidding Processes of National Purchasing Partners (NPP), League of Oregon Cities, with Ross Recreational Equipment Company, Inc. and Sourcewell (formerly National Joint Powers Alliance) who completed the bid and the State of California Multiple Award Schedule (CMAS) with Miracle Recreation – PlayPower, Inc. for the Purchase and Delivery of playground equipment for Lakewood Park, Riverside Park, Mildred Perkins Park, Orchard Park, Aqueduct Park, and City Gate Children's Park, for a total amount not to exceed $959,394, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

Consent

21. Consider accepting a Grant Award in the amount of $250,000 from the California Department of Transportation for blight abatement and beautification of Public Right of Way. (Funding Source: Not Applicable)

    - Resolution accepting a Grant Award in the amount of $250,000 from the California Department of Transportation (Caltrans), amending the annual budget and authorizing the City Manager or his designee to execute all Master Agreements, Program Supplemental Agreements, Fund Exchange Agreement and/or Fund Transfer Agreements, and any amendments thereto with Caltrans.

    PUBLIC WORKS; Rosene Nguyen, 209-577-5453, rnguyen@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-072 accepting a Grant Award in the amount of $250,000 from the California Department of Transportation (Caltrans), amending the annual budget and authorizing the City Manager or his designee to execute all Master Agreements, Program Supplemental Agreements, Fund Exchange Agreement and/or Fund Transfer Agreements, and any amendments thereto with Caltrans.

Consent

22. Consider approving the extension of Pilot Agreement for the Multifamily Dwelling Bulky Item Pick Up Program for an additional thirty-three months, with an expiration date of December 31, 2026. (Funding Source: America Rescue Plan Act)

- Resolution approving the extension of Pilot Agreement for the Multifamily Dwelling Bulky Item Pick Up Program for an additional thirty-three months, with a pilot expiration date of December 31, 2026.

PUBLIC WORKS; Rosene Nguyen, 209-577-5453, rnguyen@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-073 approving the extension of Pilot Agreement for the Multifamily Dwelling Bulky Item Pick Up Program for an additional thirty-three months, with a pilot expiration date of December 31, 2026.

Consent

23. Consider approving the submittal of application(s) to the California Department of Resources Recycling and Recovery for Waste Tire Enforcement Grants. (Funding Source: Not Applicable)
    - Resolution approving the submittal of application(s) to the California Department of Resources Recycling and Recovery (CalRecycle) for Waste Tire Enforcement Grants, and authorizing the City Manager, or his designee, to sign Grant Applications and related forms.

PUBLIC WORKS; Rosene Nguyen, 209-577-5453, rnguyen@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-074 approving the submittal of application(s) to the California Department of Resources Recycling and Recovery (CalRecycle) for Waste Tire Enforcement Grants, and authorizing the City Manager, or his designee, to sign Grant Applications and related forms.

Removed from Consent

Consent

24. Consider approving an Agreement with Larry Walker Associates, Davis, CA, for Recycled Water Quality Studies for a total amount not to exceed $819,330. (Funding Source: Sewer Operations Fund)
    - Resolution approving the Agreement with Larry Walker Associates, Davis, CA, for Recycled Water Quality Studies in the amount of $744,845, plus $74,485 in additional services, if needed, for a total amount not to exceed $819,330, and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution amending the Fiscal Year 2023-2024 Non-Capital Improvements Program Budget to increase Project Number #101473 - Far-field Dilution and CEC Studies by $119,330, from $700,000, for a revised total amount not to exceed $819,330, in transfers, revenue, and discretionary expenditures, and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

UTILITIES; Jeff Daniels, 209-577-6255, jdaniels@modestogov.com

ACTION: (Bavaro/Zwahlen; 7/0) Resolution 2024-075 approving the Agreement with Larry Walker Associates, Davis, CA, for Recycled Water Quality Studies in the amount of $744,845, plus $74,485 in additional services, if needed, for a total amount

not to exceed $819,330, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Bavaro/Zwahlen; 7/0) Resolution 2024-076 amending the Fiscal Year 2023-2024 Non-Capital Improvements Program Budget to increase Project Number #101473 - Far-field Dilution and CEC Studies by $119,330, from $700,000, for a revised total amount not to exceed $819,330, in transfers, revenue, and discretionary expenditures, and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

Removed from Consent

Consent

25. Consider approving the First Amendment to the Pump Station Rejuvenation Services to Don Pedro Pump, Hughson, CA, to a revised total amount of $3,598,700 over five years. (Funding Source: Storm Drainage Fund, Sewer Operations Fund and Water Fund)
    - Resolution approving the First Amendment increasing the Agreement amount with Don Pedro Pump, Hughson, CA for Pump Station Rejuvenation Services by $1,624,350 from $1,974,350 to a new total amount not to exceed $3,598,700 over the term of the Agreement, and authorizing the City Manager or his designee, to execute the amendment.

    UTILITIES; Jeremy Parnell, 209-342-4599, jparnell@modestogov.com

    ACTION: (Zwahlen/Wright; 7/0) Resolution 2024-077 approving the First Amendment increasing the Agreement amount with Don Pedro Pump, Hughson, CA for Pump Station Rejuvenation Services by $1,624,350 from $1,974,350 to a new total amount not to exceed $3,598,700 over the term of the Agreement, and authorizing the City Manager or his designee, to execute the amendment.

Recessed: 6:53pm
Reconvened: 7:00 pm

COUNCIL COMMENTS & REPORTS

Council Member Williams began by expressing gratitude and reflected on the conclusion of Black History Month and a recent event celebrating Black joy. He also highlighted a Chinese New Year celebration and emphasized the importance of diversity.

Council Member Ricci praised the Modesto Police Department on becoming California's first autism-certified police department and promoted a can-sharing program to save money on garbage rates.

Vice Mayor Alvarez mentioned scholarship opportunities through the Stanislaus Latino Chamber of Commerce.

Mayor Zwahlen mentioned various events she attended, including engagements with community organizations and government officials.

CITY MANAGER COMMENTS & REPORTS

City Manager Lopez welcomed two new additions to the executive team: Jeremy Rogers, the new Director of Parks, Recreation, and Neighborhoods, and Sonya Severo, the new Public Relations and Legislative Affairs Manager, expressing confidence in their abilities to contribute to the City's progress.

UNFINISHED BUSINESS

26. Consider approving the Department of Transportation (CalTrans) Clean California Local Grant Program Cycle 2 Grant in the amount of $3,129,000 for the Downtown Revitalization Project. (Funding Source: Clean California Local Grant Program)
    - Resolution approving the Department of Transportation (CalTrans) Clean California Local Grant Program Cycle 2 Grant in the amount of $3,129,000 for the Downtown Revitalization Project, 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 Multi-Year Operating Budget to appropriate revenue and expenses in the total of $3,129,000 related to the Department of Transportation (CalTrans) Clean California Local Grant Program Cycle 2 Grant, and authorizing the City Manager, or his designee, to take the necessary steps to implement the required budget adjustment.

    CED; Cue Tan, 209-571-5540, ctan@modestogov.com

    ACTION: (Alvarez/Wright; 7/0) Resolution 2024-078 approving the Department of Transportation (CalTrans) Clean California Local Grant Program Cycle 2 Grant in the amount of $3,129,000 for the Downtown Revitalization Project, 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: (Alvarez/Wright; 7/0) Resolution 2024-079 amending the Fiscal Year 2023-2024 Multi-Year Operating Budget to appropriate revenue and expenses in the total of $3,129,000 related to the Department of Transportation (CalTrans) Clean California Local Grant Program Cycle 2 Grant, and authorizing the City Manager, or his designee, to take the necessary steps to implement the required budget adjustment.

HEARINGS

Alvarez Recused due to Conflict of Interest

Published in the Modesto Bee on February 16, 2024. - Item requested to be continued to April 9, 2024

27. Hearing to consider approving a relocation request of Medallion Wellness from 1313 McHenry Avenue to 408 Paradise Road with the granting of a Residential Proximity

Waiver. - Item requested to be continued to April 9, 2024. (Funding Source: Not Applicable)

- Motion to continue item to April 9, 2024.

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

ACTION: (Wright/Williams; 6/0; Alvarez Recused) Motion to continue item to April 9, 2024.

NEW BUSINESS

28. Consider accepting Mayor Sue Zwahlen's Budget Message per Charter Section 1302.1 for the upcoming Fiscal Year 2024-25 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 2024-25 budget year.

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

ACTION: (Escutia-Braaton/Alvarez; 7/0) Motion to accept Mayor Sue Zwahlen's Budget Message per Charter Section 1302.1 for the upcoming Fiscal Year 2024-25 budget year.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 7:25 P.M.

All Closed Session Matters Heard Prior to the Meeting

CLOSED SESSION

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Pursuant to Section 54957 of the Government Code)
Title: City Attorney

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

Attest: _____
Diane Nayares-Perez, City Clerk

MINUTES

City of Modesto

CITIZENS' SALARY SETTING COMMISSION

Conference Room 2001, Second Floor
Tenth Street Place, 1010 10th Street
Modesto, California 95354

Monday, March 4, 2024, at 11:00 a.m.

Call to Order

Roll Call – Present: Commissioners: Abimael Chavez-Hernandez, Colleen Preston, Julie Saugstad, Sandy Sutton, Jan Viss

Absent: None

PUBLIC COMMENT PERIOD

None

WRITTEN COMMUNICATIONS
SUBMITTING COMMENTS BY E-MAIL

None

NEW BUSINESS

1. Appointment of Chair and Vice-Chair for the Citizens' Salary Setting Commission.

   ACTION: (Sutton/Preston; 5/0) Motion appointing Jan Viss as the Chair of the Citizens' Salary Setting Commission.

   ACTION: (Saugstad/Preston; 5/0) Motion appointing Sandy Sutton as the Vice Chair of the Citizens' Salary Setting Commission.

2. Consider approving minutes from the Citizens' Salary Setting Commission Meeting on February 23, 2024. (*Diane Nayares-Perez, City Clerk)*

   ACTION: (Preston/Sutton; 5/0) Motion approving minutes from the Citizens' Salary Setting Commission Meeting on February 23, 2024.

3. Consider discussion of the methodology for determining salaries of City of Modesto Councilmembers. *(Christina Alger, Director of Human Resources)*

ACTION: The Commission reviewed the information provided by staff requested by the Commission at the prior meeting. The Commission requested additional information from staff, in particular:

- Demographics, budget, and population of the cities listed in the comparation chart.
- Process of other cities for the salary review of the Mayor
- Additional information about the various boards & committees Council serves on, including the impact those boards and committees have on the City.
- Roles and responsibilities of the City Council, City Manager and City Attorney and salaries.

4. Consider discussion of the methodology for determining salaries of City of Modesto Mayor.
(Christina Alger, Director of Human Resources)

ACTION: The Commission reviewed the information provided by staff requested by the Commission at the prior meeting. The Commission requested additional information from staff, in particular:

- Demographics, budget, and population of the cities listed in the comparation chart.
- Process of other cities for the salary review of the Mayor
- Additional information about the various boards & committees the Mayor serves on, including the impact those boards and committees have on the City.
- Identify if cities are Strong Mayor or Council/City Manager form of government.

5. Consider rescheduling the March 28, 2024 Citizens' Salary Setting Commission meeting.
(Diane Nayares-Perez, City Clerk)

ACTION: (Viss/Sutton; 5/0) Motion rescheduling the March 28, 2024 Citizens' Salary Setting Commission meeting to March 25, 2024 at 11:00 am.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

There being no further business, Chairperson Viss adjourned the meeting at 11:50 a.m.

Attest: _____
Diane Nayares-Perez, CMC, City Clerk

MINUTES
City of Modesto
ECONOMIC DEVELOPMENT COMMITTEE
COUNCIL WORKSHOP
2001-40 Del Puerto Room.
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, March 04, 2024 at 4:01 PM

Roll Call: Present: Member Zwahlen, Vice-Chair Alvarez, and Chair Ricci
Absent: None
Also Present: Alternate Member Escutia-Braaton

PUBLIC COMMENTS IN PERSON

None.

SUBMITTING COMMENTS BY E-MAIL

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 4 (Alvarez/Zwahlen; 3/0)

CONSENT

Removed from Consent
Consent

1. Consider the submittal of a Federal Grant application for Surface Transportation Block Grant (STBG) funds in the amount of $1,200,000 and $2,000,000 in Local Measure L funds for a total project amount of $3,200,000 for improvements on Claus Road, south of Scenic Drive to Yosemite Boulevard, and forwarding to Council for approval. (Funding Source: Federal STBG grant funds and Local Funds – Measure L)
    - Motion recommending the submittal of a Federal Grant application for Surface Transportation Block Grant (STBG) funds in the amount of $1,200,000 and $2,000,000 in Local Measure L funds for a total project amount of $3,200,000 for improvements on Claus Road, south of Scenic Drive to Yosemite Boulevard, and forwarding to Council for approval.

ENGINEERING SERVICES; Michael Sacuskie, 209-571-5552, msacuskie@modestogov.com

ACTION: (Zwahlen/Alvarez; 3/0) Motion recommending the submittal of a Federal Grant application for Surface Transportation Block Grant (STBG) funds in the amount of $1,200,000 and $2,000,000 in Local Measure L funds for a total project amount of

$3,200,000 for improvements on Claus Road, south of Scenic Drive to Yosemite Boulevard, and forwarding to Council for approval.

Removed from Consent

Consent

2. Consider the submittal of a Federal Grant application for Congestion Mitigation and Air Quality (CMAQ) grant funds in the amount of $1,200,000 and $800,000 in Local Measure L Funds for a total project amount of $2,000,000 for street improvements and installation of a roundabout on College Avenue and Bowen Avenue and forwarding to Council for approval. (Funding Source: Federal CMAQ grant funds and Local Funds – Measure L)
    - Motion recommending the submittal of a Federal Grant application for Congestion Mitigation and Air Quality (CMAQ) grant funds in the amount of $1,200,000 and $800,000 in Local Measure L funds for a total project amount of $2,000,000 for street improvements and installation of a roundabout on College Avenue and Bowen Avenue, and forwarding to Council for approval.

ENGINEERING SERVICES; Michael Sacuskie, 209-571-5552, msacuskie@modestogov.com

ACTION: (Zwahlen/Alvarez; 3/0) Motion recommending the submittal of a Federal Grant application for Congestion Mitigation and Air Quality (CMAQ) grant funds in the amount of $1,200,000 and $800,000 in Local Measure L funds for a total project amount of $2,000,000 for street improvements and installation of a roundabout on College Avenue and Bowen Avenue, and forwarding to Council for approval.

Removed from Consent

Consent

3. Consider the Fourth Amendment with Bay City Electric Works, Livermore, CA. for the Generator Repair Service and Preventative Maintenance, to a revised total amount of $935,000 and extending the term of the Agreement from May 10, 2024, to August 31, 2024, and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion recommending the Fourth Amendment increasing the Agreement amount with Bay City Electric Works, Livermore, CA for the Generator Repair Service and Preventative Maintenance Services by $360,000 from $575,000 to a new not to exceed amount of $935,000 and extending the term of the Agreement from May 10, 2024, to August 31, 2024; and forwarding to Council for approval.

UTILITIES; Jeff Daniels, 209-577-6255, jdaniels@modestogov.com

ACTION: (Alvarez/Zwahlen; 3/0) Motion recommending the Fourth Amendment increasing the Agreement amount with Bay City Electric Works, Livermore, CA for the Generator Repair Service and Preventative Maintenance Services by $360,000 from $575,000 to a new not to exceed amount of $935,000 and extending the term of the Agreement from May 10, 2024, to August 31, 2024; and forwarding to Council for approval.

Consent

4. Consider the Agreement for the Transport of Non-Hazardous Wastewater Debris to Disposal Site Services with Compactor Management Company LLC, Union City, CA, for a total amount not to exceed $282,050, over five years, and forwarding to Council for approval. (Funding Source: Sewer Operations Funds)
    - Motion recommending the Award of Bid and Agreement for the Transport of Non-Hazardous Wastewater Debris to Disposal Site Services to Compactor Management Company LLC, Union City, CA, for a two-year agreement with three one-year extension options, for an estimated annual amount of $50,000, and a total amount not to exceed $282,050 over five years, and forwarding to Council for approval.

    UTILITIES; Jeff Daniels, 209-577-6255, jdaniels@modestogov.com

    ACTION: (Alvarez/Zwahlen; 3/0) Motion recommending the Award of Bid and Agreement for the Transport of Non-Hazardous Wastewater Debris to Disposal Site Services to Compactor Management Company LLC, Union City, CA, for a two-year agreement with three one-year extension options, for an estimated annual amount of $50,000, and a total amount not to exceed $282,050 over five years, and forwarding to Council for approval.

Removed from Consent

Consent

5. Consider the First Amendment to the Agreement with Duke's Root Control Service for the provision of Sewer Root Control Services to a revised total amount not to exceed $551,758 over five years; and forwarding to Council for approval. (Funding Source: Wastewater Fund)
    - Motion recommending the First Amendment increasing the Agreement amount with Duke's Root Control Service, for Sewer Root Control Services by $54,121 from $65,879 to a revised annual estimated amount of $120,000, to be applied to agreement years three, four, and five, and an additional 25% to be included in agreement years four and five, and a new total amount not to exceed $551,758; and forwarding to Council for approval.

    UTILITIES; Jeff Daniels, 209-577-6255, jdaniels@modestogov.com

    ACTION: (Zwahlen/Alvarez; 3/0) Motion recommending the First Amendment increasing the Agreement amount with Duke's Root Control Service, for Sewer Root Control Services by $54,121 from $65,879 to a revised annual estimated amount of $120,000, to be applied to agreement years three, four, and five, and an additional 25% to be included in agreement years four and five, and a new total amount not to exceed $551,758; and forwarding to Council for approval.

NEW BUSINESS

6. Consider a Modesto Forward Grant Agreement for the J & 10th St. Lighting and Safety Pilot Project (the Project) with Visit Modesto for a total amount not to exceed

$251,000 and forwarding to Council for approval. (Funding Source: American Rescue Plan Act Funds)

- Motion recommending a Modesto Forward Grant Agreement for the J & 10th St. Lighting and Safety Pilot Project (the Project) with Visit Modesto for a total amount not to exceed $251,000 and forwarding to Council for approval.

CED; Trevin Barber, 209-860-1251, tbarber@modestogov.com

ACTION: (Zwahlen/Alvarez; 3/0) Motion recommending a Modesto Forward Grant Agreement for the J & 10th St. Lighting and Safety Pilot Project (the Project) with Visit Modesto for a total amount not to exceed $251,000 and forwarding to Council for approval.

7. Consider authorizing the development of City-Led Specific Plans and a Consultant Services Agreement with De Novo Planning Group for Specific Plan Services for a total amount not to exceed $650,000 over three years and forwarding to Council for approval. (Funding Source: General Fund)

   - Motion recommending development of City-Led Specific Plans and a Consultant Services Agreement with De Novo Planning Group for Specific Plan Services for a total amount not to exceed $650,000 over three years and forwarding to Council for approval.

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

   ACTION: (Alvarez/Zwahlen; 3/0) Motion recommending development of City-Led Specific Plans and a Consultant Services Agreement with De Novo Planning Group for Specific Plan Services for a total amount not to exceed $650,000 over three years and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 5:25 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, March 05, 2024 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: Todd Zwahlen, Church of Jesus Christ of Latter-day Saints

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Sanchez stated there was No Reportable Action.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. 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.

2. Proclamation declaring March 7, 2024 as the day to celebrate Arbor Day 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 March 7, 2024 as the day to celebrate Arbor Day in the City of Modesto.

MISCELLANEOUS

3. Consider accepting the resignation of Michelle Buer from the City of Modesto Golf Courses Advisory Committee. (Funding Source: Not Applicable)
Staff Recommendation:

- Resolution accepting the resignation of Michelle Buer from the City of Modesto Golf Courses Advisory Committee.

PRN; Jessica Franco, 209-577-5278, jefranco@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-080 accepting the resignation of Michelle Buer from the City of Modesto Golf Courses Advisory Committee.

PUBLIC COMMENT IN PERSON

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 4-10: ACTION: (Williams/Wright; 7/0)

CONSENT

Consent

4. Consider approving the minutes for the February 27, 2024 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes for the February 27, 2024 Council Meeting.

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

ACTION: (Williams/Wright; 7/0) Motion approving the minutes for the February 27, 2024 Council Meeting.

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: (Williams/Wright; 7/0) Resolution 2024-081 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 accepting an Informational Report for the January 2024 Accounts Payable Payment Register and Void Report. (Funding Source: Not Applicable)
    - Motion accepting an Informational Report for the January 2024 Accounts Payable Payment Register and Void Report.

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

ACTION: (Williams/Wright; 7/0) Motion accepting an Informational Report for the January 2024 Accounts Payable Payment Register and Void Report.

Consent

7. Consider approving the Master and Purchasing Agreements with Office Depot, Boca Raton, FL, Staples Contract and Commercial Inc., Boston, MA, and Warden's Office, Modesto, CA for the purchase of office supplies and furniture for a total amount not to exceed $2,000,000 over five years. (Funding Source: Various Funds)
    - Resolution approving the Purchasing Agreements for the Purchase of Office Supplies and Furniture to Office Depot, Boca Raton, FL. by utilizing the Competitive Bidding Process from OMNIA Partners, Staples Contract and Commercial Inc. Boston, MA, by utilizing the Competitive Bidding Process from Sourcewell and with EPIC Business Essentials., Rosemont, IL under the authorized reseller Warden's Office, Modesto, CA, by utilizing the Competitive Bidding Process from OMNIA Partners for a two-year Agreement with three one-year extension options, for a combined annual estimated amount $400,000 and a total amount not to exceed $2,000,000 over five years; authorizing the Director of Finance, or her designee to adjust the financial amounts between the three providers without exceeding the overall amount for 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: (Williams/Wright; 7/0) Resolution 2024-082 approving the Purchasing Agreements for the Purchase of Office Supplies and Furniture to Office Depot, Boca Raton, FL. by utilizing the Competitive Bidding Process from OMNIA Partners, Staples Contract and Commercial Inc. Boston, MA, by utilizing the Competitive Bidding Process from Sourcewell and with EPIC Business Essentials., Rosemont, IL under the authorized reseller Warden's Office, Modesto, CA, by utilizing the Competitive Bidding Process from OMNIA Partners for a two-year Agreement with three one-year extension options, for a combined annual estimated amount $400,000 and a total amount not to exceed $2,000,000 over five years; authorizing the Director of Finance, or her designee to adjust the financial amounts between the three providers without exceeding the overall amount for five years; and authorizing the Director of Finance or her designee to execute the Agreements.

Consent

8. Consider approving the Agreements for Fleet Tire Purchases with McCoy Truck Tire, Modesto, CA and Valley Tire, Modesto, CA for a total amount not to exceed $3,400,000 over five years. (Funding Source: Fleet Fund and Outside Service Agreements)
    - Resolution approving the Agreements for Fleet Tire Purchases with McCoy Truck Tire, Modesto, CA and Valley Tire, Modesto, CA for a two-year Agreement with three one-year extension options, for an annual combined estimated amount of $680,000 and a total combined amount not to exceed $3,400,000 over five years; authorizing the Director of Finance to adjust

agreement totals between vendors based on vendor's availability and department's needs, ensuring the combined total amount does not change and authorizing the City Manager or his designee to execute the Agreements.

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

ACTION: (Williams/Wright; 7/0) Resolution 2024-083 approving the Agreements for Fleet Tire Purchases with McCoy Truck Tire, Modesto, CA and Valley Tire, Modesto, CA for a two-year Agreement with three one-year extension options, for an annual combined estimated amount of $680,000 and a total combined amount not to exceed $3,400,000 over five years; authorizing the Director of Finance to adjust agreement totals between vendors based on vendor's availability and department's needs, ensuring the combined total amount does not change and authorizing the City Manager or his designee to execute the Agreements.

Consent

9. Consider approving an Agreement for Online Public Auction Services to The Public Group doing business as (dba) Public Surplus, Provo, Utah, for a total amount not to exceed $150,000 over five years. (Funding Source: Fleet Replacement Funds)
    - Resolution approving an Agreement for Online Public Auction Services to The Public Group doing business as (dba) Public Surplus, Provo, Utah, by utilizing the Competitive Bidding Process from Sourcewell for a two-year Agreement with three one-year extension options, for an annual estimated amount of $30,000 and a total amount not to exceed $150,000 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: (Williams/Wright; 7/0) Resolution 2024-084 approving an Agreement for Online Public Auction Services to The Public Group doing business as (dba) Public Surplus, Provo, Utah, by utilizing the Competitive Bidding Process from Sourcewell for a two-year Agreement with three one-year extension options, for an annual estimated amount of $30,000 and a total amount not to exceed $150,000 over five years; and authorizing the City Manager or his designee to execute the Agreement.

Consent

10. Consider approving an Agreement for Bottled Water Delivery Services for Citywide locations to Blue Triton Brands dba ReadyRefresh Livermore, CA and DS Services of America Inc. DBA Primo Water North America, Manteca, CA for a total amount not to exceed $600,000 over five years. (Funding Source: Building Services, Compost, Surface Transportation, General Fund, Forestry, Parking, Solid Waste, Wastewater and Water Funds)
    - Resolution approving the Award of Bid and Agreement for Bottled Water Delivery Services to Blue Triton Brands DBA ReadyRefresh Livermore, CA, and DS Services of America Inc. DBA Primo Water North America, Manteca, CA for a two-year Agreement with three one-year extension options, for a first year estimated amount not to exceed $200,000 and an annual estimated amount of $100,000 thereafter, for a total amount not to exceed $600,000 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: (Williams/Wright; 7/0) Resolution 2024-085 approving the Award of Bid and Agreement for Bottled Water Delivery Services to Blue Triton Brands DBA ReadyRefresh Livermore, CA, and DS Services of America Inc. DBA Primo Water North America, Manteca, CA for a two-year Agreement with three one-year extension options, for a first year estimated amount not to exceed $200,000 and an annual estimated amount of $100,000 thereafter, for a total amount not to exceed $600,000 over five years and authorizing the City Manager, or his designee, to execute the Agreements.

COUNCIL COMMENTS & REPORTS

Vice Mayor Alvarez expressed gratitude to Burbank Elementary for the opportunity to read to fourth-grade classes on National Read Across America Day, reflecting on their experience as a Burbank alumnus and looking forward to future engagements.

Council Member Escutia-Braaton highlighted her role as member of the San Joaquin Valley Regional Policy Council in advocating for regional interests, including transportation, safety, and air quality initiatives, emphasizing the importance of securing funding for various projects.

Council Member Williams promoted the upcoming NAACP Freedom Fund dinner and announced the State of the City address by Mayor Zwahlen on March 7th at the State Theater. He also commended the City's efforts in addressing homelessness.

Council Member Ricci informed attendees about the Modesto ADU dashboard, encouraging the construction of accessory dwelling units to alleviate the housing shortage. He also discussed organizing a city-wide garage sale fest that will be held on April 20, 2024 and expressed appreciation for the City's initiatives to combat homelessness.

Mayor Zwahlen shared insights from a recent speech contest and a reading session at Martone Elementary, highlighting the positive impact of community engagement and invited the public to the State of the City address and the premiere of a documentary on the Camp to Home initiative.

CITY MANAGER COMMENTS & REPORTS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:02 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: Silvina Martinez v. City of Modesto
Superior Court of California, County of Stanislaus
Case No.: CV-19-006820

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES

City of Modesto

CITIZENS' SALARY SETTING COMMISSION

Conference Room 2001, Second Floor
Tenth Street Place, 1010 10th Street
Modesto, California 95354

Friday, March 8, 2024, at 11:00 a.m.

Call to Order

Roll Call – Present: Commissioners: Abimael Chavez-Hernandez *(Arrived at 11:06 am),* Colleen Preston, Julie Saugstad, Vice-Chair Sandy Sutton, Chair Jan Viss

Absent: None.

PUBLIC COMMENT PERIOD

None.

WRITTEN COMMUNICATIONS
SUBMITTING COMMENTS BY E-MAIL

None.

NEW BUSINESS

1. Consider approving minutes from the Citizens' Salary Setting Commission Meeting on March 4, 2024. (*Diane Nayares-Perez, City Clerk)*

   ACTION: (Saugstad/Sutton; 4/0; Chavez-Hernandez Absent) Motion approving minutes from the Citizens' Salary Setting Commission Meeting on March 4, 2024.

2. Consider further discussion of the methodology for determining salaries of City of Modesto Councilmembers. *(Christina Alger, Director of Human Resources)*

   ACTION: (Viss/Saugstad; 5/0) Motion directing the City Clerk to send correspondence to the Councilmembers for a brief comment regarding their compensation.

ACTION: The Commission reviewed the information provided by staff requested by the Commission at the prior meeting. The Commission requested additional information from staff, in particular:

- Past two years of expenses for each Councilmember, demonstrating how much is being expended by the City (i.e., travel, meals, and mileage, etc.).
- City Council Budgets for past two years and how much of the budget was expended (total cost of the Council)
- Detailed Organizational Chart (managers and supervisors included)
- Population of each Council District for the City of Modesto
- Roles and Responsibilities of the City Manager and Deputy City Managers in conjunction with the role of the Council.

3. Consider further discussion of the methodology for determining salaries of City of Modesto Mayor. *(Christina Alger, Director of Human Resources)*

   ACTION: The Commission reviewed the information provided by staff requested by the Commission at the prior meeting. The Commission requested additional information from staff, in particular:

   - The past two years of expenses of the Mayor, demonstrating how much is being expended by the City (i.e., travel, meals, and mileage, etc.).
   - Role and Responsibilities of the City Manager in conjunction with the role of the Mayor.

4. Consider reviewing the Citizens' Salary Setting Commission Timeline. *(Diane Nayares- Perez, City Clerk)*

   ACTION: The Commission reviewed the 2024 timeline and discussed potential hearing dates.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

There being no further business, Chairperson Viss adjourned the meeting at 12:30 p.m.

Attest: _____
Diane Nayares-Perez, CMC, City Clerk

MINUTES
City of Modesto
SAFETY AND COMMUNITIES COMMITTEE
COUNCIL WORKSHOP
2001-40 Del Puerto Room.
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, March 11, 2024, at 4:00 PM

Roll Call: Present: Committee Member Ricci, Vice-Chair Williams, Chair Escutia-Braaton

PUBLIC COMMENTS IN PERSON

- Matt Kollmeyer spoke regarding enforcement of noise ordinance, specifically regarding loud cars with modified mufflers in his neighborhood.

SUBMITTING COMMENTS BY E-MAIL

None.

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

CONSENT

Consent

1. Consider increasing the Director of Engineering Services authority to issue Change Orders on the Tuolumne River Regional Park (TRRP) Non-Motorized Boat Launch Project from eight percent (8%) ($132,716) to fifteen and one-half percent (15.5%) ($257,138) for a total amount not to exceed $1,916,093 and forwarding to Council for approval. (Funding Source: TRRP Capital Improvement Program (CIP) Fund, Parks CFF Fund, and Non-Motorized Boating Facilities Grant Program Funds)
    - Motion recommending increasing the Director of Engineering Services authority to issue Change Orders on the Tuolumne River Regional Park (TRRP) Non-Motorized Boat Launch Project from the contracted contingency amount of eight percent (8%) ($132,716) to fifteen and one half percent (15.5%) ($257,138) of the original construction contract price of $1,658,955 with Harris Builders Inc., of Hilmar, CA, for a total amount not to exceed $1,916,093, and forwarding to Council for approval.

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

ACTION: (Williams/Ricci; 3/0) Motion recommending increasing the Director of Engineering Services authority to issue Change Orders on the Tuolumne River Regional Park (TRRP) Non-Motorized Boat Launch Project from the contracted contingency amount of eight percent (8%) ($132,716) to fifteen and one half percent (15.5%) ($257,138) of the original construction contract price of

$1,658,955 with Harris Builders Inc., of Hilmar, CA, for a total amount not to exceed $1,916,093, and forwarding to Council for approval.

NEW BUSINESS

2. Consider the Annual Fire Inspection Report for 2023 and forwarding to Council for approval. (Funding Source: Not Applicable)
   - Motion recommending the Annual Fire Inspection Report for 2023 and forwarding to Council for approval.

FIRE DEPARTMENT; Kevin Wise, 209-572-9590, kwise@modestofire.com

ACTION: (Williams/Ricci; 3/0) Motion recommending the Annual Fire Inspection Report for 2023 and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:20 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 12, 2024 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: Jeff Pishney, Love Stanislaus

- *Mayor Zwahlen held a Moment of Silence in remembrance of former Stanislaus County Board of Supervisor Dick Monteith*

City Clerk's Announcements: City Clerk announced written public comment was received and forwarded to the Council.

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Sanchez stated there was No Reportable Action.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of the 2024 Senate District 4 Honoree for 2024 California Woman Making Herstory. (Funding Source: Not Applicable)
CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

ACTION: Presentation of the 2024 Senate District 4 Honoree for 2024 California Woman Making Herstory.

2. Proclamation declaring March 2024 as American Red Cross Month. (Funding Source: Not Applicable)
CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

ACTION: Mayor Zwahlen presented proclamation declaring March 2024 as American Red Cross Month.

PUBLIC COMMENT IN PERSON

- John Mataka, President of the Grayson Neighborhood Council and community advocate for Valley Improvement Projects, addressed the Council. He urged the council to vote for the immediate closure of the Covanta garbage incinerator in Crows Landing, citing negative impacts on air quality and public health. Mr. Mataka requested support for a zero-waste plan and the formation of a working group to address waste management issues and emphasized the need for reparations for West Side residents and past environmental injustices.

- Kenneth Bryan Evitt expressed concerns about law enforcement actions and civil rights violations in the community. He recounted a personal experience of being arrested after attempting to address a burglary on his property. Bryan criticized the handling of his case and called for changes in law enforcement training and procedures to support property owners' rights.

- John Frailing commended the City and County for their efforts in addressing homelessness but identified gaps in services. He highlighted the lack of affordable housing options and the need for safe shelter for those experiencing homelessness. He expressed a commitment to collaborating with others to find solutions to these ongoing challenges.

- Danielle Morgart, representing Assembly Member Alanis, provided updates on recent legislative developments. She announced the passage of several bills related to child exploitation prevention, law enforcement hiring grants, and scholarships for career technical education instructors. She encouraged community members to reach out to their office for assistance or questions regarding legislation.

- Laura Plasencia, representing Valley Improvement Projects (VIP), spoke about the organization's efforts in promoting social and environmental justice in Stanislaus County. She reiterated the importance of adopting the Zero Waste plan and halting the continuation of incineration practices. Ms. Plasencia defined Zero Waste as a set of principles focused on waste prevention and resource life cycle redesign. She emphasized the need for sustainability and highlighted the negative environmental impacts of incineration, including pollution and dependence on waste as a resource.

- Steve commented on a perceived inconsistency in enforcing time limits for speakers. He expressed support for VIP's advocacy efforts and urged the council to prioritize community interests over corporate interests. He criticized Covanta's arguments in favor of incineration and encouraged the council to vote for the closure of the incinerator. Steve also raised concerns about police misconduct and urged the council to address the issue of Officer Sam Muncy's actions. He requested that Darlene, the mother of Trevor Seever, be allowed to give testimony in the arbitration process related to police conduct.

- Giancarlo, representing the Central Valley BIPOC Coalition, reiterated concerns about the possible reinstatement of Joseph Lamantia to the Modesto Police Department. He

cited statistics on police firearm usage and referenced video evidence of Lamantia's involvement in multiple shootings, including the death of Trevor Seever. Mr. Giancarlo urged the Council to prevent the reinstatement of Lamantia. He requested support for Darlene Seever's testimony in the upcoming arbitration hearing and called for council members to engage in further discussions with their coalition.

- Carla expressed her nerves about speaking but voiced her concerns about Joseph Lamantia's potential reinstatement to the Modesto Police Department. She referenced the handling of protests following George Floyd's death and highlighted instances of police violence in Modesto. Carla emphasized accountability for police officers and the impact of their actions on the community, urging the council to prevent further instances of police misconduct.

- Manuela echoed Carla's concerns about Joseph Lamantia and called for transparency in the arbitration process. She criticized the lack of accountability for police officers and expressed fear for her safety and that of her community. Manuela questioned the City Council's role in preventing future police violence and requested a response from council members.

- A resident commended the city council for providing meeting agendas in Spanish but noted the lack of translated attachments. He called for increased transparency regarding the arbitration process involving Lamantia and urged the council to educate the community on their role in such matters. The resident also expressed support for the zero-waste plan and urged prompt action to address concerns about waste incineration.

- Damian raised concerns about the demolition of bike jumps at Dry Creek and questioned the reasoning behind it. He highlighted the importance of outdoor recreational spaces for the community, especially for teenagers and young adults. Damian questioned the city's handling of outdoor recreation and emphasized the economic and social benefits of supporting activities like mountain biking.

- Kevin McClarty offered a different perspective on the Lamantia case, focusing on Lamantia's failure to follow standard police procedures. He questioned whether Lamantia's actions aligned with the values and expectations of the Modesto Police Department. Kevin urged the council to consider the implications of reinstating an officer who did not adhere to established protocols.

- Diego expressed disappointment over the demolition of bike jumps at Dry Creek and emphasized the importance of outdoor activities for creative expression. He stated he was disappointed with the City's lack of communication regarding the demolition and its broader pattern of neglecting outdoor recreation. Diego highlighted the economic benefits of supporting outdoor recreation and urged the council to reconsider its approach.

- Nora expressed her support for the concerns raised by the Valley Improvement Project regarding zero waste initiatives and the community's worries about Officer Lamantia.

She highlighted citizen concerns about the council's responsiveness to emails and incidents involving police officers. Nora emphasized that citizens are closely monitoring council responses and may escalate their efforts if their concerns are not addressed satisfactorily.

- Bobby, a Modesto resident for eight years, discussed his frequent visits to the Dry Creek bike trail and other parks in the city. He expressed disappointment in the city's lack of maintenance and enforcement of laws around the parks, leading to concerns about drug and lewd activities. He called for improved communication and collaboration between the city and citizens to maintain and improve recreational areas like the bike jumps, emphasizing their cultural and nostalgic significance.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 3, 5-12: ACTION: (Bavaro/Escutia-Braaton; 7/0)

CONSENT

Consent

3. Consider approving the minutes for the March 5, 2024 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes for the March 5, 2024 Council Meeting.

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

    ACTION: (Bavaro/Escutia-Braaton; 7/0) Motion approving the minutes for the March 5, 2024 Council Meeting.

Removed from Consent

Consent

4. Consider accepting the 2023 General Plan Annual Progress Report and authorizing staff to submit it to the State of California. (Funding Source: General Fund)
    - Resolution accepting the 2023 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: (Wright/Williams; 7/0) Resolution 2024-086 accepting the 2023 General Plan Annual Progress Report and authorizing staff to submit it to the State of California.

Consent

5. Consider adopting a Resolution of Intention to renew the Modesto Tourism Marketing District for ten years. (Funding Source: Modesto Tourism Marketing District)
    - Adopt Resolution of Intention to renew the Modesto Tourism Marketing District (MTMD) and fixing the time and place of a public meeting and public hearing thereon and giving notice thereof.

    CED; Trevin Barber, 209-860-1251, tbarber@modestogov.com

ACTION: (Bavaro/Escutia-Braaton; 7/0) Adopt **Resolution of Intention 2024-087** to renew the Modesto Tourism Marketing District (MTMD) and fixing the time and place of a public meeting and public hearing thereon and giving notice thereof.

Consent

6. Consider authorizing the submittal of a Federal Grant application for Congestion Mitigation and Air Quality (CMAQ) Grant Funds in the amount of $1,200,000 and $800,000 in Local Measure L Funds for a project amount of $2,000,000 for Street Improvements and Installation of a Roundabout on College Avenue and Bowen Avenue. (Funding Source: Federal CMAQ Grant Funds and Local Funds – Measure L)
    - Resolution approving submittal of a Federal Grant application for Congestion Mitigation and Air Quality (CMAQ) Grant Funds in the amount of $1,200,000 and $800,000 in Local Measure L Funds for a total project amount of $2,000,000 for Street Improvements and Installation of a Roundabout on College Avenue and Bowen Avenue, and authorizing the City Manager, or his designee to execute all necessary grant documents.

ENGINEERING SERVICES; Michael Sacuskie, 209-571-5552, msacuskie@modestogov.com

ACTION: (Bavaro/Escutia-Braaton; 7/0) Resolution 2024-088 approving submittal of a Federal Grant application for Congestion Mitigation and Air Quality (CMAQ) Grant Funds in the amount of $1,200,000 and $800,000 in Local Measure L Funds for a total project amount of $2,000,000 for Street Improvements and Installation of a Roundabout on College Avenue and Bowen Avenue, and authorizing the City Manager, or his designee to execute all necessary grant documents.

Consent

7. Consider authorizing the submittal of a Federal Grant application for Surface Transportation Block Grant (STBG) Funds in the amount of $1,200,000 and $2,000,000 in Local Measure L funds for a total project amount of $3,200,000 for Improvements on Claus Road, including bicycle and pedestrian improvements, south of Scenic Drive to Yosemite Boulevard. (Funding Source: Federal STBG Grant Funds and Local Funds – Measure L)
    - Resolution approving submittal of a Federal Grant application for Surface Transportation Block Grant (STBG) Funds in the amount of $1,200,000 and $2,000,000 in Local Measure L funds for a total project amount of $3,200,000 for improvements on Claus Road, including bicycle and pedestrian improvements, south of Scenic Drive to Yosemite Boulevard, and authorizing the City Manager, or his designee to execute all necessary grant documents.

ENGINEERING SERVICES; Michael Sacuskie, 209-571-5552, msacuskie@modestogov.com

ACTION: (Bavaro/Escutia-Braaton; 7/0) Resolution 2024-089 approving submittal of a Federal Grant application for Surface Transportation Block Grant (STBG) Funds in the amount of $1,200,000 and $2,000,000 in Local Measure L funds for a total project amount of $3,200,000 for improvements on Claus Road, including bicycle and

pedestrian improvements, south of Scenic Drive to Yosemite Boulevard, and authorizing the City Manager, or his designee to execute all necessary grant documents.

Consent

8. Consider accepting an Informational Report on the September and October 2023 Grant Applications and Awards. (Funding Source: Not Applicable)
    - Motion accepting an Informational Report for the September and October 2023 Grant Applications and Awards.

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

ACTION: (Bavaro/Escutia-Braaton; 7/0) Motion accepting an Informational Report for the September and October 2023 Grant Applications and Awards.

Consent

9. Consider amending the Position Allocation Plan in the Modesto Fire Department to add four Paramedics and three Emergency Medical Technicians (EMTs). (Funding Source: SAMHSA Grant Fund)
    - Resolution amending the Position Allocation for Fiscal Year 2023-24 as adopted in the operating budget.
    - Resolution amending the Classification Plan for the City of Modesto to create the classifications of Paramedic and Emergency Medical Technician.
    - Resolution amending the Fiscal Year 2023-24 Annual Operating Budget to accept grant funding for 4 Paramedic/EMTs in the MFD – Emergency Paramedics SAMHSA cost center (18222) in Grants-Operation Grants reimbursed fund (1341) in the amount of $91,995 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: (Bavaro/Escutia-Braaton; 7/0) Resolution 2024-090 amending the Position Allocation for Fiscal Year 2023-24 as adopted in the operating budget.

ACTION: (Bavaro/Escutia-Braaton; 7/0) Resolution 2024-091 amending the Classification Plan for the City of Modesto to create the classifications of Paramedic and Emergency Medical Technician.

ACTION: (Bavaro/Escutia-Braaton; 7/0) Resolution 2024-092 amending the Fiscal Year 2023-24 Annual Operating Budget to accept grant funding for 4 Paramedic/EMTs in the MFD – Emergency Paramedics SAMHSA cost center (18222) in Grants-Operation Grants reimbursed fund (1341) in the amount of $91,995 and authorizing the City Manager to take the necessary steps to implement the required budget adjustments.

Consent

10. Consider approving an Agreement with Three Thirty Three Arts, Walnut Creek, CA, for Installation of a Professional Public Mural in the amount of $0. (Funding Source: Not Applicable)
    - Resolution approving an Agreement with Three Thirty Three Arts, Walnut Creek, CA, for installation of a professional Public Mural in the amount of $0, and authorizing the City Manager, or his designee, to execute the Agreement.

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

    ACTION: (Bavaro/Escutia-Braaton; 7/0) Resolution 2024-093 approving an Agreement with Three Thirty-Three Arts, Walnut Creek, CA, for installation of a professional Public Mural in the amount of $0, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

11. Consider approving a First Amendment to the Cell Tower Site Lease Agreement at Creekside Golf Course with SBA Monarch Towers III, LLC, to increase the lease area by an additional 108 square feet and to extend the maximum term of the Agreement through May 1, 2047. (Funding Source: Cell Tower Facility Rental Revenue)
    - Resolution approving a First Amendment to the Cell Tower Site Lease Agreement at Creekside Golf Course with SBA Monarch Towers III, LLC, to increase the lease area by an additional 108 square feet and to extend the maximum term of the Agreement through May 1, 2047, and authorizing the City Manager, or his designee, to execute the Agreement.

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

    ACTION: (Bavaro/Escutia-Braaton; 7/0) Resolution 2024-094 approving a First Amendment to the Cell Tower Site Lease Agreement at Creekside Golf Course with SBA Monarch Towers III, LLC, to increase the lease area by an additional 108 square feet and to extend the maximum term of the Agreement through May 1, 2047, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

12. Consider approving the Amended and Restated Agreement for Maintenance Services to the Fleet Maintenance Agreement between the City of Modesto and the Stanislaus Regional Transit Authority, amending the Position Allocation Plan to add one Administrative Services Technician, three Equipment Services Technicians, four Maintenance Worker I, and reclassifying two Heavy Equipment Mechanics to two Heavy Equipment Mechanic Crew Leaders and authorizing the City Manager, or his designee to further increase the position allocations. (Funding Source: Stanislaus Regional Transit Authority)
    - Resolution approving the Amended and Restated Agreement for Maintenance Services Fleet Maintenance Agreement between the City of Modesto and the Stanislaus Regional Transit Authority, amending the Position Allocation Plan to add one Administrative Services Technician, three Equipment Services Technicians, four Maintenance Worker I, and reclassifying two Heavy Equipment Mechanics to two Heavy Equipment Mechanic Crew Leaders and

authorizing the City Manager, or his designee to further increase the position allocations, and execute the agreement.

PUBLIC WORKS; Patrick Crowley, 209-342-2274, pcrowley@modestogov.com

ACTION: (Bavaro/Escutia-Braaton; 7/0) Resolution 2024-095 approving the Amended and Restated Agreement for Maintenance Services Fleet Maintenance Agreement between the City of Modesto and the Stanislaus Regional Transit Authority, amending the Position Allocation Plan to add one Administrative Services Technician, three Equipment Services Technicians, four Maintenance Worker I, and reclassifying two Heavy Equipment Mechanics to two Heavy Equipment Mechanic Crew Leaders and authorizing the City Manager, or his designee to further increase the position allocations, and execute the agreement.

COUNCIL COMMENTS & REPORTS

Councilmember Escutia-Braaton shared a positive experience of reading to fifth graders at Chrysler Elementary School and related it to Adriana's story. She encouraged community members to attend a meeting about the redesign of Interstate 99 on Standiford.

Councilmember Ricci highlighted issues at Enslen Park and asked for action to address drug use and violence. He commended the Downtown Streets Team for their efforts and thanked the City for supporting local car clubs.

Councilmember Bavaro attended a successful Modesto Police Officers Association K-9 crab feed fundraiser and praised community support. He acknowledged prompt response from the utilities department to address a water leak issue.

Vice-Mayor Alvarez advocated for exploring healthy alternatives for youth activities and emphasized the importance of substantive dialogue. He acknowledged Adriana Garcia's leadership and highlighted the positive impact of Latino leaders in the community.

Councilmember Williams thanked Utilities Director Will Wong for the tour of their facilities that he and Councilmember Bavaro participated in. He reported on attending the State of the City Address and emphasized the importance of the “Camp to Home” documentary. He also reported on attending the Run with a Cop event and highlighted the city's efforts in the Healthy Families initiative.

Councilmember Wright expressed gratitude towards the Mayor for the State of the City address and the presentation of a film "Camp to Home." He encouraged citizens to watch the film on the Modesto City's Facebook page to see the efforts being made in the community. He praised the initiatives aimed at helping homeless individuals reintegrate into society, find employment, and secure affordable housing. He commended the staff and the Council for their dedication to addressing homelessness with compassion.

Mayor Zwahlen reported on attending the events focused on empowering women, Arbor Day tree planting, and discussions on housing for asylum seekers. She highlighted the success of the 10-K with the Cop event and efforts to renovate bedrooms for children in need.

CITY MANAGER COMMENTS & REPORTS

None.

Recessed: 7:19pm
Reconvened: 7:26 pm

UNFINISHED BUSINESS

13. Consider approving the Plans and Specifications for the West Trunk Sewer Rehabilitation Project accepting the Bid and Awarding a Construction Contract to SAK Construction, LLC, of O'Fallon, MO, in the amount of $17,871,543, authorizing 12% for contingency (if needed), for a total payment amount not to exceed $20,016,129. (Funding Source: Wastewater Fund)
    - Resolution approving the Plans and Specifications for the West Trunk Sewer Rehabilitation Project; accepting the Bid and Awarding a Construction Contract to SAK Construction, LLC, of O'Fallon, MO, in the amount of $17,871,543, authorizing the Director of Engineering Services to approve Change Orders up to the cumulative amount of $2,144,586, 12% of the original Contract price, for a total payment amount not to exceed $20,016,129 and authorizing the City Manager, or his designee, to execute the Contract.
    - Resolution amending the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $15,024,837 to fund the Construction Phase of the West Trunk Sewer Rehabilitation Project and authorizing the City Manager, or his designee, to implement the provisions of the resolution.

    UTILITIES; Cristian Ciotau, 209-571-5175, cciotau@modestogov.com

    ACTION: (Wright/Bavaro; 7/0) Resolution 2024-096 approving the Plans and Specifications for the West Trunk Sewer Rehabilitation Project; accepting the Bid and Awarding a Construction Contract to SAK Construction, LLC, of O'Fallon, MO, in the amount of $17,871,543, authorizing the Director of Engineering Services to approve Change Orders up to the cumulative amount of $2,144,586, 12% of the original Contract price, for a total payment amount not to exceed $20,016,129 and authorizing the City Manager, or his designee, to execute the Contract.

    ACTION: (Wright/Bavaro; 7/0) Resolution 2024-097 amending the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $15,024,837 to fund the Construction Phase of the West Trunk Sewer Rehabilitation Project and authorizing the City Manager, or his designee, to implement the provisions of the resolution.

14. Consider a Memorandum of Understanding with Stanislaus County for the South Modesto Area Strengthen & Replace Water Mains Project in an amount not to exceed $12,699,454. (Funding Source: Water Fund)
    - Resolution approving a Memorandum of Understanding with Stanislaus County for the South Modesto Area Strengthen & Replace Water Mains Project, in an amount not to exceed $12,699,454 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 $13,889,454 to be transferred into the Project from Water Fund Reserves to fund the South Modesto Area Strengthen & Replace Water Mains 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: (Alvarez/Williams; 7/0) Resolution 2024-098 approving a Memorandum of Understanding with Stanislaus County for the South Modesto Area Strengthen & Replace Water Mains Project, in an amount not to exceed $12,699,454 and authorizing the City Manager, or his designee, to execute the Agreement.

    ACTION: (Alvarez/Williams; 7/0) Resolution 2024-099 amending the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $13,889,454 to be transferred into the Project from Water Fund Reserves to fund the South Modesto Area Strengthen & Replace Water Mains Project and authorizing the City Manager, or his designee, to implement the provisions of the resolution.

HEARINGS

Published in the Modesto Bee on March 1, 2024

15. Hearing to consider approving the Application and issuance of a Permit to operate as a Non-Emergency Medical Transport Company to Active Transport Medical Services, LLC in the City of Modesto. (Funding Source: General Fund)
    - Resolution approving the Application and issuance of a Permit to operate as a Non-Emergency Medical Transport Company to Active Transport Medical Services, LLC in the City of Modesto.

    POLICE DEPARTMENT; Kalani Souza, 209-572-9500, souzak@modestopd.com

    ACTION: (Wright/Alvarez; 7/0) Resolution 2024-100 approving the Application and issuance of a Permit to operate as a Non-Emergency Medical Transport Company to Active Transport Medical Services, LLC in the City of Modesto.

Published in the Modesto Bee on March 1, 2024.

16. Hearing to consider approving the Application and issuance of a Permit to operate as a Non-Emergency Medical Transport Company to Remedy Medical Transportation in the City of Modesto (Funding Source: General Fund)

- Resolution approving the Application and issuance of a Permit to operate as a Non-Emergency Medical Transport Company to Remedy Medical Transportation in the City of Modesto.

POLICE DEPARTMENT; Kalani Souza, 209-572-9500, souzak@modestopd.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-101 approving the Application and issuance of a Permit to operate as a Non-Emergency Medical Transport Company to Remedy Medical Transportation in the City of Modesto.

NEW BUSINESS

17. Consider approving a Legal Services Agreement with Redwood Public Law, LLP, Oakland, CA to provide City Attorney services for the City, and re-appoint Jose M. Sanchez as City Attorney effective March 15, 2024 and approving the modification to the Legal Services Agreement with Meyers Nave effective March 14, 2024 for limited special counsel legal services. (Funding Source: Various Funds)
    - Resolution approving a Legal Services Agreement with Redwood Public Law, LLP, Oakland, CA to provide City Attorney services for the City, and re-appoint Jose Sanchez as City Attorney effective March 15, 2024; and authorizing the City Manager or his designee to execute the Agreement; and approving the modification to the Legal Services Agreement with Meyers Nave and authorizing the City Manager or his designee to execute the necessary action to execute this modification.

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

ACTION: (Escutia-Braaton/Ricci; 7/0) Resolution 2024-102 approving a Legal Services Agreement with Redwood Public Law, LLP, Oakland, CA to provide City Attorney services for the City, and re-appoint Jose Sanchez as City Attorney effective March 15, 2024; and authorizing the City Manager or his designee to execute the Agreement; and approving the modification to the Legal Services Agreement with Meyers Nave and authorizing the City Manager or his designee to execute the necessary action to execute this modification.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:49 P.M.

All Closed Session Matters Heard Prior to the Meeting

CLOSED SESSION

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

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Five Cases (Pursuant to Section 54956.9(d)(1) of the Government Code)

Name of Case: Baljit Athwal, et al. v. Stanislaus County et al.
United States Eastern District
Case No.: 1:15-CV-00311

Georgia DeFilippo, et al. v. Stanislaus County et al.
United States Eastern District
Case No.: 1:18-CV-00496

Frank Carson v. Stanislaus County et al.
United States Eastern District
Case No.: 2:20-AT-00513

Eduardo Quintanar, Jr. v. Stanislaus County et al.
United States Eastern District
Case No.: 1:18-CV-01402

Walter W. Wells & Scott McFarlane v. Stanislaus County et al.
United States Eastern District
Case No.: 1:20-CV-00770

CONFERENCE WITH 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
CITIZENS' SALARY SETTING COMMISSION
Conference Room 2001, Second Floor
Tenth Street Place, 1010 10th Street
Modesto, California 95354

Friday, March 15, 2024, at 11:00 a.m.

Call to Order

Roll Call – Present: Commissioners: Abimael Chavez-Hernandez (arrived at 11:16 a.m.), Colleen Preston, Julie Saugstad, Vice-Chair Sandy Sutton, Chair Jan Viss

PUBLIC COMMENT PERIOD

None.

WRITTEN COMMUNICATIONS

Written Comments were received and forwarded to the Commission.

NEW BUSINESS

5. Consider approving minutes from the Citizens' Salary Setting Commission Meeting on March 8, 2024. (*Diane Nayares-Perez, City Clerk)*

   ACTION: (Sutton/Preston; 4/0; Chavez-Hernandez Absent) Motion approving the minutes from the Citizens' Salary Setting Commission Meeting on March 8, 2024.

UNFINISHED BUSINESS

6. Consider further discussion and review of the methodology for determining salaries of City of Modesto Councilmembers. *(Christina Alger, Director of Human Resources)*

   ACTION: The Commission reviewed the information requested from the previous meeting provided by staff.

7. Consider further discussion and review of the methodology for determining salaries of City of Modesto Mayor. *(Christina Alger, Director of Human Resources)*

   ACTION: The Commission reviewed the information requested from the previous meeting provided by staff.

8. Consider reviewing the Citizens' Salary Setting Commission Timeline. *(Diane Nayares-Perez, City Clerk)*

   ACTION: The Commission reviewed the timeline and discussed the next steps of the process.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 12:19 p.m.

Attest: _____
Diane Nayares-Perez, CMC, City Clerk

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, March 18, 2024 at 4:00 PM

Roll Call: Present: Committee Member Wright and Chair Bavaro
Absent: Vice-Chair Escutia-Braaton
Also Present: Alternate Committee Member Williams

PUBLIC COMMENTS IN PERSON

None.

SUBMITTING COMMENTS BY E-MAIL

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 2-5, 7 (Wright/Williams; 3/0)

CONSENT

Removed from 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: (Williams/Wright; 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 the Agreement for Uniform and Laundry Services for Citywide locations to Aramark Uniform Services, Burbank, CA for a total amount not to exceed $1,120,000 over seven years and forwarding to Council for approval. (Funding Source: Various Funds)

- Motion recommending the Award of Bid and Agreement for Uniform and Laundry Services to Aramark Uniform Services, Burbank CA for a two year Agreement with five one-year extension options, for an annual estimated amount of $160,000 and a total amount not to exceed $1,120,000 over seven years and forwarding to Council for approval.

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

ACTION: (Wright/Williams; 3/0) Motion recommending the Award of Bid and Agreement for Uniform and Laundry Services to Aramark Uniform Services, Burbank CA for a two year Agreement with five one-year extension options, for an annual estimated amount of $160,000 and a total amount not to exceed $1,120,000 over seven years and forwarding to Council for approval.

Consent

3. Consider a Second Amendment with Ferguson Waterworks for the purchase of circle clamps, gaskets, pipe couplings, tapping sleeves and sewer materials to a total revised amount of $2,995,000 over five years and forwarding to Council for approval. (Funding Source: Water Fund)
    - Motion recommending a Second Amendment to the Purchasing Agreement with Ferguson Waterworks for the purchase of circle clamps, gaskets, and pipe couplings by increasing the estimated annual amount by $295,000 to $870,000 annually, to a new total amount not to exceed $2,995,000 over five years and forwarding to Council for approval.

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

ACTION: (Wright/Williams; 3/0) Motion recommending a Second Amendment to the Purchasing Agreement with Ferguson Waterworks for the purchase of circle clamps, gaskets, and pipe couplings by increasing the estimated annual amount by $295,000 to $870,000 annually, to a new total amount not to exceed $2,995,000 over five years and forwarding to Council for approval.

Consent

4. Consider the Agreement for Sewer & Storm Pipe and Fittings to Ferguson Waterworks, Modesto, CA for a total amount not to exceed $875,000 over five years and forwarding to Council for approval. (Funding Source: Wastewater and Water Funds)
    - Motion recommending the Award of Bid and Agreement for Sewer & Storm Pipe and Fittings to the Ferguson Waterworks for a two-year Agreement with three one-year extension options at the sole discretion of the City, for an annual estimated cost of $175,000 and a total cost not to exceed $875,000 over five years and forwarding to Council for approval.

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

ACTION: (Wright/Williams; 3/0) Motion recommending the Award of Bid and Agreement for Sewer & Storm Pipe and Fittings to the Ferguson Waterworks for a two-year Agreement with three one-year extension options at the sole discretion of the City,

for an annual estimated cost of $175,000 and a total cost not to exceed $875,000 over five years and forwarding to Council for approval.

Consent

5. Consider the submission of an application and accepting an award for the Fiscal Year 2023 Staffing for Adequate Fire and Emergency Response (SAFER) Grant in the amount of $5,149,722 to fund nine firefighter positions. (Funding Source: General Fund)
    - Motion recommending the submission of an application and accepting an award for the Fiscal Year 2023 Staffing for Adequate Fire and Emergency Response (SAFER) Grant in the amount of $5,149,722 to fund nine firefighter positions and forwarding to Council for approval.

    FIRE DEPARTMENT; Kevin Wise, 209-572-9590, kwise@modestofire.com

    ACTION: (Wright/Williams; 3/0) Motion recommending the submission of an application and accepting an award for the Fiscal Year 2023 Staffing for Adequate Fire and Emergency Response (SAFER) Grant in the amount of $5,149,722 to fund nine firefighter positions and forwarding to Council for approval.

Removed from Consent

Consent

6. Consider an Agreement for Polling and Survey Administration services to Zencity Technologies, Inc. Wilmington, DE and the First Amendment to Probolsky Research, LLC, San Francisco, CA, for a combined amount not to exceed $839,900 over five years and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion recommending the Agreement for Polling and Survey Administration Services to Zencity Technologies, Inc. Wilmington, DE, and the First Amendment to Probolsky Research, San Francisco, CA, for a two year Agreement with three one-year extension options, for an annual estimated amount of $175,000 and total amount not to exceed $839,900 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: (Wright/Williams; 3/0) Motion recommending the Agreement for Polling and Survey Administration Services to Zencity Technologies, Inc. Wilmington, DE, and the First Amendment to Probolsky Research, San Francisco, CA, for a two year Agreement with three one-year extension options, for an annual estimated amount of $175,000 and total amount not to exceed $839,900 over five years for the combined total of all agreements and forwarding to Council for approval.

Consent

7. Consider amending the Class Plan to move the positions of Park Ranger from range 1114 to range 1119 and EMS Coordinator from range 437 to range 442 and forwarding to Council for approval. (Funding Source: American Rescue Grants Fund and Measure H)

- Motion recommending the amendment of the Class Plan to move the positions of Park Ranger from range 1114 to range 1119 and EMS Coordinator from range 437 to range 442 and forwarding to Council for approval.

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

ACTION: (Wright/Williams; 3/0) Motion recommending the amendment of the Class Plan to move the positions of Park Ranger from range 1114 to range 1119 and EMS Coordinator from range 437 to range 442 and forwarding to Council for approval.

NEW BUSINESS

8. Consider the Final Report and recommendations of HF&H Consultants, LLC., Walnut Creek, CA regarding City of Modesto 2023 Solid Waste Financial Review and Rate Analysis, which provide staff next steps for rate methodology development and haulers' franchise agreement review and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending the Final Report and recommendations of HF&H Consultants, LLC., Walnut Creek, CA regarding City of Modesto 2023 Solid Waste Financial Review and Rate Analysis, which provide staff next steps for rate methodology development and haulers' franchise agreement review and forwarding to Council for approval.

PUBLIC WORKS; Rosene Nguyen, 209-577-5453, rnguyen@modestogov.com

ACTION: (Bavaro; 0/0) Motion to approve the staff's recommendation and also have the Council consider sending the haulers a termination notice to start the process of negotiating in good faith on behalf of City of Modesto rate payers. The audit shows that these contracts are outdated and not in a form that is customary for these types of contracts. **MOTION FAILED DUE TO LACK OF SECOND**

ACTION: (Wright/Williams; 2/1; Bavaro No) Motion recommending the Final Report and recommendations of HF&H Consultants, LLC., Walnut Creek, CA regarding City of Modesto 2023 Solid Waste Financial Review and Rate Analysis, which provide staff next steps for rate methodology development and haulers' franchise agreement review and forwarding to Council for approval.

Recessed: 5:14pm
Reconvened: 5:18pm

9. Consider the informational Fiscal Year 2023-24 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 recommending the informational Fiscal Year 2023-24 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: (Wright/Williams; 3/0) Motion recommending the informational Fiscal Year 2023-24 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.

10. Consider the Agreement for Hot Patch Services with Adams Underground III of Waterford, CA, and United Pavement Maintenance, Inc. of Hughson, CA, for a total combined amount not to exceed $20,570,000 over five years and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion recommending the Award of Bid and Agreement for Hot Patch Services to Adams Underground III of Waterford, CA, and United Pavement Maintenance, Inc. of Hughson, CA, for a two year Agreement with three one-year extension options, for an annual estimated amount of $3,500,000 and a total amount not to exceed $20,570,000 over five years and forwarding to Council for approval.

UTILITIES; Jeremy Parnell, 209-342-4599, jparnell@modestogov.com

ACTION: (Wright/Williams; 3/0) Motion recommending the Award of Bid and Agreement for Hot Patch Services to Adams Underground III of Waterford, CA, and United Pavement Maintenance, Inc. of Hughson, CA, for a two year Agreement with three one-year extension options, for an annual estimated amount of $3,500,000 and a total amount not to exceed $20,570,000 over five years and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 5:50 p.m.

Attest: _____
Andrea Cook, Deputy City Clerk

MINUTES
City of Modesto
CITIZENS' SALARY SETTING COMMISSION
Conference Room 2001, Second Floor
Tenth Street Place, 1010 10th Street
Modesto, California 95354

Friday, March 22, 2024, at 11:00 a.m.

Call to Order

Roll Call – Present: Commissioners: Abimael Chavez-Hernandez (arrived at 11:03 a.m.), Colleen Preston, Julie Saugstad, Sandy Sutton (Vice Chair) (arrived at 11:03 a.m.), Jan Viss (Chair)

PUBLIC COMMENT PERIOD

- Emerson Drake expressed his concerns about people wanting to run for City Office just for a paycheck. He requests to have no recommendations for a salary increase.

- Mark Riggins stated he is a volunteer and is a member of various Boards in Stanislaus County. He expressed that the position of City Councilmember is a calling and not a job and requests that the salaries remain as they are currently.

WRITTEN COMMUNICATIONS

None.

NEW BUSINESS

9. Consider approving minutes from the Citizens' Salary Setting Commission Meeting on March 15, 2024. (*Diane Nayares-Perez, City Clerk)*

   ACTION: (Saugstad/Sutton; 5/0) Motion approving the minutes from the Citizens' Salary Setting Commission Meeting on March 15, 2024.

10. Discussion of Salary Recommendations for the City of Modesto Councilmembers. *(Salary Setting Commission)*

    ACTION: The Commission discussed the data figures and information they would like reflected in the Salary Recommendation for the City of Modesto Councilmembers.

11. Discussion of Salary Recommendations for the City of Modesto Mayor. *(Salary Setting Commission)*

ACTION: The Commission discussed the data figures and information they would like reflected in the Salary Recommendation for the City of Modesto Mayor.

12. Consider reviewing the Citizens' Salary Setting Commission Timeline. *(Diane Nayares-Perez, City Clerk)*

    ACTION: The Commission reviewed the timeline and discussed the next steps of the process.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 12:47 p.m.

Attest: _____
Diane Nayares-Perez, CMC, City Clerk

MINUTES
City of Modesto
CITIZENS' SALARY SETTING COMMISSION
Conference Room 2001, Second Floor
Tenth Street Place, 1010 10th Street
Modesto, California 95354

Monday, March 25, 2024, at 11:00 a.m.

Call to Order

Roll Call – Present: Commissioners Colleen Preston, Julie Saugstad, Vice-Chair Sandy Sutton, Chair Jan Viss
Absent: Commissioners Abimael Chavez-Hernandez

PUBLIC COMMENT PERIOD
Three-minute time limit per speaker

- Lindsey Bird spoke regarding the Equity Commissions support for the highest maximum salary allowable for the Council Members and Mayor, in order to create an equitable opportunity for drawing more diversity of candidates, to be more reflective of the population and socio-economic status of the citizens of Modesto.

WRITTEN COMMUNICATIONS
SUBMITTING COMMENTS BY E-MAIL

Written comments were received and forwarded to the Commission.

UNFINISHED BUSINESS

13. Discussion of Salary Recommendations for the City of Modesto Councilmembers. *(Salary Setting Commission)*

    ACTION: (Sutton/Saugstad; 4/0; Chavez-Hernandez Absent) Motion recommending the Salary for Councilmembers be set at $30,000 annually or $2,500 monthly.

14. Discussion of Salary Recommendations for the City of Modesto Mayor. *(Salary Setting Commission)*

    ACTION: (Sutton/Preston; 4/0; Chavez-Hernandez Absent) Motion recommending the Salary for Mayor be set at $54,000 annually or $4,500 monthly.

15. Consider reviewing the Citizens' Salary Setting Commission Timeline. *(Diane Nayares-Perez, City Clerk)*

ACTION: The Commission reviewed the timeline and discussed the next steps of the process.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 12:13 p.m.

Attest: _____
Diane Nayares-Perez, CMC, City Clerk

MINUTES
City of Modesto
CITIZENS' SALARY SETTING COMMISSION
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California 95354

Friday, April 5, 2024, at 10:00 a.m.

Call to Order

Roll Call – Present: Commissioners: Abimael Chavez-Hernandez, Colleen Preston, Julie Saugstad, Sandy Sutton (Vice Chair), Jan Viss (Chair)

Absent: None

WRITTEN COMMUNICATIONS

None.

NEW BUSINESS

16. Consider approving minutes from the Citizens' Salary Setting Commission Meetings on March 22, 2024 and March 25, 2024. *(City Clerk; Diane Nayares-Perez, 577-5398*, *dnayaresperez@modestogov.com*)

    ACTION: (Sutton/Preston; 5/0) Motion approving the minutes from the Citizens' Salary Setting Commission Meetings on March 22, 2024 and March 25, 2024.

HEARING

Published in the Modesto Bee on March 26, 2024

2. First Hearing to consider the Citizens' Salary Setting Commission Initial Recommendations (attached) for the compensation for the Mayor and Councilmembers pursuant to the Modesto City Charter Section 703.
   (City Clerk; Diane Nayares-Perez, 577-5398, *dnayaresperez@modestogov.com*)

ACTION: The Public Hearing was held, and Public Comment was received from the following member of the public:

- Lindsey Bird, Chair of the City of Modesto Equity Commission, spoke about the recommendation from the Equity Commission to increase the salaries to the maximum allowable by the City Charter to provide a living wage and foster socio-economic diversity.

Chairman Viss announced that the second public hearing on the initial recommendations of the Citizens Salary Setting Commission will be held on Thursday, April 11, 2024 at 6:00 pm in the Council Chambers.

PUBLIC COMMENT PERIOD

None

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 10:16 a.m.

Attest: _____
Diane Nayares-Perez, CMC, City Clerk

MINUTES
City of Modesto
ECONOMIC DEVELOPMENT COMMITTEE
COUNCIL WORKSHOP
2001-40 Del Puerto Room.
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, April 08, 2024 at 4:00 PM

Roll Call: Present: Committee Member Zwahlen, Vice-Chair Alvarez, and Chair Ricci
Absent: None

PUBLIC COMMENTS IN PERSON

- Derek spoke about concerns the Brethren Church has regarding the Bridge Housing program.

SUBMITTING COMMENTS BY E-MAIL

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 1-4 (Alvarez/Zwahlen; 3/0)

CONSENT

Consent

1. Consider the Agreements for On-Call Plumbing Services to Mark III Construction, DBA M3 Services Sacramento, CA and Champion Industrial Contractors, Inc. Modesto, CA for a total combined amount not to exceed $593,127 over five years and forwarding to Council for approval. (Funding Source: Building Maintenance Fund)
    - Motion recommending the Award of Bid and Agreement for On-Call Plumbing Services to Mark III Construction, DBA M3 Services Sacramento, CA and Champion Industrial Contractors, Inc. Modesto, CA for a three-Year Agreement with two one-year extension options, for a combined annual estimated amount of $115,000, and a combined total amount not to exceed $593,127 over five years between the two Agreements and forwarding to Council for approval.

PUBLIC WORKS; Gabe DaSilva, 209-577-5319, gdasliva@modestogov.com

ACTION: (Alvarez/Zwahlen; 3/0) Motion recommending the Award of Bid and Agreement for On-Call Plumbing Services to Mark III Construction, DBA M3 Services Sacramento, CA and Champion Industrial Contractors, Inc. Modesto, CA for a three-Year Agreement with two one-year extension options, for a combined annual estimated

amount of $115,000, and a combined total amount not to exceed $593,127 over five years between the two Agreements and forwarding to Council for approval.

Consent

2. Consider an Agreement with MSC Industrial Supply Co. Inc., W. Sacramento, CA for the purchase and maintenance of bin stock items for a total amount not to exceed $1,150,764, over five years, and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion recommending an Agreement with MSC Industrial Supply Co. Inc., W. Sacramento, CA., by utilizing the Competitive Bid Process with Sourcewell, for the purchase and maintenance of bin stock items, for a two (2) year Agreement with three (3) one-year extension options, for an annual estimated amount of $204,000, and a total amount not to exceed $1,150,764, over five years, and forwarding to Council for approval.

    UTILITIES; Jeff Daniels, 209-577-6255, jdaniels@modestogov.com

    ACTION: (Alvarez/Zwahlen; 3/0) Motion recommending an Agreement with MSC Industrial Supply Co. Inc., W. Sacramento, CA., by utilizing the Competitive Bid Process with Sourcewell, for the purchase and maintenance of bin stock items, for a two (2) year Agreement with three (3) one-year extension options, for an annual estimated amount of $204,000, and a total amount not to exceed $1,150,764, over five years, and forwarding to Council for approval.

Consent

3. Consider an Agreement with East Bay Municipal Utility District (EBMUD), Oakland, CA for the disposal of non-hazardous brine waste for a total amount not to exceed $534,000 over five years and forwarding to Council for approval. (Funding Source: Water Fund)
    - Motion recommending the Agreement with East Bay Municipal Utility District (EBMUD), Oakland, CA for the disposal of non-hazardous brine for a two-year Agreement with three one-year extension options for a total amount not to exceed $534,000 over five years; and forwarding to Council for approval.

    UTILITIES; Jeremy Parnell, 209-342-4599, jparnell@modestogov.com

    ACTION: (Alvarez/Zwahlen; 3/0) Motion recommending the Agreement with East Bay Municipal Utility District (EBMUD), Oakland, CA for the disposal of non-hazardous brine for a two-year Agreement with three one-year extension options for a total amount not to exceed $534,000 over five years; and forwarding to Council for approval.

Consent

4. Consider the Spencer/Marshall Neighborhood Sewer Improvements Pocket Area 7, Phases 1 & 2 as complete, the annexing of the improvements into Modesto Municipal Sewer District No. 1, and a blanket Will Serve Letter and forwarding to Council for approval. (Funding Source: Wastewater Fund)
    - Motion recommending the acceptance of the Spencer/Marshall Neighborhood Sewer Improvements, Pocket Area 7, Phases 1 & 2 as complete, annexing the

improvements into Modesto Municipal Sewer District No. 1 and forwarding to Council for approval.

- Motion recommending a blanket Will Serve Letter for the 44 parcels located in the Spencer/Marshall Neighborhood Sewer Improvements, Pocket Area 7, Phases 1 & 2, allowing connection to the City of Modesto's Sanitary Sewer System, and forwarding to Council for approval.

UTILITIES; Jim Alves, 209-571-5557, jalves@modestogov.com

ACTION: (Alvarez/Zwahlen; 3/0) Motion recommending the acceptance of the Spencer/Marshall Neighborhood Sewer Improvements, Pocket Area 7, Phases 1 & 2 as complete, annexing the improvements into Modesto Municipal Sewer District No. 1 and forwarding to Council for approval.

ACTION: (Alvarez/Zwahlen; 3/0) Motion recommending a blanket Will Serve Letter for the 44 parcels located in the Spencer/Marshall Neighborhood Sewer Improvements, Pocket Area 7, Phases 1 & 2, allowing connection to the City of Modesto's Sanitary Sewer System, and forwarding to Council for approval.

UNFINISHED BUSINESS

5. Consider a Fourth 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 $13,289,933. (Funding Source: Streets Capital Facility Fees)

    - Motion recommending a Fourth 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 $149,697 from $13,140,236 for a total amount not to exceed $13,289,933, and forwarding to Council for approval.

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

    ACTION: (Alvarez/Zwahlen; 3/0) Motion recommending a Fourth 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 $149,697 from $13,140,236 for a total amount not to exceed $13,289,933, and forwarding to Council for approval.

6. Consider the First Amendment with HDR Engineering, Inc. for the Feasibility Study for the City of Modesto's Compost Facility, to a revised total amount not to exceed $193,117 over the term of the original Agreement and forwarding to Council for approval. (Funding Source: Compost Facility Improvement Fund)

    - Motion recommending the First Amendment with HDR Engineering, Inc. for the Feasibility Study for the City of Modesto's Compost Facility, increasing the Agreement amount by $96,062 from $97,055 to a new revised total amount not to exceed $193,117 over the term of the original Agreement and forwarding to Council for approval.

PUBLIC WORKS; Rosene Nguyen, 209-577-5453, rnguyen@modestogov.com

ACTION: (Zwahlen/Alvarez; 3/0) Motion recommending the First Amendment with HDR Engineering, Inc. for the Feasibility Study for the City of Modesto's Compost Facility, increasing the Agreement amount by $96,062 from $97,055 to a new revised total amount not to exceed $193,117 over the term of the original Agreement and forwarding to Council for approval.

NEW BUSINESS

7. Consider the annexation of Assessor Parcel Number (APNs) 077-008-036 and 077-008-037 totaling approximately 33.694 acres, to the City of Modesto Community Facilities District (CFD) No. 2004-1 (Village One #2) and authorizing the levy of special tax on the properties located within the annexation map and forwarding to Council for approval. (Funding Source: Developer Deposit)
    - Motion recommending the annexation of Assessor Parcel Number (APNs) 077-008-036 and 077-008-037 totaling approximately 33.694 acres, to the City of Modesto Community Facilities District (CFD) No. 2004-1 (Village One #2) 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/Zwahlen; 3/0) Motion recommending the annexation of Assessor Parcel Number (APNs) 077-008-036 and 077-008-037 totaling approximately 33.694 acres, to the City of Modesto Community Facilities District (CFD) No. 2004-1 (Village One #2) and authorizing the levy of special tax on the properties located within the annexation map and forwarding a recommendation to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:20 p.m.

Attest: _____
Reyna Mendoza, Deputy City Clerk

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, April 09, 2024 at 5:30 PM

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

Absent: Councilmember Escutia-Braaton *(Excused Absence)*

Pledge of Allegiance to the Flag

Invocation: Bill Kenoyer, Redeemer Church

City Clerk's Announcements: None

Declaration of Conflicts of Interest: Vice Mayor Alvarez Items 12 and 28

Reports from Closed Session: City Attorney Sanchez reported there was No Reportable Action on the Closed Session item.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. 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 proclamation declaring April as National Volunteer Month.

2. 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 proclamation declaring April as Fair Housing Month.

3. Proclamation declaring April as Donate Life Month. (Funding Source: Not Applicable)
CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

ACTION: Mayor Zwahlen presented proclamation declaring April as Donate Life Month.

MISCELLANEOUS

4. Consider approving the appointment of Amin Vohra to the Board of Zoning Adjustment for a four-year term with a term expiration of December 31, 2027. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution appointing Amin Vohra to the City of Modesto Board of Zoning Adjustment, with a term expiration of December 31, 2027.

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

ACTION: (Wright/Alvarez; 6/0) Resolution 2024-103 appointing Amin Vohra to the City of Modesto Board of Zoning Adjustment, with a term expiration of December 31, 2027.

5. Consider approving appointments to fill three City of Modesto vacancies for the Equity Commission for a partial unexpired term ending December 31, 2026, for all vacancies. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution approving the appointments of Jim Stokes, Adriana Garcia and Nour Poles to the Equity Commission for a partial unexpired ending term of December 31, 2026.

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

ACTION: (Ricci/Alvarez; 6/0) Resolution 2024-104 approving the appointments of Jim Stokes, Adriana Garcia and Nour Poles to the Equity Commission for a partial unexpired ending term of December 31, 2026.

6. Consider accepting the resignations of Lisa Battista and Margaret James from the City of Modesto's Equity Commission. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution accepting the resignations of Lisa Battista and Margaret James from the City of Modesto's Equity Commission.

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

ACTION: (Williams/Wright; 6/0) Resolution 2024-105 accepting the resignations of Lisa Battista and Margaret James from the City of Modesto's Equity Commission.

7. Consider approving the appointments of Karen Adams as a Member-At-Large and Nancy Norton of the Muni Niners Golf Club, to the Golf Courses Advisory Committee for a four-year term from January 1, 2024 through December 31, 2027. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution approving the appointments of Karen Adams as a Member-At-Large and Nancy Norton of the Muni Niners Golf Club, to the Golf Courses Advisory

Committee for a four-year term from January 1, 2024 through December 31, 2027.

PRN; Jessica Franco, 209-577-5278, jefranco@modestogov.com

ACTION: (Williams/Wright; 6/0) Resolution 2024-106 approving the appointments of Karen Adams as a Member-At-Large and Nancy Norton of the Muni Niners Golf Club, to the Golf Courses Advisory Committee for a four-year term from January 1, 2024 through December 31, 2027.

PUBLIC COMMENT IN PERSON

- Nancy Robinson, Modesto Garden Club President announced upcoming events, notably the Spring Garden Tour on April 20th, a major fundraiser. The tour will feature six beautiful gardens maintained by owners, with tickets priced at $25. Refreshments, raffles, and recognition of local businesses supporting the event are planned. Proceeds from the tour support scholarships and community projects like therapeutic gardens and city beautification. She also mentioned the upcoming replanting of downtown pots and a ribbon-cutting ceremony for the new Centennial Garden on May 16th.

- Danielle Morgart, Representative of Assemblyman Alanis, shared updates on Bills related to public safety and retail theft. Bills like AB 1845 and AB 1972 passed committee and head to Appropriations, while AB 1990 is addressing consequences for retail theft. She offered assistance and highlighted the impact on local businesses.

- Howard Carmen expressed frustration with housing issues, emphasizing the lack of progress and transparency. He criticized the inefficiency of communication and assistance for those in need. Howard plans to escalate the matter to higher authorities for resolution.

- Teresa Gamboa, Woodland West Community Neighborhood Chairwoman addressed concerns about a proposed tiny house village at Modesto Church of the Brethren and emphasized the need for neighborhood involvement and transparency. She expressed community opposition to the project, citing potential division and mistrust. Teresa thanked local officials for their support and invited participation in community events.

- John Lucas advocated for the establishment of safe camping areas for the unsheltered, criticizing the current approach as inhumane and ineffective. He urged the council to reconsider their decision and prioritize solutions for homelessness.

- Zeff criticized the City's approach to homelessness, emphasizing the need for immediate action and practical solutions. He highlighted issues with existing programs and called for more direct engagement with affected individuals.

- Jerry Thompson raised concerns about gender representation on the Walk of Fame and urged action to address homelessness and mental health issues. He called for collaboration between the City and County to tackle homelessness effectively.

- Derek Castle, Modesto Church of the Brethren Representative expressed the church's support for the community's concerns regarding a proposed tiny house village. He highlighted the church's history of hosting families in need and their commitment to neighborhood safety. He acknowledged the concerns raised and emphasized the need for dialogue and collaboration. He further stated that the proposal was suspended.

- A concerned neighbor of Woodland West expressed deep apprehension regarding the consideration of establishing tiny homes in the neighborhood. She highlighted a lack of transparency in the decision-making process and emphasized the close-knit nature of the community. Concerns were raised about the proposed tiny homes lacking basic amenities like water and electricity, posing challenges for families. She shared concerns on the potential negative impact on the neighborhood's safety and resources. She spoke against considering any proposals for tiny homes in their residential community. She opposed any proposals for tiny homes in her neighborhood.

- Ron Sims stated he is a West Modesto Resident and voiced concerns about the potential impact of a proposed housing project on the community, particularly on children and neighborhood safety. He urged decision-makers to consider the welfare of residents and oppose the project.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 8 - 11, 13--27: (Wright/Mayor Zwahlen; 6/0)

CONSENT

Consent

8. Consider approving the minutes for the March 12, 2024 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes for the March 12, 2024 Council Meeting.

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

    ACTION: (Wright/Mayor Zwahlen; 6/0) Motion approving the minutes for the March 12, 2024 Council Meeting.

Consent

9. Consider accepting the informational Fiscal Year 2023-24 General Fund Mid-Year Update Report and approving the recommended budget adjustments to the major General Fund revenues and expenditures in the Fiscal Year 2023-24 Annual Operating Budget. (Funding Source: General Fund)
    - Resolution accepting the informational Fiscal Year 2023-24 General Fund Mid-Year Update Report and approving the recommended budget adjustments to the major General Fund revenues and expenditures in the Fiscal Year 2023-24 Annual Operating Budget.

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

ACTION: (Wright/Mayor Zwahlen; 6/0) Resolution 2024-107 accepting the informational Fiscal Year 2023-24 General Fund Mid-Year Update Report and approving the recommended budget adjustments to the major General Fund revenues and expenditures in the Fiscal Year 2023-24 Annual Operating Budget.

Consent

10. 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@modestogov.com

    ACTION: (Wright/Mayor Zwahlen; 6/0) Resolution 2024-108 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

11. Consider approving a Second Amendment to the Legal Services Agreement with Castillo, Moriarty, Tran & Robinson in the amount of $250,000, for a total Agreement amount not to exceed $495,000 for continued representation in police related matters. (Funding Source: General Liability Insurance Fund)
    - Resolution approving a Second Amendment to the Legal Services Agreement with Castillo, Moriarty, Tran & Robinson in the amount of $250,000, for a total Agreement amount not to exceed $495,000, for continued representation in police litigation matters and authorizing the City Manager or his designee, to execute the amendment.

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

    ACTION: (Wright/Mayor Zwahlen; 6/0) Resolution 2024-109 approving a Second Amendment to the Legal Services Agreement with Castillo, Moriarty, Tran & Robinson in the amount of $250,000, for a total Agreement amount not to exceed $495,000, for continued representation in police litigation matters and authorizing the City Manager or his designee, to execute the amendment.

(Recusal Vice Mayor Alvarez)

Consent

12. Consider approving a Change in Ownership request for retail dispensary Medallion Wellness. (Funding Source: Cannabis Annual Permit Fee)
    - Resolution approving the Change in Ownership request for retail dispensary Medallion Wellness resulting in Phenos Collective Inc. acquiring eighty percent (80%) of Medallion Wellness.

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

ACTION: (Bavaro/Ricci; 5/0; Alvarez Recused) Resolution 2024-110 approving the Change in Ownership request for retail dispensary Medallion Wellness resulting in Phenos Collective Inc. acquiring eighty percent (80%) of Medallion Wellness.

Consent

13. Consider approving a Homeowner Rehabilitation Loan in the amount of $88,504 and a Homeowner Rehabilitation Grant in the amount of $10,000 for a total project cost of $98,504 to Charles Mark Matteri for health and safety repairs to the residential property located at 1710 Idylwood Court, Modesto, CA 95350. (Funding Source: Community Development Block Grant Funds)
    - Resolution approving a Homeowner Rehabilitation Loan in the amount of $88,504 and a Homeowner Rehabilitation Grant in the amount of $10,000 for a total project cost of $98,504 to Charles Mark Matteri for health and safety repairs to the residential property located at 1710 Idylwood Court, Modesto, CA 95350 and authorizing the City Manager, or his designee to execute the Agreements.

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

    ACTION: (Wright/Mayor Zwahlen; 6/0) Resolution 2024-111 approving a Homeowner Rehabilitation Loan in the amount of $88,504 and a Homeowner Rehabilitation Grant in the amount of $10,000 for a total project cost of $98,504 to Charles Mark Matteri for health and safety repairs to the residential property located at 1710 Idylwood Court, Modesto, CA 95350 and authorizing the City Manager, or his designee to execute the Agreements.

Consent

14. Consider accepting the Fiscal Year 2024-25 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 11, 2024, to Consider the Fiscal Year 2024-25 Levy and Collection of Assessments Within the Shackelford Landscape and Lighting District. (Funding Source: Shackelford Landscape and Lighting District)
    - Resolution approving the Fiscal Year 2024-25 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 11, 2024, to consider the Fiscal Year 2024-25 Levy and Collection of Assessments within the Shackelford Landscape and Lighting District.

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

    ACTION: (Wright/Mayor Zwahlen; 6/0) Resolution 2024-112 approving the Fiscal Year 2024-25 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 11, 2024, to consider the Fiscal Year 2024-25 Levy and Collection of Assessments within the Shackelford Landscape and Lighting District.

Consent

15. Consider approving the Fiscal Year 2024-25 Engineer's Annual Report and setting a Public Hearing for the levy and collection of assessment for landscape maintenance in the public right-of-way, street medians, and areas adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 and 2. (Funding Source: Landscape Maintenance Assessment District No. 2)
    - Resolution accepting the Fiscal Year 2024-25 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 11, 2024 to Consider the Fiscal Year 2024-25 Levy and Collection of Assessments Within Landscape Maintenance Assessment District No. 2.

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

    ACTION: (Wright/Mayor Zwahlen; 6/0) Resolution 2024-113 accepting the Fiscal Year 2024-25 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 11, 2024 to Consider the Fiscal Year 2024-25 Levy and Collection of Assessments Within Landscape Maintenance Assessment District No. 2.

Consent

16. Consider approving Fiscal Year 2024-2025 Engineer's Report and setting a Public Hearing on June 11, 2024 for the levy and collection of assessments for landscape maintenance in the public right-of-way, street medians, and areas adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6. (Funding Source: Landscape Maintenance District No. 1)
    - Resolution accepting Fiscal Year 2024-25 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 2511, 2024, to Consider the Fiscal Year 2024-25 Levy and Collection of Assessments Within Landscape Maintenance Assessment District No. 1.

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

ACTION: (Wright/Mayor Zwahlen; 6/0) Resolution 2024-114 accepting Fiscal Year 2024-25 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 2511, 2024, to Consider the Fiscal Year 2024-25 Levy and Collection of Assessments Within Landscape Maintenance Assessment District No. 1.

Consent

17. Consider accepting the Monthly Investment Report for January 2024. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for January 2024.

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

    ACTION: (Wright/Mayor Zwahlen; 6/0) Motion accepting the Monthly Investment Report for January 2024.

Consent

18. Consider accepting an Informational Report on the November and December 2023 Grant Applications and Awards. (Funding Source: Not Applicable)
    - Motion accepting an Informational Report for the November and December 2023 Grant Applications and Awards.

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

    ACTION: (Wright/Mayor Zwahlen; 6/0) Motion accepting an Informational Report for the November and December 2023 Grant Applications and Awards.

Consent

19. Consider accepting the Annual Fire Inspection Report for 2023. (Funding Source: Not Applicable)
    - Resolution accepting the Annual Fire Inspection Report for 2023.

    FIRE DEPARTMENT; Kevin Wise, 209-572-9590, kwise@modestofire.com

    ACTION: (Wright/Mayor Zwahlen; 6/0) Resolution 2024-115 accepting the Annual Fire Inspection Report for 2023.

Consent

20. Consider approving the submission of an application and accepting an award for the Fiscal Year 2023 Staffing for Adequate Fire and Emergency Response (SAFER) Grant in the amount of $5,149,722 to fund nine (9) firefighter positions and authorize the City Manager, or his designee, to submit the application. (Funding Source: General Fund)
    - Resolution approving the submission of an application and accepting an award for the Fiscal Year 2023 Staffing for Adequate Fire and Emergency Response

(SAFER) Grant in the amount of $5,149,722 to fund nine (9) firefighter positions and authorize the City Manager, or his designee, to submit the application.

FIRE DEPARTMENT; Kevin Wise, 209-572-9590, kwise@modestofire.com

ACTION: (Wright/Mayor Zwahlen; 6/0) Resolution 2024-116 approving the submission of an application and accepting an award for the Fiscal Year 2023 Staffing for Adequate Fire and Emergency Response (SAFER) Grant in the amount of $5,149,722 to fund nine firefighter positions and authorize the City Manager, or his designee, to submit the application.

Consent

21. Consider approving a First Amendment to the Purchasing Agreement with Curtis Blue Line, Oakland CA (Formerly known as (FKA) L.N. Curtis and Sons) for personal protection equipment to a revised total amount not to exceed $3,448,082 over five years. (Funding Source: General Fund)
    - Resolution approving a First Amendment to the Purchase Agreement with Curtis Blue Line (FKA L.N. Curtis and Sons) for personal protection equipment to increase the Agreement in the amount of $2,148,082 to a revised total amount not to exceed $3,448,082 over five years and authorizing the Director of Finance, or her designee, to execute the Amendment.

FIRE DEPARTMENT; Kevin Wise, 209-572-9590, kwise@modestofire.com

ACTION: (Wright/Mayor Zwahlen; 6/0) Resolution 2024-117 approving a First Amendment to the Purchase Agreement with Curtis Blue Line (FKA L.N. Curtis and Sons) for personal protection equipment to increase the Agreement in the amount of $2,148,082 to a revised total amount not to exceed $3,448,082 over five years and authorizing the Director of Finance, or her designee, to execute the Amendment.

Consent

22. Consider increasing the Director of Engineering Services authority to issue Change Orders on the Tuolumne River Regional Park (TRRP) Non-Motorized Boat Launch Project from eight percent (8%) ($132,716) to fifteen and one-half percent (15.5%) ($257,138) for a total amount not to exceed $1,916,093. (Funding Source: TRRP Capital Improvement Program (CIP) Fund, Parks CFF Fund, and Non-Motorized Boating Facilities Grant Program Funds)
    - Resolution increasing the Director of Engineering Services authority to issue Change Orders on the Tuolumne River Regional Park (TRRP) Non-Motorized Boat Launch Project from the contracted contingency amount of eight percent (8%) ($132,716) to fifteen- and one-half percent (15.5%) ($257,138) of the original construction contract price of $1,658,955 with Harris Builders, Inc., of Hilmar, CA, for a total amount not to exceed $1,916,093.

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

ACTION: (Wright/Mayor Zwahlen; 6/0) Resolution 2024-118 increasing the Director of Engineering Services authority to issue Change Orders on the Tuolumne

River Regional Park (TRRP) Non-Motorized Boat Launch Project from the contracted contingency amount of eight percent (8%) ($132,716) to fifteen- and one-half percent (15.5%) ($257,138) of the original construction contract price of $1,658,955 with Harris Builders, Inc., of Hilmar, CA, for a total amount not to exceed $1,916,093.

Consent

23. Consider an Agreement with Ground Zero Analysis, Inc., Modesto, CA, for Environmental Monitoring of Methane Gas and Groundwater Testing, and Reporting for the Carpenter Road Landfill and the Compost Facility for a total amount not to exceed $332,923 over five years. (Funding Source: Carpenter Road Landfill and Compost Facility)
    - Resolution approving the Agreement with Ground Zero Analysis, Inc., Modesto, CA, for Environmental Monitoring of Methane Gas and Groundwater Testing, and Reporting for the Carpenter Road Landfill and the Compost Facility for a total amount not to exceed $332,923 over five years, and authorizing the City Manager, or his designee, to execute the Agreement.

    PUBLIC WORKS; Rosene Nguyen, 209-577-5453, rnguyen@modestogov.com

    ACTION: (Wright/Mayor Zwahlen; 6/0) Resolution 2024-119 approving the Agreement with Ground Zero Analysis, Inc., Modesto, CA, for Environmental Monitoring of Methane Gas and Groundwater Testing, and Reporting for the Carpenter Road Landfill and the Compost Facility for a total amount not to exceed $332,923 over five years, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

24. Consider a Memorandum of Understanding with Stanislaus County for the South Modesto Area Strengthen & Replace Water Mains Project in an amount not to exceed $12,850,000 and rescinding Resolution No. 2024-098. (Funding Source: Water Fund)
    - Resolution approving a Memorandum of Understanding with Stanislaus County for the South Modesto Area Strengthen & Replace Water Mains Project, in an amount not to exceed $12,850,000, rescinding Resolution No. 2024-098, and authorizing the City Manager, or his designee, to execute the Agreement.

    UTILITIES; David Felix, 209-577-5488, dfelix@modestogov.com

    ACTION: (Wright/Mayor Zwahlen; 6/0) Resolution 2024-120 approving a Memorandum of Understanding with Stanislaus County for the South Modesto Area Strengthen & Replace Water Mains Project, in an amount not to exceed $12,850,000, rescinding Resolution No. 2024-098, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

25. Consider approving an Agreement for the Transport of Non-Hazardous Wastewater Debris to Disposal Site Services with Compactor Management Company LLC, Union

City, CA, for a total amount not to exceed $282,050, over five years. (Funding Source: Sewer Operations Funds)

- Resolution approving the Award of Bid and Agreement for the Transport of Non-Hazardous Wastewater Debris to Disposal Site Services to Compactor Management Company LLC, Union City, CA, for a (2) two-year Agreement with (3) three one-year extension options, for an estimated annual amount of $50,000 and a total amount not to exceed $282,050 over five years; and authorizing the City Manager, or his designee to execute the Agreement.

UTILITIES; Jeff Daniels, 209-577-6255, jdaniels@modestogov.com

ACTION: (Wright/Mayor Zwahlen; 6/0) Resolution 2024-121 approving the Award of Bid and Agreement for the Transport of Non-Hazardous Wastewater Debris to Disposal Site Services to Compactor Management Company LLC, Union City, CA, for a two-year Agreement with three one-year extension options, for an estimated annual amount of $50,000 and a total amount not to exceed $282,050 over five years; and authorizing the City Manager, or his designee to execute the Agreement.

Consent

26. Consider approving the First Amendment to the Agreement with Duke's Root Control Service for the provision of Sewer Root Control Services to a revised total amount not to exceed $551,758 over five years. (Funding Source: Sewer Operations Fund)

    - Resolution approving the First Amendment increasing the Agreement amount with Duke's Root Control Service, for Sewer Root Control Services by $54,121 from $65,879 to a revised annual estimated amount of $120,000, to be applied to Agreement years three (3), four (4), and five (5), and an additional 25% to be included in Agreement years four (4) and five (5), and a new total amount not to exceed $551,758 over five years; and authorizing the City Manager, or his designee to execute the Amendment.

    UTILITIES; Jeff Daniels, 209-577-6255, jdaniels@modestogov.com

    ACTION: (Wright/Mayor Zwahlen; 6/0) Resolution 2024-122 approving the First Amendment increasing the Agreement amount with Duke's Root Control Service, for Sewer Root Control Services by $54,121 from $65,879 to a revised annual estimated amount of $120,000, to be applied to Agreement years three, four, and five, and an additional 25% to be included in Agreement years four and five, and a new total amount not to exceed $551,758 over five years; and authorizing the City Manager, or his designee to execute the Amendment.

Consent

27. Consider approving the Fourth Amendment with Bay City Electric Works, Livermore, CA for the Generator Repair Service and Preventative Maintenance Agreement for a revised total amount of $935,000, and extending the term of the Agreement from May 10, 2024, to August 31, 2024. (Funding Source: Various Funds)

    - Resolution approving the Fourth Amendment increasing the Agreement amount with Bay City Electric Works, Livermore, CA for the Generator Repair Service and Preventative Maintenance Services by $360,000 from $575,000 for a new

total amount of $935,000 and extending the term of the Agreement from May 10, 2024, to August 31, 2024; and authorizing the City Manager, or his designee to execute the Fourth Amendment.

UTILITIES; Jeff Daniels, 209-577-6255, jdaniels@modestogov.com

ACTION: (Wright/Mayor Zwahlen; 6/0) Resolution 2024-123 approving the Fourth Amendment increasing the Agreement amount with Bay City Electric Works, Livermore, CA for the Generator Repair Service and Preventative Maintenance Services by $360,000 from $575,000 for a new total amount of $935,000 and extending the term of the Agreement from May 10, 2024, to August 31, 2024; and authorizing the City Manager, or his designee to execute the Fourth Amendment.

COUNCIL COMMENTS & REPORTS

Council Member Williams informed the public about the "Walk on Fire" event supporting veterans, addressing the issue of veteran suicides. He also thanked the church for its community service efforts and shared upcoming events, including a budget workshop.

Council Member Bavaro commended the Modesto Police Department for crime reduction statistics and attendance at the Modesto Police Officers Association's installation dinner.

Council Member Ricci expressed concerns about the slow progress in addressing homelessness and suggested exploring immediate solutions.

Vice Mayor Alvarez highlighted federal funding for the City's 911 center, the return of farmers markets and First Fridays events, and efforts to celebrate cruising and Chicano culture.

Mayor Zwahlen reported on attending a women in construction event, the Modesto Police Department's promotion ceremony, and the groundbreaking for a Kaiser clinic offering various medical services.

CITY MANAGER COMMENTS & REPORTS

None

HEARINGS

(Recusal Vice Mayor Alvarez)
Published in the Modesto Bee on February 16, 2024.
Continued from February 27, 2024.

28. Hearing to consider approving a relocation request of Medallion Wellness from 1313 McHenry Avenue to 408 Paradise Road with the granting of a Residential Proximity Waiver. (Funding Source: Cannabis Permit Application Fee and Annual Permit Fee)
    - Resolution approving the relocation request for Medallion Wellness from 1313 McHenry Avenue to 408 Paradise Road with the granting of a Residential Proximity Waiver.

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

ACTION: (Bavaro/Ricci; 5/0; Alvarez Recused) Resolution 2024-124 approving the relocation request for Medallion Wellness from 1313 McHenry Avenue to 408 Paradise Road with the granting of a Residential Proximity Waiver.

Recessed: 6:53pm
Reconvened: 6:59 pm

NEW BUSINESS

29. Consider an Agreement for Hot Patch Services with Adams Underground III of Waterford, CA, and United Pavement Maintenance, Inc. of Hughson, CA, for a total combined amount not to exceed $20,570,000 over five years. (Funding Source: Various Funds)
    - Resolution approving the Award of Bid and Agreements for Hot Patch Services to Adams Underground III of Waterford, CA as Primary Contractor, and United Pavement Maintenance, Inc. of Hughson, CA as Secondary Contractor, for a two (2) year Agreement with three (3) one-year extension options, for an annual estimated amount of $3,500,000 and a total combined amount not to exceed $20,570,000 over five years; and authorizing the Director of Finance to adjust Agreement totals between vendors based on contractor's availability and department's needs, ensuring the combined total amount does not change and authorizing the City Manager, or his designee, to execute the Agreements.

    UTILITIES; Jeremy Parnell, 209-342-4599, jparnell@modestogov.com

    ACTION: (Wright/Williams; 6/0) Resolution 2024-125 approving the Award of Bid and Agreements for Hot Patch Services to Adams Underground III of Waterford, CA as Primary Contractor, and United Pavement Maintenance, Inc. of Hughson, CA as Secondary Contractor, for a two year Agreement with three one-year extension options, for an annual estimated amount of $3,500,000 and a total combined amount not to exceed $20,570,000 over five years; and authorizing the Director of Finance to adjust Agreement totals between vendors based on contractor's availability and department's needs, ensuring the combined total amount does not change and authorizing the City Manager, or his designee, to execute the Agreements.

30. Consider approving the Certificate of Canvass of Votes from the March 5, 2024 Election. (Funding Source: General Fund)
    - Resolution of the Council of the City of Modesto Confirming the Canvass of the Municipal Election which was held in the City of Modesto on March 5, 2024 and Declaring the Results of Said Election and such other matters as provided by law.

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

    ACTION: (Wright/Williams; 6/0) Resolution 2024-126 of the Council of the City of Modesto Confirming the Canvass of the Municipal Election which was held in the City

of Modesto on March 5, 2024 and Declaring the Results of Said Election and such other matters as provided by law.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 7:23 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: City of Modesto v. California State Water Resources Control Board
Superior Court of California, County of Sacramento
Sacramento County Case No: 34-2019-80003051

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
CITIZENS' SALARY SETTING COMMISSION
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California 95354

Thursday, April 11, 2024, at 6:00 p.m.

Roll Call – Present: Commissioners: Abimael Chavez-Hernandez, Colleen Preston, Julie Saugstad, Sandy Sutton (Vice Chair), Jan Viss (Chair)

Absent: None

WRITTEN COMMUNICATIONS
SUBMITTING COMMENTS BY E-MAIL

None.

NEW BUSINESS

17. Consider approving minutes from the Citizens' Salary Setting Commission Meeting on April 5, 2024. *(City Clerk; Diane Nayares-Perez, 577-5398*, *dnayaresperez@modestogov.com*)

ACTION: (Sutton/Preston; 5/0) Motion approving the minutes from the Citizens' Salary Setting Commission Meetings on April 5, 2024.

HEARING

Published in the Modesto Bee on April 1, 2024

2. Second Hearing to consider the Citizens' Salary Setting Commission Initial Recommendations (attached) for the compensation for the Mayor and Councilmembers pursuant to the Modesto City Charter Section 703.
(City Clerk; Diane Nayares-Perez, 577-5398, *dnayaresperez@modestogov.com*)

ACTION: The Public Hearing was convened; no comments were received as no members from the public were present.

PUBLIC COMMENT PERIOD
Three-minute time limit per speaker

None

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 6:03 p.m.

Attest: _____
Diane Nayares-Perez, CMC, City Clerk

MINUTES
City of Modesto
CITIZENS' SALARY SETTING COMMISSION
SPECIAL MEETING

Conference Room 2001, Second Floor
Tenth Street Place, 1010 10th Street
Modesto, California 95354

Friday, April 12, 2024, at 11:00 a.m.

Call to Order

Roll Call – Present: Commissioners: Abimael Chavez-Hernandez, Colleen Preston, Julie Saugstad, Sandy Sutton (Vice Chair), Jan Viss (Chair)

Absent: None

PUBLIC COMMENT PERIOD

None as no member of the public were present.

WRITTEN COMMUNICATIONS
SUBMITTING COMMENTS BY E-MAIL

None

UNFINISHED BUSINESS

18. Finalize the recommended salaries for the City of Modesto Mayor and Councilmembers for submission at the April 23, 2024 City Council meeting. *(Salary Setting Commission)*

    ACTION: (Sutton/Saugstad; 5/0) Motion approving the final recommended salaries for the City of Modesto Mayor and Councilmembers with the provision of allowing the Chair to make minor editorial edits, to be submitted for consideration at the City Council meeting scheduled for April 23, 2024.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 11:27 a.m.

Attest: _____
Diane Nayares-Perez, CMC, City Clerk

MINUTES

City of Modesto

FINANCE COMMITTEE / COUNCIL WORKSHOP

Chambers, Basement Level
1010 10th Street
Modesto, California
Monday, April 15, 2024 at 5:00 PM

Roll Call: Present: Member Wright, Vice-Chair Escutia-Braaton and Chair Bavaro
Absent: None
Also Present: Alternate Members Alvarez, Ricci, and Zwahlen

PUBLIC COMMENTS

None

SUBMITTING COMMENTS BY E-MAIL

None.

NEW BUSINESS

Presentations:

City of Modesto Budget Overview

- **Budget Overview Presentation:**
  Budget Manager Steve Christensen gave Presentation: Council Retreat Outcomes, Fiscal Year 2024-25 General Fund Daft Proposed Operating Budget; FY 2024-25 Non-Measure H Proposed Adjustments, Measure H Overview, Other Major Funds, Finance Committee Budget Workshops Schedule.

Department Presentations

- **Quality of Life**

  - **Police Department**
    Police Chief Brandon Gillespie gave General Fund presentation: Department Overview; Department Priorities/Goals for Fiscal Year 2024-25, Organizational Chart and Department Staffing, Departmental Division Revenues & Expenditures, Impact of Measure H on Department

- **Fire Department**

Interim Fire Chief Kevin Wise gave Presentation: Department Overview; Department Priorities/Goals for Fiscal Year 2024-25, Organizational Chart and Department Staffing, Departmental Division Revenues & Expenditures, Impact of Measure H on Department, Measure H Adjustments

Recessed at 6:19 p.m.
Reconvened 6:26 p.m.

- **Parks, Recreation & Neighborhoods Department**

Parks, Recreation & Neighborhoods Director Jeremy Rogers gave Presentation: Department Overview; Department Priorities/Goals for Fiscal Year 2024-25, Organizational Chart and Department Staffing, Departmental Division Revenues & Expenditures, Impact of Measure H on Department, Measure H Adjustments, Non-Measure H Adjustments

- **Charter Offices**

- **City Manager's Office**

City Manager Joe Lopez gave Presentation: Department Overview; Department Priorities/Goals for Fiscal Year 2024-25, Organizational Chart and Department Staffing, Departmental Division Revenues & Expenditures, Restructure

- **City Attorney's Office**

City Attorney Jose Sanchez gave Presentation: Department Overview; Department Priorities/Goals for Fiscal Year 2024-25, Organizational Chart and Department Staffing, Departmental Division Revenues & Expenditures, Impact of Measure H on Department

- **City Clerk's Office**

City Clerk Diane Nayares-Perez gave Presentation - Department Overview; Department Priorities/Goals for Fiscal Year 2024-25, Organizational Chart and Department Staffing, Departmental Division Revenues & Expenditures, Impact of Measure H on Department

- **Office of the City Auditor**

Auditor Colleen Rozillis gave Presentation - Department Overview, Department Priorities for Fiscal Year 2023-2024, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures

Presentations will continue at the April 16, 2024, Finance Committee meeting.

ADJOURNMENT

This meeting adjourned at 7:26 p.m.

Attest:_____
Andrea Cook for
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP
2001-40 Del Puerto Room.
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, April 15, 2024 at 3:00 PM

Roll Call: Present: Committee Member Ricci, Vice-Chair Williams, Chair Escutia-Braaton
Absent: None

PUBLIC COMMENTS IN PERSON

None

SUBMITTING COMMENTS BY E-MAIL

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEMS 1-4; (Williams/Ricci; 3/0)

CONSENT

Consent
1. Consider the Application and Issuance of a Permit to operate as a Non-Emergency Medical Transport Company to Mediwest Non-Emergency Medical Transportation 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 Mediwest Non-Emergency Medical Transportation in the City of Modesto and forwarding to Council for approval.

    POLICE DEPARTMENT; Kalani Souza, 209-572-9500, souzak@modestopd.com

    ACTION: (Williams/Ricci; 3/0) Motion recommending the Application and Issuance of a Permit to operate as a Non-Emergency Medical Transport Company to Mediwest Non-Emergency Medical Transportation in the City of Modesto and forwarding to Council for approval.

Consent
2. Consider the purchase of protective helmets to L.N. Curtis and Sons DBA Curtis Blue Line, Walnut Creek, CA, for a total amount not to exceed $170,383 and forwarding to Council for approval. (Funding Source: Asset Forfeiture Funds)

- Motion recommending the Competitive Bidding Process from National Purchasing Partners LLC, DBA NPPGov, League of Oregon Cities, with L.N. Curtis and Sons DBA Curtis Blue Line, Walnut Creek, CA, for protective helmets for a total amount not to exceed $170,383; and forwarding to Council for approval.

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

ACTION: (Williams/Ricci; 3/0) Motion recommending the Competitive Bidding Process from National Purchasing Partners LLC, DBA NPPGov, League of Oregon Cities, with L.N. Curtis and Sons DBA Curtis Blue Line, Walnut Creek, CA, for protective helmets for a total amount not to exceed $170,383; and forwarding to Council for approval.

Consent

3. Consider the Modesto Police Department's annual Military Equipment report, approving an Ordinance re-authorizing 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 recommending the Modesto Police Department's annual Military Equipment report, approving an Ordinance re-authorizing 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 DEPARTMENT; Joseph Bottoms, 209-572-9500, bottomsj@modestopd.com

ACTION: (Williams/Ricci; 3/0) Motion recommending the Modesto Police Department's annual Military Equipment report, approving an Ordinance re-authorizing 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.

Consent

4. Consider the Second Amendment for Backflow Prevention Testing Services to a revised total amount not to exceed $650,000 and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion recommending the Second Amendment increasing the Agreement amount with Sameday Backflow Service, for Backflow Prevention Testing Services and Repairs by $425,000 from $225,000 to a new total amount not to exceed $650,000; and forwarding to Council for approval.

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

ACTION: (Williams/Ricci; 3/0) Motion recommending the Second Amendment increasing the Agreement amount with Sameday Backflow Service, for Backflow Prevention Testing Services and Repairs by $425,000 from $225,000 to a new total amount not to exceed $650,000; and forwarding to Council for approval.

UNFINISHED BUSINESS

5. Consider a report back regarding bridge design options for the Virginia Corridor Phase 7 Project. (Funding Source: Non-Motorized Local Transportation Funds, Parks & Air Qualify CFF, and Various Grants)
    - Motion accepting a report back regarding bridge design options for the Virginia Corridor Phase 7 project.

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

ACTION: (Williams/Escutia-Braaton; 3/0) Motion accepting a report back regarding bridge design options for the Virginia Corridor Phase 7 project.

NEW BUSINESS

6. Consider amending the Modesto Municipal Code to increase administrative fines for illegal fireworks violations and forwarding to Council for approval. (Funding Source: General Fund)
    - Motion recommending an ordinance amending the Modesto Municipal Code to increase administrative fines for illegal fireworks violations and forwarding to Council for approval.

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

ACTION: (Ricci/Escutia-Braaton; 3/0) Motion recommending an ordinance amending the Modesto Municipal Code to increase administrative fines for illegal fireworks violations and forwarding to Council for approval.

7. Consider a Resolution setting forth Modesto's commitment to creating equitable parks, and protective and healthy environments, and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending a Resolution setting forth Modesto's commitment to creating equitable parks, and protective and healthy environments, and forwarding to Council for approval.

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

ACTION: (Williams/Ricci; 3/0) Motion recommending a Resolution setting forth Modesto's commitment to creating equitable parks, and protective and healthy environments, and forwarding to Council for approval.

8. 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: (Williams/Escutia-Braaton; 2/1; Noes; Ricci) 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 4:33 P.M.

Attest: _____
Dana Sanchez, Assistant City Clerk

MINUTES

City of Modesto

FINANCE COMMITTEE / COUNCIL WORKSHOP

Chambers, Basement Level
1010 10th Street
Modesto, California
Tuesday, April 16, 2024 at 8:30 AM

Roll Call: Present: Member Wright, Vice-Chair Escutia-Braaton and Chair Bavaro
Absent: None
Also Present: Alternate Members Alvarez (arrived 8:47 a.m.), Ricci (arrived at 8:35 a.m.), Williams (arrived at 9:05 a.m.) and Zwahlen

PUBLIC COMMENTS

None

SUBMITTING COMMENTS BY E-MAIL

None.

NEW BUSINESS

Presentations continued:

- **Departments**

  - **Community & Economic Development Department**
    Community & Economic Development Department Jessica Hill gave Presentation: Department Overview, Department Priorities/Goals for Fiscal Year 2024-2025, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Impact of Measure H on Department, Measure H Adjustments

Councilmember Ricci arrived at 8:35 a.m.
Vice-Mayor Alvarez arrived at 8:47 a.m.

  - **Engineering Services Department**
    Engineering Services Director, Toby Wells gave presentation: Department Overview, Department Priorities/Goals for Fiscal Year 2024-2025, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Non-Measure H Adjustments

Councilmember Williams arrived at 9:05 a.m.

- **Public Works Department**

Public Works Director, Bill Sandhu gave presentation: Department Overview, Department Priorities/Goals for Fiscal Year 2024-2025, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Impact of Measure H on Department, Measure H Adjustments, Non-Measure H Adjustments, Overview of Fleet Replacement and Addition Process, Current Status of Fleet Replacements and Additions, Proposed FY 24-25 Fleet Replacement and Additions

Recessed at 9:58 a.m.
Reconvened at 10:08 a.m.

- **Human Resources Department**

Human Resources Director, Christina Alger gave Presentation: Department Overview, Department Priorities/Goals for Fiscal Year 2024-2025, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Impact of Measure H on Department

Worker's Compensation, General Liability, and Employee Benefits, Divisions Overview, Risk Management/Benefits Divisions Priorities for FY 2024-2025, Worker's Compensation General Liability Financials, Employee Benefits Financials, CalPers Unfunded Accrued Liability (UAL)

- **Information Technology Department**

Interim Chief Information Officer Kevin Harless gave Presentation: Department Overview, Department Priorities/Goals for Fiscal Year 2024-2025, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Impact of Measure H on Department, Measure H Adjustments, Non-Measure H Adjustments

- **Finance Department**

Director of Finance, DeAnna Christensen gave Presentation: Department Overview, Department Priorities/Goals for Fiscal Year 2024-2025, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, General Fund and Measure H – Division Revenues and Expenditures, Non-General Fund – Division Revenues and Expenditures, Impact of Measure H on Department, Measure H Adjustments, Non-Measure H Adjustments

Recessed at 11:42 a.m.
Reconvened at 12:45 p.m.

- **Utilities Department**

Utilities Director, Will Wong gave presentation: Department Overview, Department Priorities/Goals for Fiscal Year 2024-2025, Organizational Chart

and Department Staffing, Departmental Revenues & Expenditures, Non-Measure H Adjustments

Special Presentations

- **Equipment/Hardware/Software Maintenance Presentation**

Director of Finance, DeAnna Christensen gave presentation: Background, Equipment Maintenance FY 24-25. Interim Chief Information Officer Kevin Harless gave presentation: Software Maintenance.

- **Revenue Manual/Fee Increases Presentation**

Director of Finance, DeAnna Christensen gave presentation: Revenue Manual, Proposed Fee Changes and Update Increases. Director of CEDD, Jessica Hill gave presentation: Development User Fees. Director of PRN, Jeremy Rogers gave presentation: Fee Increases, Park and Facility Rental Fees, Golf Green Fees. Director of Public Works, Bill Sandhu gave presentation: Airport Fees, Proposed Fee Increases. Director of Utilities, Will Wong gave presentation: Approved Fee Increases, Storm Drain Rates Update, Proposed Sewer and Storm Fees.

- **Grant Status Update Presentation**

Director of Finance, DeAnna Christensen opened up the presentation on Grant Status Presentation. Director Jessica Hill gave update for grant applications and awards and proposed grant applications for CEDD. Director Toby Wells gave update for grant applications and awards and proposed grant applications for Engineering Services Department. Interim Fire 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 Jeremy Rogers gave update for grant applications and awards and proposed grant applications for Parks, Recreation, and Neighborhoods. Director Bill Sandu gave update for grant applications and awards and proposed grant applications for Public Works.

Presentations will continue at the April 17, 2024, Finance Committee meeting.

ADJOURNMENT

This meeting adjourned at 1:55 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 17, 2024 at 8:30 AM

Roll Call: Present: Member Wright, Vice-Chair Escutia-Braaton and Chair Bavaro
Absent: None
Also Present: Alternate Members Alvarez (Arrived at 9:00 a.m.), Ricci, Williams, and Zwahlen

PUBLIC COMMENTS

None

SUBMITTING COMMENTS BY E-MAIL

None.

NEW BUSINESS

Special Presentations continued:

- **Grant Status Update Presentation**

Director Will Wong gave update for grant applications and awards and proposed grant applications for Utilities. Director DeAnna Christensen summarized the Grant Status Updates.

- **Deferred Maintenance Presentation**

Director Bill Sandhu gave a presentation for Public Works: Facility Condition Analysis Citywide Program Findings, Budget Impact, Airport, Traffic Engineering and Traffic Operations, Street Operations, Parking Services, Building Services, Compost Facility, Landfill Maintenance. Director Jeremy Rogers gave a presentation for Parks, Recreation, and Neighborhoods: Parks, Community Centers, Rental Facilities, Historical Properties, Modesto Centre Plaza, John Thurman Field, Golf Courses. Director Will Wong gave a presentation for Utilities: Primary Wastewater Sutter Facility, Secondary Wastewater Jennings Facility, Water Division Corporation Yard Litt Road Facility.

Vice-Mayor Alvarez arrived at 9:00 a.m.

Recessed at 9:33 a.m.

Reconvened at 9:41 a.m.

- **Sponsorships Presentation**

  Parks, Recreation, and Neighborhood Director Jeremy Rogers gave a presentation: Administrative Directive 3.6, Approved Annual Events, New Requests, Recommendations.

- **American Rescue Plan Act (ARPA) Presentation**

  Director DeAnna Christensen gave ARPA funding presentation for Finance. Director Jeremy Rogers gave ARPA funding presentation for PRN. Interim Chief Kevin Wise gave ARPA funding presentation for Fire. City Manager Joe Lopez gave ARPA funding presentation for the Stanislaus County Library.

Recessed at 10:40 a.m.
Reconvened at 10:52 a.m.

- **Report Back Items and Follow-up**

  Budget Manager Stephan Christensen gave presentation on report back items and follow up along with Police Chief Brandon Gillespie, Parks, Recreation, and Neighborhood Director Jeremy Rogers, City Clerk Diane Nayares-Perez, Public Works Director Bill Sandhu, Interim Chief Information Officer Kevin Harless, Finance Director DeAnna Christensen, Utilities Director Will Wong.

NEW BUSINESS

1. Consider accepting and forwarding on to Council for final review and adoption the Draft Proposed Fiscal Year 2024-25 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 2024-25 Operating and Multi-Year Budget for the City of Modesto.

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

ACTION: (Escutia-Braaton/Wright; 3/0) Motion accepting and forwarding on to Council for final review and adoption the Draft Proposed Fiscal Year 2024-25 Operating and Multi-Year Budget for the City of Modesto.

2. Consider accepting and forwarding on to Council 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 accepting and forwarding on to Council 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/Wright; 3/0) Motion accepting and forwarding on to Council 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 approving payment of various equipment maintenance agreements for Fiscal Year 2024-25 with multiple equipment manufacturers for all City Departments, for an annual cost not to exceed $854,598 and forwarding to Council for approval. (Funding Sources: Various City Funds)
    - Motion approving payment of various equipment maintenance agreements for Fiscal Year 2024-25 with multiple equipment manufacturers for all City Departments, for an annual cost not to exceed $854,598 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 equipment maintenance agreements for Fiscal Year 2024-25 with multiple equipment manufacturers for all City Departments, for an annual cost not to exceed $854,598 and forwarding to Council for approval.

4. Consider approving payment of various software / hardware maintenance agreements for Fiscal Year 2024-25 with multiple vendors for all City Departments, for an annual cost not to exceed $9,539,115 and forwarding to Council for approval. (Funding Source: Various City Funds)
    - Motion approving payment of various software / hardware maintenance agreements for Fiscal Year 2024-25 with multiple vendors for all City Departments, for an annual cost not to exceed $9,539,115 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 2024-25 with multiple vendors for all City Departments, for an annual cost not to exceed $9,539,115 and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 11:37 a.m.

Attest:_____
Andrea Cook for
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
SPECIAL CANNABIS PROGRAM AND PERMIT REVIEW COMMITTEE / COUNCIL WORKSHOP
Basement Chambers
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, April 22, 2024 at 4:00 PM

Roll Call - Present: Committee Member Ricci (arrived at 4:04 p.m.), Vice-Chair Zwahlen, and Chair Wright
Absent: None
Also Present: Alternate Member Bavaro

PUBLIC COMMENTS IN PERSON

None

SUBMITTING COMMENTS BY E-MAIL

None

NEW BUSINESS

1. Consider directing staff to prepare an Agreement with Tulip & Oak Consulting, Inc., not to exceed $35,000 to provide direct Technical Assistance Services for the Modesto Cannabis Program Providing Local Equity Development Grants and Education (PLEDGE). (Funding Source: Cannabis Equity Grant)
    - Motion directing staff to prepare an Agreement with Tulip & Oak Consulting, Inc., not to exceed $35,000 to provide direct Technical Assistance Services for the Modesto Cannabis Program Providing Local Equity Development Grants and Education (PLEDGE), and to execute the Agreement under the approval authority of the City Manager.

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

   ACTION: (Ricci/Zwahlen; 3/0) Motion directing staff to prepare an Agreement with Tulip & Oak Consulting, Inc., not to exceed $35,000 to provide direct Technical Assistance Services for the Modesto Cannabis Program Providing Local Equity Development Grants and Education (PLEDGE), and to execute the Agreement under the approval authority of the City Manager.

2. Consider providing a recommendation regarding the two remaining unissued commercial cannabis retail permits and forwarding to Council for consideration. (Funding Source: Cannabis Application Fee)

- Motion providing a recommendation regarding the two remaining unissued commercial cannabis retail permits and forwarding to Council for consideration.

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

The Committee Members held a discussion regarding the two remaining unissued commercial cannabis retail permits being earmarked for the City's Cannabis Equity Program (Providing Local Equity Development Grants and Education (PLEDGE)) participants.

ACTION: (Zwahlen/Ricci; 2/1; No, Wright) Motion providing a recommendation regarding one remaining unissued commercial cannabis retail permit and forwarding to Council for consideration.

3. Consider approving the City's Cannabis Equity Program (Providing Local Equity Development Grants and Education (PLEDGE)) to provide up to four grants to verified PLEDGE participant owned businesses, in an amount not to exceed $70,000 per grant. (Funding Source: Cannabis Equity Grant)
    - Motion approving the City's Cannabis Equity Program (Providing Local Equity Development Grants and Education (PLEDGE)) to provide up to four grants to verified PLEDGE participant owned businesses, in an amount not to exceed $70,000 per grant.

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

ACTION: (Zwahlen/Wright; 3/0) Motion approving the City's Cannabis Equity Program (Providing Local Equity Development Grants and Education (PLEDGE)) to provide up to four grants to verified PLEDGE participant owned businesses, in an amount not to exceed $70,000 per grant.

ADJOURNMENT

This meeting adjourned at 4:54 p.m.

Attest: _____
Reyna Mendoza, Deputy City Clerk

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, April 23, 2024 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: Councilmember Williams gave the invocation.

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Sanchez reported there was No Reportable Action on the Closed Session item.

ACKNOWLEDGEMENTS AND PRESENTATIONS

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

   ACTION: Mayor Zwahlen presented proclamation declaring April as Earth Month.

2. Proclamation declaring May 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 proclamation declaring May as National Mental Health Awareness Month.

3. Proclamation declaring April as Autism Awareness Month and Presentation by Modesto Police Department. (Funding Source: Not Applicable)
   CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

ACTION: Mayor Zwahlen presented a proclamation declaring April as Autism Awareness Month. Modesto Police Department presented information regarding their recent Autism certification.

PUBLIC COMMENT IN PERSON

- John Frailing spoke about Johnson v. Grants Pass Supreme Court case regarding homelessness, expressing concerns about its potential impact on Modesto. He suggested proactive measures, such as repurposing vacant buildings as emergency shelters, to address the situation effectively, emphasizing the need for immediate action.

- Derek Castle thanked Mayor Zwahlen and Council Member Williams for attending Earth Day event. He proposed repurposing commercial buildings or warehouses for non-congregate shelters, suggesting the construction of small bedrooms inside at a cost of less than $1,000 each. Castle urged the council to consider this cost-effective solution for bridge housing.

- Diane Kroeze appreciated various proclamations but urged action on homelessness, criticizing the rejection of inexpensive solutions. She suggested using vacant properties, particularly warehouses, as low-cost shelter options. Kroeze emphasized the need for effective action to address homelessness.

- Dylan expressed support for National Autism Awareness Month, commending the Modesto Police Department for their efforts in autism awareness. He emphasized the importance of police education in handling individuals with autism.

- Katie Mingus, representing the Friends of the Library, requested $500,000 from the city to enhance the downtown library, emphasizing its role as a vital community resource.

- Chris Murphy expressed concern about the lack of clear guidelines to protect historic buildings like the 833 Steakhouse. He advocated for support and staffing of commissions dedicated to preserving historic landmarks.

- Harrison Power, from Modesto's Landmark Preservation Commission, advocated for historic preservation efforts in the city, emphasizing the importance of preserving Modesto's architectural diversity.

- Roy Bozarth, a West Modesto resident, opposed the proposed Peace Village project by the Church of the Brethren, citing concerns about its proximity to residential areas.

- Zeff raised concerns about an $8 million deficit in the general fund, urging fiscal responsibility from the Council.

- Jerry Thompson supported Mr. Murphy's comments regarding the preservation of Modesto's architecture, emphasizing the importance of preserving historic buildings.

- Etta Thompson opposed the proposal to build homes for the homeless at the Methodist church property, suggesting other vacant buildings or open fields as more suitable locations.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 4-14: (Wright/Escutia-Braaton; 7/0)

CONSENT

Consent
4. Consider approving the minutes for the April 9, 2024 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes for the April 9, 2024 Council Meeting.

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

    ACTION: (Wright/Escutia-Braaton; 7/0) Motion approving the minutes for the April 9, 2024 Council Meeting.

Consent
5. Consider approving the establishment of inter-fund loans from the General Fund to Fund 3224, City-Led Specific Plans in an amount not to exceed $675,000 and approving the Consultant Services Agreement with De Novo Planning Group for Specific Plan Services for $650,000, over three years. (Funding Source: General Fund)
    - Resolution approving the establishment of inter-fund loans from the General Fund to Fund 3224- City-Led Specific Plan Fund, for City-Led Specific Plans in an amount not-to-exceed $675,000 for City-Led Specific Plans and authorizing the City Manager to carry out the necessary budget adjustments for up to the total amount of $675,000 to implement this action.
    - Resolution approving the Consultant Services Agreement with De Novo Planning Group for Specific Plan Services for a total amount not to exceed $650,000 over three years 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; 7/0) Resolution 2024-127 approving the establishment of inter-fund loans from the General Fund to Fund 3224- City-Led Specific Plan Fund, for City-Led Specific Plans in an amount not-to-exceed $675,000 for City-Led Specific Plans and authorizing the City Manager to carry out the necessary budget adjustments for up to the total amount of $675,000 to implement this action.

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-128 approving the Consultant Services Agreement with De Novo Planning Group for Specific Plan Services for a total amount not to exceed $650,000 over three years and authorizing the City Manager or his designee to execute the Agreement.

Consent

6. Consider approving a Fourth 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 $13,289,933. (Funding Source: Streets Capital Facility Fees)
    - Resolution approving the Fourth 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 $149,697 from $13,140,236 for a new total amount not to exceed $13,289,933, and authorizing the City Manager, or his designee to execute the Fourth Amendment.

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

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-129 approving the Fourth 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 $149,697 from $13,140,236 for a new total amount not to exceed $13,289,933, and authorizing the City Manager, or his designee to execute the Fourth Amendment.

Consent

7. Consider accepting an Informational Report for the February 2024 Accounts Payable Payment Register and Void Report. (Funding Source: Not Applicable)
    - Motion accepting an Informational Report for the February 2024 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 February 2024 Accounts Payable Payment Register and Void Report.

Consent

8. Consider approving the Agreement for Sewer & Storm Pipe and Fittings to Ferguson Waterworks, Modesto, CA for a total amount not to exceed $875,000 over five years. (Funding Source: Wastewater and Water Funds)
    - Resolution approving the Award of Bid and Agreement for Sewer & Storm Pipe and Fittings to the Ferguson Waterworks, Modesto CA for a two-year Agreement with three one-year extension options at the sole discretion of the City, for an annual estimated cost of $175,000 and a total cost not to exceed $875,000 over five years and authorizing the Director of Finance, or her designee, to execute the Agreement.

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

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-130 approving the Award of Bid and Agreement for Sewer & Storm Pipe and Fittings to the Ferguson Waterworks, Modesto CA for a two-year Agreement with three one-year extension

options at the sole discretion of the City, for an annual estimated cost of $175,000 and a total cost not to exceed $875,000 over five years and authorizing the Director of Finance, or her designee, to execute the Agreement.

Consent

9. Consider approving a Second Amendment with Ferguson Waterworks, Modesto CA, for the purchase of circle clamps, gaskets, pipe couplings, tapping sleeves and sewer materials to a total revised amount of $2,995,000 over five years. (Funding Source: Water Fund)
    - Resolution approving a Second Amendment to the Purchasing Agreement with Ferguson Waterworks, Modesto, CA, for the purchase of circle clamps, gaskets, and pipe couplings by increasing the estimated annual amount by $295,000 to $870,000 annually, to a new total amount not to exceed $2,995,000 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; 7/0) Resolution 2024-131 approving a Second Amendment to the Purchasing Agreement with Ferguson Waterworks, Modesto, CA, for the purchase of circle clamps, gaskets, and pipe couplings by increasing the estimated annual amount by $295,000 to $870,000 annually, to a new total amount not to exceed $2,995,000 over five years and authorizing the Director of Finance, or her designee, to execute the Amendment.

Consent

10. Consider approving the Agreement for Uniform and Laundry Services for Citywide locations to Aramark Uniform Services, Burbank, CA for a total amount not to exceed $1,120,000 over seven years. (Funding Source: Various Funds)
    - Resolution approving the Award of Proposal and Agreement for Uniform and Laundry Services to Aramark Uniform Services, Burbank CA for a three-year Agreement with four one-year extension options, for an annual estimated amount of $160,000 and a total amount not to exceed $1,120,000 over seven years 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 2024-132 approving the Award of Proposal and Agreement for Uniform and Laundry Services to Aramark Uniform Services, Burbank CA for a three-year Agreement with four one-year extension options, for an annual estimated amount of $160,000 and a total amount not to exceed $1,120,000 over seven years and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

11. Consider approving an Agreement for Polling and Survey Administration services to Zencity Technologies, Inc. Wilmington, DE and the First Amendment to Probolsky Research, LLC, San Francisco, CA, for a combined amount not to exceed $839,900 over five years. (Funding Source: Various Funds)
    - Resolution approving the Agreement for Polling and Survey Administration Services to Zencity Technologies, Inc. Wilmington, DE, and the First Amendment to Probolsky Research, San Francisco, CA, for a two-year Agreement with three one-year extension options, for an annual estimated amount of $175,200 and total amount not to exceed $839,900 over five years for the combined total of all agreements and authorizing the City Manager or his designee to execute the Agreement and Amendment.

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

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-133 approving the Agreement for Polling and Survey Administration Services to Zencity Technologies, Inc. Wilmington, DE, and the First Amendment to Probolsky Research, San Francisco, CA, for a two-year Agreement with three one-year extension options, for an annual estimated amount of $175,200 and total amount not to exceed $839,900 over five years for the combined total of all agreements and authorizing the City Manager or his designee to execute the Agreement and Amendment.

Consent

12. Consider amending the Classification Plan to move the positions of Park Ranger from range 1114 to range 1119 and EMS Coordinator from range 437 to range 442. (Funding Source: American Rescue Grants Fund and Measure H)
    - Resolution amending the Classification Plan for the City of Modesto to amend the classifications of Police Park Ranger and Emergency Medical Services Quality Improvement Coordinator.

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

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-134 amending the Classification Plan for the City of Modesto to amend the classifications of Police Park Ranger and Emergency Medical Services Quality Improvement Coordinator.

Consent

13. Consider approving the Agreements for On-Call Plumbing Services to Mark III Construction, DBA M3 Services Sacramento, CA and Champion Industrial Contractors, Inc. Modesto, CA for a total combined amount not to exceed $593,127 over five years. (Funding Source: Building Maintenance Fund)
    - Resolution approving the Award of Bid and Agreements for On-Call Plumbing Services to Mark III Construction, DBA M3 Services Sacramento, CA and Champion Industrial Contractors, Inc. Modesto, CA for a three-Year Agreement with two one-year extension options, for a combined annual estimated amount of $115,000, and a combined total amount not to exceed $593,127 over five years between the two Agreements, authorizing the Director of Finance, or her designee, to adjust financial amounts between both providers

without exceeding an estimated annual amount of $115,000 and overall cost of $593,127 and authorizing the City Manager, or his designee, to execute the Agreements.

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

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-135 approving the Award of Bid and Agreements for On-Call Plumbing Services to Mark III Construction, DBA M3 Services Sacramento, CA and Champion Industrial Contractors, Inc. Modesto, CA for a three-Year Agreement with two one-year extension options, for a combined annual estimated amount of $115,000, and a combined total amount not to exceed $593,127 over five years between the two Agreements, authorizing the Director of Finance, or her designee, to adjust financial amounts between both providers without exceeding an estimated annual amount of $115,000 and overall cost of $593,127 and authorizing the City Manager, or his designee, to execute the Agreements.

Consent

14. Consider accepting the State Water Resources Control Board Expedited Drinking Water Grant Program award of up to $7,115,592 for the Riverdale Park Tract Community Services District Consolidation Project and entering into a funding agreement. (Funding Source: Water Fund)
    - Resolution accepting the State Water Resources Control Board Expedited Drinking Water Grant Program award of up to $7,115,592 for the Riverdale Park Tract Community Services District Consolidation Project and authorizing the City Manager, or his designee, to enter into a funding agreement.
    - Resolution amending the Fiscal Year 2023-24 Capital Improvement Program Revenue and Expense budgets in the combined amount of $11,273,412 to fund the Construction Phase of the Riverdale Park Tract Community Services District Consolidation Project and authorizing the City Manager, or his designee, to implement the provisions of the resolution.

    UTILITIES; Jim Alves, 209-571-5557, jalves@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-136 accepting the State Water Resources Control Board Expedited Drinking Water Grant Program award of up to $7,115,592 for the Riverdale Park Tract Community Services District Consolidation Project and authorizing the City Manager, or his designee, to enter into a funding agreement.

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-137 amending the Fiscal Year 2023-24 Capital Improvement Program Revenue and Expense budgets in the combined amount of $11,273,412 to fund the Construction Phase of the Riverdale Park Tract Community Services District Consolidation Project and authorizing the City Manager, or his designee, to implement the provisions of the resolution.

COUNCIL COMMENTS & REPORTS

Councilmember Bavaro commended city employee Jose Magana for his exceptional service during a storm incident in the district. Despite adverse weather conditions, Magana went above and beyond his duties in the Department of Forestry, dedicating 3.5 hours to clearing a fallen tree and ensuring safety in the neighborhood. He highlighted Magana's compassion, efficiency, and dedication to providing outstanding customer service. Council Member Bavaro acknowledged Magana's efforts as a testament to the city's commitment to its residents' well-being.

Councilmember Ricci expressed gratitude to those who participated in the first Garage Sale Fest, highlighting its success in promoting community engagement and sustainability. He praised Visit Modesto for their efforts in promoting the event and looked forward to making it an annual tradition. He emphasized the value of investing in the city's library as a vital public space for learning and gathering. Council Member Ricci advocated for collaboration with the county to enhance the library's quality and architectural significance. Lastly, he encouraged residents to utilize the ADU dashboard for building granny flats, emphasizing its role in increasing housing inventory and providing benefits such as lower fees and tax incentives.

Councilmember Williams expressed strong support for the library and emphasized its importance in providing learning opportunities for the community, particularly for those who are illiterate. He advocated for the city to contribute $500,000 to support the library's needs. Additionally, he highlighted upcoming community events such as Cinco de Mayo celebrations and Love Modesto, where volunteers will participate in projects to beautify the city. Williams encouraged community members to join efforts in beautifying Modesto, including participating in Love Modesto activities and the Beautify McHenry project, which has garnered support from local businesses like Walmart.

Mayor Zwahlen discussed the inauguration of Dos Rios State Park in Modesto, California, highlighting the presence of the governor, his partner, and Dolores Huerta at the dedication ceremony. The Mayor describes the park's location, its restoration efforts, and plans for educational development. The Mayor expressed excitement about the park's opening on June 12th, emphasizing its significance as a new addition to the limited number of state parks in the Central Valley. The Governor's remarks underscore California's diverse natural attractions, culminating in the creation of a state park within Modesto itself. The Mayor encouraged others to visit and appreciate the park's beauty and tranquility.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on April 3, 2024

15. Hearing to consider an Ordinance repealing and replacing Modesto Municipal Code Title 5, Chapter 9 providing definitions, permitting requirements, and operating standards for adult-oriented businesses along with adding permitting provisions for adult performers and non-performers at adult-oriented businesses; and amending Title 10, Chapter 3, Article 3 regarding definitions for adult-oriented businesses. (Funding Source: General Fund)
    - Motion introducing and waiving the first reading of an Ordinance repealing and replacing Modesto Municipal Code Title 5, Chapter 9 providing definitions, permitting requirements, and operating standards for adult-oriented businesses along with adding permitting provisions for adult performers and non-performers at adult-oriented businesses; and amending Title 10, Chapter 3, Article 3 regarding definitions for adult-oriented businesses.

    CED; Tristan Osborn, 209-577-5267, tosborn@modestogov.com

    ACTION: (Ricci/Williams; 7/0) Motion introducing and waiving the first reading of an **Ordinance 3778-C.S.** as amended repealing and replacing Modesto Municipal Code Title 5, Chapter 9 providing definitions, permitting requirements, and operating standards for adult-oriented businesses along with adding permitting provisions for adult performers and non-performers at adult-oriented businesses; and amending Title 10, Chapter 3, Article 3 regarding definitions for adult-oriented businesses.

NEW BUSINESS

16. Consider accepting the Citizens' Salary Setting Commission 2024 Recommendations for the Mayor and Councilmembers' salaries and setting a public hearing for the May 14, 2024 Council meeting to consider an Ordinance amending the salaries pursuant to Modesto Charter Section 703. (Funding Source: General Fund)
    - Motion accepting the Citizens' Salary Setting Commission 2024 Recommendations for the Mayor and Councilmembers' salaries.
    - Motion setting a Public Hearing for the May 14, 2024 Council Meeting and directing the City Attorney to draft an Ordinance amending the salaries for the Mayor and Council Members pursuant to Charter Section 703.

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

    ACTION: (Alvarez/Bavaro; 7/0) Motion accepting the Citizens' Salary Setting Commission 2024 Recommendations for the Mayor and Councilmembers' salaries.

    ACTION: (Bavaro/Alvarez; 7/0) Motion setting a Public Hearing for the May 14, 2024 Council Meeting and directing the City Attorney to draft an Ordinance amending the salaries for the Mayor and Council Members pursuant to Charter Section 703.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:42 P.M.

CLOSED SESSION

All Closed Session Matters heard prior to the meeting.

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

Name of case(s): Robert Berbena v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ14483235

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
SPECIAL AUDIT COMMITTEE
COUNCIL WORKSHOP
2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California
Wednesday, April 24, 2024 at 4:00 PM

Roll Call – Present: Sue Zwahlen, Chair, Nick Bavaro, Vice-Chair, David Wright, Member, Camille Garcia, Public Member, Jennifer Barillas, Public Member

Absent: None

PUBLIC COMMENTS IN PERSON

None.

SUBMITTING COMMENTS BY E-MAIL

None.

NEW BUSINESS

1. Internal Audit Status Report dated April 24, 2024. (Funding Source: Not Applicable)
   - Presentation of Internal Audit Status Report, dated April 24, 2024.

   CITY AUDITOR; Colleen Rozillis, 206-302-6795, colleen.rozillis@mossadams.com

   ACTION: No Action Taken – Presentation

2. Consider Internal Controls Review Report and Presentation. (Funding Source: Not Applicable)
   - Motion recommending the acceptance of the Internal Control Review Report and Presentation and forwarding to Council for approval.

   CITY AUDITOR; Colleen Rozillis, 206-302-6795, colleen.rozillis@mossadams.com
   ACTION: (Garcia/Wright; 5/0) Motion recommending the acceptance of the Internal Control Review Report and Presentation and forwarding to Council for approval.

3. Enterprise Risk Training Presentation. (Funding Source: Not Applicable)
   - Presentation of Enterprise Risk Training.

   CITY AUDITOR; Colleen Rozillis, 206-302-6795, colleen.rozillis@mossadams.com

   ACTION: No Action Taken – Presentation

ADJOURNMENT

This meeting adjourned at 4:31 p.m.

Attest:

Diane Nayares-Perez, CMC
City Clerk

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, April 29, 2024 at 4:00 PM

Roll Call: Present: Committee Member Wright and Chair Bavaro
Absent: Vice-Chair Escutia-Braaton
Also Present: Alternate Member Alvarez

PUBLIC COMMENTS IN PERSON

None

SUBMITTING COMMENTS BY E-MAIL

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 1-4 (Wright/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: (Wright/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 the purchase of software programing and licensing with Carahsoft Technology Corp. of Reston, Virgina, for a total amount not to exceed $193,365 and forwarding to Council for approval. (Funding Source: Solid Waste Management Fund and SB 1383 Grant from CalRecycle)
    - Motion recommending the Competitive Bidding Process from NASPO through the State of Utah with Carahsoft Technologies Corp., Reston Virginia for

purchase of software programming and licensing, for a total amount not to exceed $193,365 and forwarding to Council for approval.

PUBLIC WORKS; Myriah Hill, 209-577-5495, mhill@modestogov.com

ACTION: (Wright/Alvarez; 3/0) Motion recommending the Competitive Bidding Process from NASPO through the State of Utah with Carahsoft Technologies Corp., Reston Virginia for purchase of software programming and licensing, for a total amount not to exceed $193,365 and forwarding to Council for approval.

Consent

3. Consider the Second Amendment for the city-wide pest control services to a revised total amount of $393,410 and extend the term of the Agreement from April 30, 2024, to April 30, 2026, and forwarding to Council for approval. (Funding Source: Building Maintenance ISF)
    - Motion recommending the Second Amendment to the Agreement with Clark Pest Control Inc., Modesto CA, for a city-wide pest control services to execute the year six extension option and increasing by $9,300 from $52,630 to a new estimated annual amount of $61,930 with a revised total amount not to exceed $393,410, extending the term of the Agreement from April 30, 2024, to April 30, 2026, and forwarding to Council for approval.

PUBLIC WORKS; Gabe da Silva, 209-652-2579, gdasilva@modestogov.com

ACTION: (Wright/Alvarez; 3/0) Motion recommending the Second Amendment to the Agreement with Clark Pest Control Inc., Modesto CA, for a city-wide pest control services to execute the year six extension option and increasing by $9,300 from $52,630 to a new estimated annual amount of $61,930 with a revised total amount not to exceed $393,410, extending the term of the Agreement from April 30, 2024, to April 30, 2026, and forwarding to Council for approval.

Consent

4. Consider the submission of grant applications to the State Water Resources Control Board's Safe and Affordable Drinking Water and Septic-to-Sewer Programs and forwarding to Council for approval. (Funding Source: Water & Sewer Fund)
    - Motion recommending the submission of a Septic-to-Sewer Program grant application to the State Water Resources Control Board to fund the Carver Road Sewer Extension Project, authorizing the City Manager, or his designee to enter into the associated Grant Agreement and execute all related documents and forwarding to Council for approval.
    - Motion recommending the submission of a Safe and Affordable Drinking Water Program grant application to the State Water Resources Control Board to fund the Kiernan Ave Water Main Ext Project, authorizing the City Manager, or his designee to enter into the associated Grant Agreement and execute all related documents and forwarding to Council for approval.

UTILITIES; Jim Alves, 209-571-5557, jalves@modestogov.com

ACTION: (Wright/Alvarez; 3/0) Motion recommending the submission of a Septic-to-Sewer Program grant application to the State Water Resources Control Board to fund the Carver Road Sewer Extension Project, authorizing the City Manager, or his designee to enter into the associated Grant Agreement and execute all related documents and forwarding to Council for approval.

ACTION: (Wright/Alvarez; 3/0) Motion recommending the submission of a Safe and Affordable Drinking Water Program grant application to the State Water Resources Control Board to fund the Kiernan Ave Water Main Ext Project, authorizing the City Manager, or his designee to enter into the associated Grant Agreement and execute all related documents and forwarding to Council for approval.

NEW BUSINESS

5. Consider an Agreement for loan servicing with AmeriNational Community Services, LLC (dba AmeriNat) for loans funded through State and Federal funded programs for a total amount not to exceed $250,000 over five (5) years and forwarding to Council for approval. (Funding Source: HUD Entitlement Funds)
    - Motion recommending the Award of Bid and Agreement for loan servicing services to AmeriNational Community Services LLC (dba AmeriNat), for two (2) year Agreement with three (3) one-year extension options, for an estimated annual amount of $50,000 and a total amount not to exceed $250,000 over five years and authorizing the City Manager to execute the Agreement and forwarding to Council for approval.

   CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

ACTION: (Wright/Alvarez; 3/0) Motion recommending the Award of Bid and Agreement for loan servicing services to AmeriNational Community Services LLC (dba AmeriNat), for two (2) year Agreement with three (3) one-year extension options, for an estimated annual amount of $50,000 and a total amount not to exceed $250,000 over five years and authorizing the City Manager to execute the Agreement and forwarding to Council for approval.

6. Consider the Agreement for operational supplies with The Home Depot USA. Inc, for a total amount not to exceed $1,600,000 over five years and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion recommending the Agreement for operational supplies to The Home Depot USA. Inc by utilizing the Competitive Bidding Process from Maricopa County, AZ for a two-year Agreement with three one-year extension options, for an annual estimated amount $320,000 and a total amount not to exceed $1,600,000 over five years; and forwarding to Council for approval.

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

ACTION: (Alvarez/Wright; 3/0) Motion recommending the Agreement for operational supplies to The Home Depot USA. Inc by utilizing the Competitive Bidding Process from Maricopa County, AZ for a two-year Agreement with three one-year extension

options, for an annual estimated amount $320,000 and a total amount not to exceed $1,600,000 over five years; 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
ECONOMIC DEVELOPMENT COMMITTEE
COUNCIL WORKSHOP
2001-40 Del Puerto Room.
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, May 06, 2024 at 4:01 PM

Roll Call: Present: Committee Member Zwahlen and Chair Ricci
Absent: Vice-Chair Alvarez

PUBLIC COMMENTS IN PERSON

None.

SUBMITTING COMMENTS BY E-MAIL

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 2-3 (Zwahlen/Ricci; 2/0)

CONSENT

Removed from Consent
Consent

1. Consider a Cooperative Agreement with Caltrans for the Project Approval and Environmental Document (PA&ED) Phase of the Standiford Avenue at State Route 99 and forwarding to Council for approval. (Funding Source: Measure L and Capital Facilities Fee)
    - Motion recommending a Cooperative Agreement with Caltrans for the Project Approval and Environmental Document (PA&ED) Phase of the Standiford Avenue at State Route 99 and forwarding to Council for approval.

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

    ACTION: (Zwahlen/Ricci; 2/0) Motion recommending a Cooperative Agreement with Caltrans for the Project Approval and Environmental Document (PA&ED) Phase of the Standiford Avenue at State Route 99 and forwarding to Council for approval.

Consent

2. Consider Agreements for the purchase and delivery of chemicals for wastewater treatment with Thatcher Company of California, Sacramento, CA, Northstar Chemical, Modesto, CA, and Univar Solutions, Kent, WA, for a total amount not to exceed

$1,221,021, over five years and forwarding to Council for approval. (Funding Source: Sewer Operations Fund)

- Motion recommending the Award of Bid and Agreements for the purchase and delivery of chemicals for wastewater treatment to Thatcher Company of California, Sacramento, CA, Northstar Chemical, Modesto, CA, and Univar Solutions, Kent, WA, for a one (1) year Agreement with four (4) one-year extension options, for an annual estimated amount of $200,000 and a total combined amount not to exceed $1,221,021 over five years and forwarding to Council for approval.

UTILITIES; Jeff Daniels, 209-577-6255, jdaniels@modestogov.com

ACTION: (Zwahlen/Ricci; 2/0) Motion recommending the Award of Bid and Agreements for the purchase and delivery of chemicals for wastewater treatment to Thatcher Company of California, Sacramento, CA, Northstar Chemical, Modesto, CA, and Univar Solutions, Kent, WA, for a one (1) year Agreement with four (4) one-year extension options, for an annual estimated amount of $200,000 and a total combined amount not to exceed $1,221,021 over five years and forwarding to Council for approval.

Consent

3. Consider an Engineering Services Agreement with BKF Engineers, of Modesto, CA, for the Final Design of the Highway 99 Water Main Crossings Improvements Project, in the amount of $491,321, plus $49,132 in additional services, if needed, for an Agreement total not to exceed $540,453 and forwarding to Council for approval. (Funding Source: Water Fund)

    - Motion recommending an Engineering Services Agreement with BKF Engineers, of Salida, CA, for the Final Design of the Highway 99 Water Main Crossings Improvements Project in the amount of $491,321, plus $49,132 in additional services, if needed, for an Agreement total amount not to exceed $540,453, and forwarding to Council for approval.
    - Motion recommending amending the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $3,047,541 to be transferred into the Project from Water Fund Reserves to fund the Highway 99 Water Main Crossings Improvements Project and forwarding to Council for approval.

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

ACTION: Zwahlen/Ricci; 2/0) Motion recommending an Engineering Services Agreement with BKF Engineers, of Salida, CA, for the Final Design of the Highway 99 Water Main Crossings Improvements Project in the amount of $491,321, plus $49,132 in additional services, if needed, for an Agreement total amount not to exceed $540,453, and forwarding to Council for approval.

ACTION: Zwahlen/Ricci; 2/0) Motion recommending amending the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $3,047,541 to be transferred into the Project from Water Fund Reserves to fund the Highway 99 Water Main Crossings Improvements Project and forwarding to Council for approval.

NEW BUSINESS

4. Consider the submittal of a State of California grant application for Active Transportation Program (ATP) – Cycle 7 funds in the amount of $11,500,000, with a local match of $3,480,000 in Local Measure L funds, for a total project amount of $14,980,000 for the Encina Avenue and Lincoln Avenue Pedestrian/Bicycle Trail Corridor Project and forwarding to Council for approval. (Funding Source: State of California ATP grant funds and Local Measure L funds)
    - Motion recommending the submittal of a State of California grant application for Active Transportation Program (ATP) funds in the amount of $11,500,000, with a local match of $3,480,000 in Local Measure L funds, for a total amount of $14,980,000 for the Encina Avenue and Lincoln Avenue Pedestrian/Bicycle Trail Corridor Project and forwarding to Council for approval.

   ENGINEERING SERVICES; Michael Sacuskie, 209-571-5552, msacuskie@modestogov.com

   ACTION: (Zwahlen/Ricci; 2/0) Motion recommending the submittal of a State of California grant application for Active Transportation Program (ATP) funds in the amount of $11,500,000, with a local match of $3,480,000 in Local Measure L funds, for a total amount of $14,980,000 for the Encina Avenue and Lincoln Avenue Pedestrian/Bicycle Trail Corridor Project and forwarding to Council for approval.

5. Consider an Engineering Services Agreement with Carollo Engineers, Inc., of Sacramento, CA, for the Regional Water Recycling Facility - Sutter Campus Master Plan Relocation Project, in an amount not to exceed $1,966,703 and forwarding to Council for approval. (Funding Source: Wastewater Fund)
    - Motion recommending an Engineering Services Agreement with Carollo Engineers, of Sacramento, CA, for the Regional Water Recycling Facility - Sutter Campus Master Plan Relocation Project in the amount of $1,787,912, plus $178,791 in additional services, if needed, for an Agreement total amount not to exceed $1,966,703 and forwarding to Council for approval.
    - Motion recommending an amendment to the Fiscal Year 2023-24 Multi-Year Program Budget in the amount of $2,045,000 to be transferred into the Project from Wastewater Reserves to fund the Regional Water Recycling Facility - Sutter Campus Master Plan Relocation Project and forwarding to Council for approval.

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

   ACTION: (Zwahlen/Ricci; 2/0) Motion recommending an Engineering Services Agreement with Carollo Engineers, of Sacramento, CA, for the Regional Water Recycling Facility - Sutter Campus Master Plan Relocation Project in the amount of $1,787,912, plus $178,791 in additional services, if needed, for an Agreement total amount not to exceed $1,966,703 and forwarding to Council for approval.

   ACTION: (Zwahlen/Ricci; 2/0) Motion recommending an amendment to the Fiscal Year 2023-24 Multi-Year Program Budget in the amount of $2,045,000 to be transferred

into the Project from Wastewater Reserves to fund the Regional Water Recycling Facility - Sutter Campus Master Plan Relocation Project and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:48 p.m.

Attest: _____
Reyna Mendoza, Deputy City Clerk

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, May 07, 2024 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, Reedemer Church

City Clerk's Announcements: None

Declaration of Conflicts of Interest: Council Member Williams Item 17

Reports from Closed Session: City Attorney Sanchez reported there was No Reportable Action on the Closed Session items.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation declaring May 5th - 11th 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 5th - 11th as National Public Service Recognition Week.

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

   ACTION: Mayor Zwahlen presented proclamation declaring May as National Older Americans Month.

3. Proclamation declaring National Salvation Army Week of May 13th – May 19th. (Funding Source: Not Applicable)

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

ACTION: Mayor Zwahlen presented proclamation declaring National Salvation Army Week of May 13th – May 19th.

PUBLIC COMMENT IN PERSON

- Derek Castle expressed gratitude to the Salvation Army and stresses the need for bridge housing in Modesto due to job loss or illness. He proposes expanding the successful model of the Family Promise Organization, which partners with local churches to provide temporary housing for families. He cites examples of churches already involved and notes the lack of negative impacts on neighborhoods. He calls for collaboration between faith communities, Family Promise Organization, and the City to expand the program, utilizing vacant church spaces. He expressed optimism about ongoing discussions to facilitate this partnership.

- Kevin Mclarty expressed gratitude to the Mayor, Council, Modesto Police Department, and Modesto Fire Department for their assistance during a previous health emergency. He commends Mayor Zwahlen's nursing skills and compassion. He raised concerns about the delayed opening of the remodeled train station on Ninth Street due to overhead wires, despite not observing any. He seeks clarification on this issue.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 4-14: (Wright/Zwahlen 6/0; Escutia-Braaton Absent)

CONSENT

Consent

4. Consider approving the minutes for the April 23, 2024 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes for the April 23, 2024 Council Meeting.

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

ACTION: (Wright/Zwahlen; 6/0; Escutia-Braaton Absent) Motion approving the minutes for the April 23, 2024 Council Meeting.

Consent

5. Consider approving Final Adoption of Ordinance 3778-C.S. repealing and replacing Modesto Municipal Code Title 5, Chapter 9 providing definitions, permitting requirements, and operating standards for adult-oriented businesses along with adding permitting provisions for adult performers and non-performers at adult-oriented businesses; and amending Title 10, Chapter 3, Article 3 regarding definitions for adult-oriented businesses. (Funding Source: Not Applicable)
    - Motion approving Final Adoption of Ordinance 3778-C.S. repealing and replacing Modesto Municipal Code Title 5, Chapter 9 providing definitions,

permitting requirements, and operating standards for adult-oriented businesses along with adding permitting provisions for adult performers and non-performers at adult-oriented businesses; and amending Title 10, Chapter 3, Article 3 regarding definitions for adult-oriented businesses.

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

ACTION: (Wright/Zwahlen; 6/0; Escutia-Braaton Absent) Motion approving Final Adoption of Ordinance 3778-C.S. repealing and replacing Modesto Municipal Code Title 5, Chapter 9 providing definitions, permitting requirements, and operating standards for adult-oriented businesses along with adding permitting provisions for adult performers and non-performers at adult-oriented businesses; and amending Title 10, Chapter 3, Article 3 regarding definitions for adult-oriented businesses.

Consent

6. Consider the annexation of Assessor Parcel Number (APNs) 077-008-039 and 077-008-040 totaling approximately 33.694 acres, to the City of Modesto Community Facilities District (CFD) No. 2004-1 (Village One #2) and authorization of the levy of special tax on the properties located within the annexation map. (Funding Source: Developer Deposit)
    - Resolution of Intention to annex Assessor Parcel Numbers (APNs) 077-008-039 and 077-008-040 totaling approximately 33.694 acres, to the City of Modesto Community Facilities District (CFD) No. 2004-1 (Village One #2) and to authorize the levy of special tax on the properties located within the annexation map (Annexation #20).

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

ACTION: (Wright/Zwahlen; 6/0; Escutia-Braaton Absent) Resolution of Intention 2024-138 to annex Assessor Parcel Numbers (APNs) 077-008-039 and 077-008-040 totaling approximately 33.694 acres, to the City of Modesto Community Facilities District (CFD) No. 2004-1 (Village One #2) and to authorize the levy of special tax on the properties located within the annexation map (Annexation #20).

Consent

7. Consider accepting the Monthly Investment Report for February 2024. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for February 2024.

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

ACTION: (Wright/Zwahlen; 6/0; Escutia-Braaton Absent) Motion accepting the Monthly Investment Report for February 2024.

Consent

8. Consider accepting an informational report for the March 2024 Accounts Payable Payment Register and Void Report. (Funding Source: Not Applicable)

- Motion accepting an informational report for the March 2024 Accounts Payable Payment Register and Void Report.

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

ACTION: (Wright/Zwahlen; 6/0; Escutia-Braaton Absent) Motion accepting an informational report for the March 2024 Accounts Payable Payment Register and Void Report.

Consent

9. Consider accepting an Informational Report on the January and February 2024 Grant Applications and Awards. (Funding Source: Not Applicable)
    - Motion accepting an Informational Report for the January and February 2024, Grant Applications and Awards.

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

ACTION: (Wright/Zwahlen; 6/0; Escutia-Braaton Absent) Motion accepting an Informational Report for the January and February 2024, Grant Applications and Awards.

Consent

10. Consider approving the Second Amendment for Backflow Prevention Testing Services to a revised total amount not to exceed $650,000. (Funding Source: Various Funds)
    - Resolution approving the Second Amendment increasing the Agreement amount with Sameday Backflow Service, for Backflow Prevention Testing Services and Repairs by $425,000 from $225,000 to a new total amount not to exceed $650,000; and authorizing the City Manager, or his designee to execute the Amendment.

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

ACTION: (Wright/Zwahlen; 6/0; Escutia-Braaton Absent) Resolution 2024-139 approving the Second Amendment increasing the Agreement amount with Sameday Backflow Service, for Backflow Prevention Testing Services and Repairs by $425,000 from $225,000 to a new total amount not to exceed $650,000; and authorizing the City Manager, or his designee to execute the Amendment.

Consent

11. Consider approving the First Amendment with HDR Engineering, Inc. for the Feasibility Study for the City of Modesto's Compost Facility in the amount of $96,062, to a revised total amount not to exceed $193,117 over the term of the original Agreement. (Funding Source: Compost Facility Improvement Fund)
    - Resolution approving the First Amendment with HDR Engineering, Inc. for the Feasibility Study for the City of Modesto's Compost Facility, increasing the Agreement amount by $96,062 from $97,055 to a new revised total amount not

to exceed $193,117 over the term of the original Agreement, and authorizing the City Manager, or his designee, to execute the Amendment.

PUBLIC WORKS; Rahimullah Sabur, 209-577-5145, rsabur@modestogov.com

ACTION: (Wright/Zwahlen; 6/0; Escutia-Braaton Absent) Resolution 2024-140 approving the First Amendment with HDR Engineering, Inc. for the Feasibility Study for the City of Modesto's Compost Facility, increasing the Agreement amount by $96,062 from $97,055 to a new revised total amount not to exceed $193,117 over the term of the original Agreement, and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

12. Consider approving the Plans and Specifications for the Jennings Well Treatment Improvements Project accepting the Bid and Awarding a Construction Contract to TNT Industrial Contractors Inc., of Sacramento, CA, in the amount of $1,135,700, authorizing 15% for contingency, if needed, for a total payment amount not to exceed $1,306,055 and approving an Agreement with West Yost Associates, of Sacramento, CA, for Engineering Support During Construction Services for a total amount not to exceed $86,570. (Funding Source: Wastewater Fund)
    - Resolution approving the Plans and Specifications for the Jennings Well Treatment Improvements Project; accepting the Bid and Awarding a Construction Contract to TNT Industrial Contractors Inc., of Sacramento, CA, in the amount of $1,135,700, authorizing the Director of Engineering Services to approve Change Orders up to the cumulative amount of $170,355, 15% of the original contract price, for a total payment amount not to exceed $1,306,055 and authorizing the City Manager, or his designee, to execute the Contract.
    - Resolution approving an Agreement with West Yost Associates, of Sacramento, CA, for Engineering Support During Construction Services for the Jennings Well Treatment Improvements Project, in the amount of $78,700, plus $7,870 in additional services, if needed, for an Agreement total amount not to exceed $86,570 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 $1,666,175 to fund the Construction Phase of the Jennings Well Treatment Improvements Project and authorizing the City Manager, or his designee, to implement the provisions of the resolution.

    UTILITIES; Cristian Ciotau, 209-571-5175, cciotau@modestogov.com

    ACTION: (Wright/Zwahlen; 6/0; Escutia-Braaton Absent) Resolution 2024-141 approving the Plans and Specifications for the Jennings Well Treatment Improvements Project; accepting the Bid and Awarding a Construction Contract to TNT Industrial Contractors Inc., of Sacramento, CA, in the amount of $1,135,700, authorizing the Director of Engineering Services to approve Change Orders up to the cumulative amount of $170,355, 15% of the original contract price, for a total payment amount not to exceed $1,306,055 and authorizing the City Manager, or his designee, to execute the Contract.

ACTION: (Wright/Zwahlen; 6/0; Escutia-Braaton Absent) Resolution 2024-142 approving an Agreement with West Yost Associates, of Sacramento, CA, for Engineering Support During Construction Services for the Jennings Well Treatment Improvements Project, in the amount of $78,700, plus $7,870 in additional services, if needed, for an Agreement total amount not to exceed $86,570 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Wright/Zwahlen; 6/0; Escutia-Braaton Absent) Resolution 2024-143 amending the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $1,666,175 to fund the Construction Phase of the Jennings Well Treatment Improvements Project and authorizing the City Manager, or his designee, to implement the provisions of the resolution.

Consent

13. Consider accepting the Spencer/Marshall Neighborhood Sewer Improvements Pocket Area 7, Phases 1 & 2 as complete; approving the annexing of the improvements into Modesto Municipal Sewer District No. 1, and the issuance of a blanket Will Serve Letter. (Funding Source: Wastewater Fund)
    - Resolution accepting the Spencer/Marshall Neighborhood Sewer Improvements (Pocket Area 7), Phases 1 & 2 as complete, and annexing the improvements into Modesto Municipal Sewer District No. 1.
    - Resolution approving a blanket Will Serve Letter for 44 parcels in the Spencer/Marshall Neighborhood, Pocket Area 7, Phases 1 & 2, allowing connection to the City of Modesto's Sanitary Sewer System, and authorizing the City Manager, or his designee, to execute the Will Serve Letter.

    UTILITIES; Jim Alves, 209-571-5557, jalves@modestogov.com

    ACTION: (Wright/Zwahlen; 6/0; Escutia-Braaton Absent) Resolution 2024-144 accepting the Spencer/Marshall Neighborhood Sewer Improvements (Pocket Area 7), Phases 1 & 2 as complete, and annexing the improvements into Modesto Municipal Sewer District No. 1.

    ACTION: (Wright/Zwahlen; 6/0; Escutia-Braaton Absent) Resolution 2024-145 approving a blanket Will Serve Letter for 44 parcels in the Spencer/Marshall Neighborhood, Pocket Area 7, Phases 1 & 2, allowing connection to the City of Modesto's Sanitary Sewer System, and authorizing the City Manager, or his designee, to execute the Will Serve Letter.

Consent

14. Consider approving a First Amendment to the Consultant Services Agreement with Trihydro Corporation, of Laramie, WY for the Nitrate/Arsenic/Uranium Remedial Investigation/Feasibility Study in the amount of $26,172 for an Agreement total revised amount not to exceed $2,162,570. (Funding Source: Water Fund)
    - Resolution approving a First Amendment to the Consultant Services Agreement with Trihydro Corporation, of Laramie, WY for the Nitrate/Arsenic/Uranium Remedial Investigation/Feasibility Study in the amount of $26,172, for an

Agreement total revised amount not to exceed $2,162,570 and authorizing the City Manager, or his designee, to execute the Amendment.

- Resolution amending the Fiscal Year 2023-24 Multi-Year Program Budget in the amount of $26,172 to be transferred into the Nitrate/Arsenic/Uranium Remedial Investigation/Feasibility Study Project from Water Fund Reserves and authorizing the City Manager, or his designee, to implement the provisions of the resolution.

UTILITIES; Jim Alves, 209-571-5557, jalves@modestogov.com

ACTION: (Wright/Zwahlen; 6/0; Escutia-Braaton Absent) Resolution 2024-146 approving a First Amendment to the Consultant Services Agreement with Trihydro Corporation, of Laramie, WY for the Nitrate/Arsenic/Uranium Remedial Investigation/Feasibility Study in the amount of $26,172, for an Agreement total revised amount not to exceed $2,162,570 and authorizing the City Manager, or his designee, to execute the Amendment.

ACTION: (Wright/Zwahlen; 6/0; Escutia-Braaton Absent) Resolution 2024-147 amending the Fiscal Year 2023-24 Multi-Year Program Budget in the amount of $26,172 to be transferred into the Nitrate/Arsenic/Uranium Remedial Investigation/Feasibility Study Project from Water Fund Reserves and authorizing the City Manager, or his designee, to implement the provisions of the resolution.

COUNCIL COMMENTS & REPORTS

Council Member Ricci highlighted the absence of local media outlets in Modesto, emphasizing the need for revitalization to preserve local stories and history. He expressed enthusiasm for updating City Ordinances concerning landmarks and architectural codes.

Council Member Williams shared experiences from recent community events, including the King Kennedy Center's Cinco de Mayo festivities and a graduation ceremony for minority boys. He also attended a police mount dinner and a car show at Fourth Street Park.

Council Member Wright commended the production of the "Camp to Home" documentary, emphasizing its significance in showcasing local initiatives. He encouraged others to watch the documentary on the City's website.

Mayor Zwahlen provided updates on her engagements, including speaking at Modesto Junior College, and attending various community events and ceremonies, expressing appreciation for the positive outlook on the future of the county.

Vice Mayor Alvarez focused on public safety, acknowledging federal funding secured for Modesto's 911 call center and highlighting statistics showing reductions in crime rates. He also promoted community events like the Farmers Market and First Fridays. He praised the car community's contributions and announced plans for an exhibition featuring local lowriders and Chicano culture at the McHenry Museum.

CITY MANAGER COMMENTS & REPORTS

None

UNFINISHED BUSINESS

15. Consider approving a Modesto Forward Grant Agreement with the Salvation Army for the operation of the Day Center program with a term of May 1, 2024 to September 30, 2024 for an amount not to exceed $262,680; approving a First Amendment for an extension to the Safe Parking program to September 30, 2024 in an additional amount not to exceed $103,033 for a total revised amount of $264,755; approving an Agreement with the Salvation Army for operation of the Berberian Shelter from January 1, 2024 to May 31, 2024 in an amount not exceed $375,000 in ESG-CV funds; and approving a Modesto Forward Grant Agreement with the Salvation Army for operation of the Berberian Shelter from June 1, 2024 to September 30, 2024 in amount not to exceed $300,000. (Funding Source: Cares Act Emergency Solutions Grant and American Rescue Plan Act Funds)

- Resolution approving a Modesto Forward Grant Agreement with the Salvation Army for the operation of the Day Center in the amount not to exceed $262,680 with a term of May 1, 2024, to September 30, 2024, and authorizing the City Manager or his designee to negotiate and execute the Agreement for the continued operations of the program.
- Resolution approving a Modesto Forward Grant Agreement with the Salvation Army for the operation of the Berberian Shelter in the amount not to exceed $300,000, with a term of June 1, 2024, to September 30, 2024, and authorizing the City Manager or his designee to negotiate and execute an Agreement for the operations of the program.
- Resolution approving an Agreement with the Salvation Army for the operation of the Berberian Shelter in an amount not to exceed $375,000 in ESG-CV funds to support shelter operations with a term from January 1, 2024, through May 31, 2024, and authorizing the City Manager or his designee to negotiate and execute the Agreements.
- Resolution approving a First Amendment to the Agreement with The Salvation Army for the operation of the Safe Parking program in the amount not to exceed $103,033 for a grand total amount of $264,755, extending the term to September 30, 2024, and authorizing the City Manager or his designee to negotiate and execute any required an Agreement for the operations of the program and to take the necessary steps to implement the provisions of this resolution.
- Resolution amending the Fiscal Year 2023-2024 Multi-Year Fund Budget for project number 101460 for the Salvation Army's Day Center, Berberian Shelter, and Safe Parking programs using Emergency Solutions Grant Cares Act (ESG-CV) reallocated funds and American Rescue Plan Act (ARPA) 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, edgarcia@modestogov.com

ACTION: (Wright/Williams; 5/1; Bavaro No; Escutia-Braaton Absent)
Resolution 2024-148 approving a Modesto Forward Grant Agreement with the Salvation Army for the operation of the Day Center in the amount not to exceed $262,680 with a term of May 1, 2024, to September 30, 2024, and authorizing the City Manager or his designee to negotiate and execute the Agreement for the continued operations of the program.

ACTION: (Wright/Williams; 5/1; Bavaro No; Escutia-Braaton Absent)
Resolution 2024-149 approving a Modesto Forward Grant Agreement with the Salvation Army for the operation of the Berberian Shelter in the amount not to exceed $300,000, with a term of June 1, 2024, to September 30, 2024, and authorizing the City Manager or his designee to negotiate and execute an Agreement for the operations of the program.

ACTION: (Wright/Williams; 5/1; Bavaro No; Escutia-Braaton Absent)
Resolution 2024-150 approving an Agreement with the Salvation Army for the operation of the Berberian Shelter in an amount not to exceed $375,000 in ESG-CV funds to support shelter operations with a term from January 1, 2024, through May 31, 2024, and authorizing the City Manager or his designee to negotiate and execute the Agreements.

ACTION: (Wright/Williams; 5/1; Bavaro No; Escutia-Braaton Absent)
Resolution 2024-151 approving a First Amendment to the Agreement with The Salvation Army for the operation of the Safe Parking program in the amount not to exceed $103,033 for a grand total amount of $264,755, extending the term to September 30, 2024, and authorizing the City Manager or his designee to negotiate and execute any required an Agreement for the operations of the program and to take the necessary steps to implement the provisions of this resolution

ACTION: (Wright/Williams; 5/1; Bavaro No; Escutia-Braaton Absent)
Resolution 2024-152 amending the Fiscal Year 2023-2024 Multi-Year Fund Budget for project number 101460 for the Salvation Army's Day Center, Berberian Shelter, and Safe Parking programs using Emergency Solutions Grant Cares Act (ESG-CV) reallocated funds and American Rescue Plan Act (ARPA) funds and authorizing the City Manager or his designee to take the necessary steps to implement the provisions of this resolution

Recessed: 7:14 p.m.
Reconvened: 7:19 p.m.

HEARINGS

Published in the Modesto Bee on April 26, 2024.

16. Hearing to consider an Ordinance amending Section 3-1.303 of the Modesto Municipal Code, titled "Administrative Penalties and Remedies," to increase the administrative fines for violations of the Fire Code, including illegal fireworks violations, adding

Section 3-1.304 related to Third Party Administrative Citations, adding Section 3-1.305 related to Response Costs and making other changes related to enforcement and administration of the Fire Code. (Funding Source: General Fund)

- Motion introducing and waiving the first reading of an Ordinance amending Section 3-1.303 of the Modesto Municipal Code, titled "Administrative Penalties and Remedies," to increase the administrative fines for violations of the Fire Code, including illegal fireworks violations, adding Section 3-1.304 related to Third Party Administrative Citations, adding Section 3-1.305 related to Response Costs and making other changes related to enforcement and administration of the Fire Code.

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

ACTION: (Alvarez/Ricci; 6/0; Escutia-Braaton Absent) Motion introducing and waiving the first reading of **Ordinance 3779-C.**S. amending Section 3-1.303 of the Modesto Municipal Code, titled "Administrative Penalties and Remedies," to increase the administrative fines for violations of the Fire Code, including illegal fireworks violations, adding Section 3-1.304 related to Third Party Administrative Citations, adding Section 3-1.305 related to Response Costs and making other changes related to enforcement and administration of the Fire Code.

(Council Member Williams Recused - due to Conflict of Interest)
Published in the Modesto Bee on April 7, 2024.

17. Hearing to accept and approve the 2024-2025 Annual Action Plan, 2024-2025 annual U.S Department of Housing and Urban Development allocation in the estimated amount of $2,861,451, and to submit the 2024-2025 Annual Action Plan including applicable documentation, as required by U.S. Department of Housing and Urban Development. (Funding Source: HUD Entitlement Funding)

    - Resolution approving the 2024-2025 Annual Action Plan, 2024-2025 annual U.S Department of Housing and Urban Development allocation in the estimated amount of $2,861,451, authorizing the City Manager, or his designee, to negotiate and execute any related program Agreements, Contracts, amend allocations, incorporate comments received prior to the close of the public comment period, make any other technical alterations as required by U.S. Department of Housing and Urban Development, or other documentation required for implementation and acceptance of the Program Year 2024-2025 Annual Action Plan funding, and authorization to submit the 2024 Annual Action Plan including applicable documentation and to make the necessary steps to implement the provision of this resolution.
    - Resolution approving the actual allocation of funds outlined in the final Program Year 2024-2025 Annual Action Plan budget to reflect the 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; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

ACTION: (Wright/Alvarez; 5/0; Williams Recused; Escutia-Braaton Absent) Resolution 2024-153 approving the 2024-2025 Annual Action Plan, 2024-2025 annual U.S Department of Housing and Urban Development allocation in the estimated amount of $2,861,451, authorizing the City Manager, or his designee, to negotiate and execute any related program Agreements, Contracts, amend allocations, incorporate comments received prior to the close of the public comment period, make any other technical alterations as required by U.S. Department of Housing and Urban Development, or other documentation required for implementation and acceptance of the Program Year 2024-2025 Annual Action Plan funding, and authorization to submit the 2024 Annual Action Plan including applicable documentation and to make the necessary steps to implement the provision of this resolution.

ACTION: (Wright/Ricci; 5/0; Williams Recused; Escutia-Braaton Absent) Resolution 2024-154 approving the actual allocation of funds outlined in the final Program Year 2024-2025 Annual Action Plan budget to reflect the 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.

NEW BUSINESS

18. Consider approving a Resolution setting forth Modesto's commitment to creating equitable parks, and protective and healthy environments. (Funding Source: Not Applicable)
    - Resolution setting forth Modesto's commitment to creating equitable parks, and protective and healthy environments.

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

ACTION: (Alvarez/Williams; 6/0; Escutia-Braaton Absent) Resolution 2024-155 setting forth Modesto's commitment to creating equitable parks, and protective and healthy environments.

19. Consider an Ordinance to renew the Modesto Tourism Marketing District pursuant to the Property and Business Improvement District Law of 1994 for the renewal of a special benefit assessment district for tourism marketing services with a ten-year term. (Funding Source: Modesto Tourism Marketing District)
    - Motion introducing and waiving the first reading of an Ordinance declaring formation of the Modesto Tourism Marketing District pursuant to the Property and Business Improvement District Law of 1994 for a renewed ten-year term.

CED; Trevin Barber, 209-860-1251, tbarber@modestogov.com

ACTION: (Ricci/Wright; 6/0; Escutia-Braaton Absent) Motion introducing and waiving the first reading of **Ordinance 3780-C.S.** declaring formation of the Modesto Tourism Marketing District pursuant to the Property and Business Improvement District Law of 1994 for a renewed ten-year term.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:42 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: City of Modesto v. Kimberly Soranno
Superior Court of California, County of Stanislaus
Case No.: CV-22-002099

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
2001-40 Del Puerto Room.
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, May 13, 2024 at 4:00 PM

Roll Call: Present: Chair Escutia-Braaton, Alternate Member Zwahlen
Absent: Vice-Chair Williams, Committee Member Ricci

PUBLIC COMMENTS IN PERSON

None

SUBMITTING COMMENTS BY E-MAIL

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEMS 1-3; (Zwahlen/Escutia-Braaton; 2/0)

CONSENT

Consent
1. Consider an Automatic Aid Agreement with Westport Fire Protection District (WFPD) to provide fire-related emergency response to the Regional Water Recycling Facility Jennings Campus located at 7007 Jennings Rd. and forwarding to Council for approval. (Funding Source: Sewer Operations Fund)
    - Motion recommending an Automatic Aid Agreement with Westport Fire Protection District (WFPD) to provide fire-related emergency response to the Regional Water Recycling Facility Jennings Campus located at 7007 Jennings Rd. and forwarding to Council for approval.

FIRE DEPARTMENT; Kevin Wise, 209-572-9590, kwise@modestofire.com

ACTION: (Zwahlen/Escutia-Braaton; 2/0) Motion recommending an Automatic Aid Agreement with Westport Fire Protection District (WFPD) to provide fire-related emergency response to the Regional Water Recycling Facility Jennings Campus located at 7007 Jennings Rd. and forwarding to Council for approval.

Consent
2. Consider a First Amendment to the Agreement with LDA Partners, Inc., for additional tasks related to Construction Documentation for the Dryden Clubhouse Renovation Project, for a new total amount not to exceed $621,500 and forwarding to Council for approval. (Funding Source: Golf Fund)

- Motion recommending a First Amendment to the Agreement with LDA Partners, Inc. for additional tasks related to construction documentation for the Dryden Clubhouse Renovation Project, increasing the Agreement amount by $270,000, for a new contract amount of $565,000, plus $56,500 in Additional Services (if needed), for a new total amount not to exceed $621,500 and forwarding to Council for approval.

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

ACTION: (Zwahlen/Escutia-Braaton; 2/0) Motion recommending a First Amendment to the Agreement with LDA Partners, Inc. for additional tasks related to construction documentation for the Dryden Clubhouse Renovation Project, increasing the Agreement amount by $270,000, for a new contract amount of $565,000, plus $56,500 in Additional Services (if needed), for a new total amount not to exceed $621,500 and forwarding to Council for approval.

Consent

3. Consider an Agreement with Sigma Tactical Wellness, Austin, Texas, for Comprehensive Heart Health Assessments for First Responders for a total amount not to exceed $115,464 and forwarding to Council for approval. (Funding Source: Byrne Justice Assistance Grant)
    - Motion recommending an Agreement with Sigma Tactical Wellness, Austin, Texas, for Comprehensive Heart Health Assessments for First Responders for a total amount not to exceed $115,464 and forwarding to Council for approval.

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

ACTION: (Zwahlen/Escutia-Braaton; 2/0) Motion recommending an Agreement with Sigma Tactical Wellness, Austin, Texas, for Comprehensive Heart Health Assessments for First Responders for a total amount not to exceed $115,464 and forwarding to Council for approval.

NEW BUSINESS

4. Consider the Second Amendment increasing the Agreement amount with BrightView Golf Maintenance, Inc., in partnership with KemperSports Management, for Golf Management and Maintenance Services by $175,202 to a revised total amount of $14,162,738 and forwarding to Council for approval. (Funding Source: Golf Fund)
    - Motion recommending the Second Amendment increasing the Agreement amount with BrightView Golf Maintenance, Inc., in partnership with KemperSports Management, for Golf Management and Maintenance Services by $175,202 from $13,987,536 to a new total amount of $14,162,738; and forwarding to Council for approval.

PRN; Jessica Franco, 209-577-5278, jefranco@modestogov.com

ACTION: (Zwahlen/Escutia-Braaton; 2/0) Motion recommending the Second Amendment increasing the Agreement amount with BrightView Golf Maintenance, Inc., in partnership with KemperSports Management, for Golf Management and

Maintenance Services by $175,202 from $13,987,536 to a new total amount of $14,162,738; and forwarding to Council for approval.

5. Consider the Safe Streets and Roads for All Agreement to Alta Planning + Design Inc. Oakland, CA to analyze roadway accidents for a total amount not to exceed $1,104,326 over a two-year period and forwarding to Council for approval. (Funding Source: Safe Streets for All Grant and Local Measure L)
   - Motion recommending the Award of the SS4A Agreement to Alta Planning + Design Inc., of Oakland CA for a total amount not to exceed $1,104,326 and forwarding to Council for approval.

PUBLIC WORKS; Max Navarro, 209-571-5116, manavarro@modestogov.com

ACTION: (Zwahlen/Escutia-Braaton; 2/0) Motion made to Approve Motion recommending the Award of the SS4A Agreement to Alta Planning + Design Inc., of Oakland CA for a total amount not to exceed $1,104,326 and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:23 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, May 14, 2024 at 5:30 PM

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

Pledge of Allegiance to the Flag

Invocation: Dallas Jackson, Renew Church

City Clerk's Announcements: Emails were received and forwarded to Council.

Declaration of Conflicts of Interest: Item 20- Vice Mayor Alvarez recused due to possible conflict.

Reports from Closed Session: No reportable action.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of the Audrey Nelson Community Development - Achievement Award to the City of Modesto for its partnership with the Downtown Streets Team. (Funding Source: Not Applicable)
CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

ACTION: Jessica Hill introduced Megan Clifford who provided an overview of Downtown Streets Team's achievements over the past five years. Mayor Zwahlen presented the Audrey Nelson Community Development Achievement Award to the City of Modesto for its partnership with the Downtown Streets Team.

2. Proclamation declaring May 19-25, 2024 as National Public Works 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 May 19-25, 2024, as National Public Works Week in the City of Modesto.

PUBLIC COMMENT IN PERSON

- Jennifer Aoyama spoke regarding concerns at McHenry Museum, noting issues like dusty displays, malfunctioning lights, and the risk of artifact damage due to visitor

interaction. She advocated for professional preservation efforts. She also spoke regarding a bus safety issue for high school students on Brighton Ave.

- Danielle Morgart, speaking for Assembly Member Alanis, provided a legislative update mentioning AB 1813, the Senior Tenant Shallow Rental Subsidy Program of 2024, and AB 1845, the Retail Theft Grants.

- John X Mataka spoke regarding the ongoing project to replace the water treatment portion of the plant in Grayson and expressed gratitude for the support from the Water Division, Manuel Martinez, and the Council for their ongoing commitment to address the water issues.

- Tzafrir Solomon expressed frustration that innovative ideas, such as creating a farming community for the homeless, were ignored in the past due to differing views. He defended the Salvation Army but supported financial inquiries and emphasized responsible spending on public projects.

- Micah Dizney spoke regarding safety concerns on Water Street due to increased traffic and hazards from a business at 1552 Coffee Road. Efforts to address the issue have been obstructed by a resolution from 2003, leading residents to petition the Council for reconsideration and a risk assessment.

- David Stephens supported concerns about excessive traffic on Water Street from a nearby business. He emphasized safety hazards for residents and children. He appealed to the Council for assistance in resolving the situation for peaceful living.

- Diane Kroeze criticized temporary homelessness solutions, emphasizing the need for comprehensive support which addresses the root causes of homelessness. She urged the Council to prioritize established organizations like the Salvation Army.

- Derek Castle compared NIMBYism to past housing discrimination in Modesto, urging against labeling all homeless individuals negatively and encouraging Councilmembers to address modern-day housing discrimination.

- Jerry Miller thanked the Council for a souvenir related to lifting the no cruising ban in Modesto, encouraging teamwork. He also thanked the Police Department for their cooperation and expressed a desire for all Councilmembers to sign the back of the sign as a symbol of teamwork. He promoted the American Graffiti event and volunteering for the Walk of Legends, suggesting Councilman Williams as a guide.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: 3-16 (Wright/Escutia-Braaton; 7/0)

CONSENT

Consent

3. Consider approving the minutes for the May 7, 2024 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes for the May 7, 2024 Council Meeting.

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

    ACTION: (Wright/Escutia-Braaton; 7/0) Motion approving the minutes for the May 7, 2024 Council Meeting.

Consent

4. Consider approving Final Adoption of Ordinance 3779-C.S. amending Section 3-1.303 of the Modesto Municipal Code, titled "Administrative Penalties and Remedies," to increase the administrative fines for violations of the Fire Code, including illegal fireworks violations, adding Section 3-1.304 related to Third Party Administrative Citations, adding Section 3-1.305 related to Response Costs and making other changes related to enforcement and administration of the Fire Code. (Funding Source: Not Applicable)
    - Motion approving Final Adoption of Ordinance 3779-C.S. amending Section 3-1.303 of the Modesto Municipal Code, titled "Administrative Penalties and Remedies," to increase the administrative fines for violations of the Fire Code, including illegal fireworks violations, adding Section 3-1.304 related to Third Party Administrative Citations, adding Section 3-1.305 related to Response Costs and making other changes related to enforcement and administration of the Fire Code.

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

    ACTION: (Wright/Escutia-Braaton; 7/0) Motion approving Final Adoption of **Ordinance 3779-C.S.** amending Section 3-1.303 of the Modesto Municipal Code, titled "Administrative Penalties and Remedies," to increase the administrative fines for violations of the Fire Code, including illegal fireworks violations, adding Section 3-1.304 related to Third Party Administrative Citations, adding Section 3-1.305 related to Response Costs and making other changes related to enforcement and administration of the Fire Code.

Consent

5. Consider calling for the holding of a Municipal Election to be held on November 5, 2024, requesting the Stanislaus County Board of Supervisors to Consolidate the City of Modesto Municipal Election to be held on November 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 Modesto City Schools; and adopting regulations for candidates for elective office pertaining to candidates statements submitted to the voters at an Election to be held on Tuesday, November 5, 2024. (Funding Source: General Fund)

- Resolution of the City of Modesto calling for the holding of a Municipal Election to be held on November 5, 2024, requesting from the Stanislaus County Board of Supervisors to Consolidate the City of Modesto Municipal Election to be held on November 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 the Modesto City Schools.
- Resolution adopting Regulations for Candidates for Elective Office Pertaining to Candidates Statements Submitted to the Voters at an Election to be held on Tuesday, November 5, 2024.

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

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-156 of the City of Modesto calling for the holding of a Municipal Election to be held on November 5, 2024, requesting from the Stanislaus County Board of Supervisors to Consolidate the City of Modesto Municipal Election to be held on November 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 the Modesto City Schools.

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-157 adopting Regulations for Candidates for Elective Office Pertaining to Candidates Statements Submitted to the Voters at an Election to be held on Tuesday, November 5, 2024.

Consent

6. Consider approving a Third Amendment to the Legal Services Agreement with Rivera Hewitt Paul LLP in the amount of $150,000, for a total revised agreement amount not to exceed $550,000, and a Third Amendment to the Legal Services Agreement with Castillo, Moriarty, Tran & Robinson to adjust rates for continued representation in police related matters. (Funding Source: General Liability Insurance Fund)
    - Resolution approving a Third Amendment to the Legal Services Agreement with Rivera Hewitt Paul, LLP in the amount of $150,000, for a total revised Agreement amount not to exceed $550,000, for continued representation in police litigation matters and authorizing the City Manager or his designee, to execute the amendment.
    - Resolution approving a Third Amendment to the Legal Services Agreement with Castillo, Moriarty, Tran & Robinson to adjust hourly rates for continued representation in police litigation matters and authorizing the City Manager or his designee, to execute the amendment.

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

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-158 approving a Third Amendment to the Legal Services Agreement with Rivera Hewitt Paul, LLP in the amount of $150,000, for a total revised Agreement amount not to exceed $550,000, for continued representation in police litigation matters and authorizing the City Manager or his designee, to execute the amendment.

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-159 approving a Third Amendment to the Legal Services Agreement with Castillo, Moriarty, Tran & Robinson to adjust hourly rates for continued representation in police litigation matters and authorizing the City Manager or his designee, to execute the amendment.

Consent

7. 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@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-160 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

8. Consider accepting the Grayson Community Strengthen & Replace Water Mains Project as complete, releasing securities, releasing payments totaling $2,830,219 to D.A. Wood Construction, Inc., of Oakdale, CA, and authorizing the City Clerk to file a Notice of Completion. (Funding Source: Water Fund)
    - Resolution accepting the Grayson Community Strengthen & Replace Water Mains Project as complete, releasing securities, releasing payments totaling $2,830,219 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: (Wright/Escutia-Braaton; 7/0) Resolution 2024-161 accepting the Grayson Community Strengthen & Replace Water Mains Project as complete, releasing securities, releasing payments totaling $2,830,219 to D.A. Wood Construction, Inc., of Oakdale, CA., and authorizing the City Clerk to file a Notice of Completion.

Consent

9. Consider authorizing submittal of a State of California Grant Application for Active Transportation Program (ATP) – Cycle 7 Funds in the amount of $11,500,000 and $3,480,000 in Local Measure L Funds for a total project amount of $14,980,000 for the Encina Avenue and Lincoln Avenue Pedestrian/Bicycle Trail Corridor Project. (Funding Source: State of California ATP Grant Funds and Local Funds – Measure L)
    - Resolution authorizing submittal of a State of California Grant Application for Active Transportation Program (ATP) – Cycle 7 Funds in the amount of $11,500,000 and $3,480,000 in Local Measure L Funds for a total project amount of $14,980,000 for the Encina Avenue and Lincoln Avenue

Pedestrian/Bicycle Trail Corridor Project, and authorizing the City Manager, or his designee to execute all necessary grant documents.

ENGINEERING SERVICES; Michael Sacuskie, 209-571-5552, msacuskie@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-162 authorizing submittal of a State of California Grant Application for Active Transportation Program (ATP) – Cycle 7 Funds in the amount of $11,500,000 and $3,480,000 in Local Measure L Funds for a total project amount of $14,980,000 for the Encina Avenue and Lincoln Avenue Pedestrian/Bicycle Trail Corridor Project, and authorizing the City Manager, or his designee to execute all necessary grant documents.

Consent

10. Consider approving a Cooperative Agreement with Caltrans for the Project Approval and Environmental Document (PA&ED) Phase of the Standiford Avenue at State Route 99. (Funding Source: Measure L and Capital Facilities Fee)
    - Resolution approving a Cooperative Agreement with Caltrans for the Project Approval and Environmental Document (PA&ED) Phase of the Standiford Avenue at State Route 99 and authorizing the City Manager, or his designee to execute the Cooperative Agreement.

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

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-163 approving a Cooperative Agreement with Caltrans for the Project Approval and Environmental Document (PA&ED) Phase of the Standiford Avenue at State Route 99 and authorizing the City Manager, or his designee to execute the Cooperative Agreement.

Consent

11. Consider approving the Agreement for the purchase of operational supplies with The Home Depot USA. Inc, for a total amount not to exceed $1,600,000 over five years. (Funding Source: Various Funds)
    - Resolution approving the Agreement for the purchase of operational supplies to The Home Depot USA. Inc by utilizing the Competitive Bidding Process from Maricopa County, AZ for a two-year Agreement with three one-year extension options, for an annual estimated amount of $320,000 and a total amount not to exceed $1,600,000 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: (Wright/Escutia-Braaton; 7/0) Resolution 2024-164 approving the Agreement for the purchase of operational supplies to The Home Depot USA. Inc by utilizing the Competitive Bidding Process from Maricopa County, AZ for a two-year Agreement with three one-year extension options, for an annual estimated amount of $320,000 and a total amount not to exceed $1,600,000 over five years; and authorizing the City Manager or his designee to execute the Agreement.

Consent

12. Consider approving the purchase of various Fleet Additions and Replacement of Fleet Vehicles which include four Half-Ton Crew Cab Short Bed Pickup Trucks and five Half-Ton Extended Cab Short Bed Pickup Trucks in an amount not to exceed $608,388. (Funding Source: Fleet Replacement Fund and Measure H)
    - Resolution approving the Award of Bid and purchase for four Half Ton Crew Cab Short Bed Pickup Trucks to Napa Ford, Napa, CA in an amount not to exceed $240,754; 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, for a total amount not to exceed $276,868.
    - Resolution approving the Award of Bid and purchase for five Half-Ton Extended Cab Short Bed Pickup Trucks to Napa Ford, Napa, CA in an amount not to exceed $288,234; 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, for a total amount not to exceed $331,470.

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

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-165 approving the Award of Bid and purchase for four Half Ton Crew Cab Short Bed Pickup Trucks to Napa Ford, Napa, CA in an amount not to exceed $240,754; 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, for a total amount not to exceed $276,868.

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-166 approving the Award of Bid and purchase for five Half-Ton Extended Cab Short Bed Pickup Trucks to Napa Ford, Napa, CA in an amount not to exceed $288,234; 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, for a total amount not to exceed $331,470.

Consent

13. Consider approving the purchase of protective helmets to L.N. Curtis and Sons DBA Curtis Blue Line, Walnut Creek, CA, for a total amount not to exceed $170,383. (Funding Source: Asset Forfeiture Funds)
    - Resolution approving the Competitive Bidding Process from National Purchasing Partners LLC, DBA NPPGov, League of Oregon Cities, with L.N. Curtis and Sons DBA Curtis Blue Line, Walnut Creek, CA, for the purchase of protective helmets for a total amount not to exceed $170,383; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

    POLICE DEPARTMENT; Felton Payne, 209-572-9500, paynef@modestopd.com

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-167 approving the Competitive Bidding Process from National Purchasing Partners LLC, DBA NPPGov,

League of Oregon Cities, with L.N. Curtis and Sons DBA Curtis Blue Line, Walnut Creek, CA, for the purchase of protective helmets for a total amount not to exceed $170,383; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

Consent

14. 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 2024-2025. (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 CA Assembly Bill No. 481, and approving the purchase of additional equipment that qualifies as "military equipment" in Fiscal Year 2024-2025 and rescinding Ordinance No. 3763-C.S.
    - Motion accepting the Modesto Police Department's annual Military Equipment Report.

    POLICE DEPARTMENT; Joseph Bottoms, 209-572-9500, bottomsj@modestopd.com

    ACTION: (Wright/Escutia-Braaton; 7/0) Motion introducing and waiving the first reading of an **Ordinance 3782-C.S.** approving the Modesto Police Department's Military Equipment Use Policy (Policy 710) in accordance with CA Assembly Bill No. 481, and approving the purchase of additional equipment that qualifies as "military equipment" in Fiscal Year 2024-2025 and rescinding Ordinance No. 3763-C.S.

    ACTION: (Wright/Escutia-Braaton; 7/0) Motion accepting the Modesto Police Department's annual Military Equipment Report.

Consent

15. Consider approving the Second Amendment for the city-wide pest control services to a revised total amount of $393,410 and extend the term of the Agreement from April 30, 2024, to April 30, 2026. (Funding Source: Building Maintenance ISF)
    - Resolution approving the Second Amendment to the Agreement with Clark Pest Control Inc., Modesto CA, for a city-wide pest control services to execute the year six and year seven extension options and increasing by $9,300 from $52,630 to a new estimated annual amount of $61,930 with a revised total amount not to exceed $393,410, extending the term of the Agreement from April 30, 2024, to April 30, 2026, and authorizing the City Manager, or his designee, to execute the Amendment.

    PUBLIC WORKS; Gabe da Silva, 209-652-2579, gdasilva@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-168 approving the Second Amendment to the Agreement with Clark Pest Control Inc., Modesto CA, for a city-wide pest control services to execute the year six and year seven extension options

and increasing by $9,300 from $52,630 to a new estimated annual amount of $61,930 with a revised total amount not to exceed $393,410, extending the term of the Agreement from April 30, 2024, to April 30, 2026, and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

16. Consider approving a Purchasing Agreement with MSC Industrial Supply Co. Inc., W. Sacramento, CA for the purchase and maintenance of bin stock items for a total amount not to exceed $1,150,764, over five years. (Funding Source: Various Funds)
    - Resolution approving a Purchasing Agreement with MSC Industrial Supply Co. Inc., W. Sacramento, CA., by utilizing the Competitive Bid Process with Sourcewell, for the purchase and maintenance of bin stock items, for a two-year Agreement with three one-year extension options, for an annual estimated amount of $204,000, and a total amount not to exceed $1,150,764, over five years, and authorizing the Director of Finance, or her designee to execute the Agreement.

    UTILITIES; Jeff Daniels, 209-577-6255, jdaniels@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-169 approving a Purchasing Agreement with MSC Industrial Supply Co. Inc., W. Sacramento, CA., by utilizing the Competitive Bid Process with Sourcewell, for the purchase and maintenance of bin stock items, for a two-year Agreement with three one-year extension options, for an annual estimated amount of $204,000, and a total amount not to exceed $1,150,764, over five years, and authorizing the Director of Finance, or her designee to execute the Agreement.

COUNCIL COMMENTS & REPORTS

Councilmember Wright expressed appreciation for the Downtown Street Teams for offering job opportunities and instilling self-confidence to the unemployed and homeless. He supported expanding the program citywide and suggested using additional Measure H funds for more employment opportunities.

Councilmember Ricci highlighted the upcoming opening of Dos Rios State Park and emphasized supporting local nonprofits like the Salvation Army. He also stressed the importance of rebuilding local media infrastructure and supporting the proposed MJC lowrider program for auto fabrication skills and community collaboration.

Councilmember Escutia-Braaton spoke regarding the recent Council action to increase fines for illegal fireworks, recognizing the havoc they wreak during celebrations like the Fourth of July, and promoted drone alternatives to traditional fireworks supported by funding through Valley Air to improve air quality. She also spoke regarding the completion of a beautification project along Highway 99 in partnership with Caltrans. Additionally, she praised the Police Department's involvement in Miracle League baseball games, emphasizing inclusivity and community engagement.

Council Member Williams thanked the community for Kidz Day support and encouraged donations to organizations like the Salvation Army and Red Shield. He praised the Parks and Recreation department's boat launch success and acknowledged the Stanislaus County Fair's use of a Valley Air grant for drone presentations. He also expressed gratitude to City staff for their camaraderie at the Public Works pancake breakfast.
Mayor Zwahlen spoke regarding attending the Stanislaus Medical Society's annual dinner to present the Physician of the Year award to Dr. Niamh Seavy, who was the first female trauma general surgeon in Modesto. Mayor Zwahlen also acknowledged the recent boat launch at Neece Drive, and her attendance at the Modesto Police Department Award dinner. She also mentioned the Modesto Garden Club celebrated their centennial anniversary and observed their downtown beautification and planting efforts. She also mentioned speaking at the Archway Commons' resource fair event. Additionally, she attended the monthly Clergy Council meeting to collaborate on community safety efforts. Finally, Mayor Zwahlen expressed appreciation for City Manager Joe Lopez's dedication and leadership.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on April 2, 2024

17. Hearing to consider a Second Reading and Final Adoption of Ordinance 3780-C.S., and a Resolution, to renew the Modesto Tourism Marketing District and levy assessments, pursuant to the Property and Business Improvement District Law of 1994, for a special benefit assessment district for tourism marketing services with a ten-year term. (Funding Source: Modesto Tourism Marketing District)
    - Motion approving Final Adoption of Ordinance 3780-C.S. of the City of Modesto declaring formation of the Modesto Tourism Marketing District, pursuant to the Property and Business Improvement District Law of 1994, for a renewed ten-year term.
    - Resolution declaring formation of the Modesto Tourism Marketing District, pursuant to the Property and Business Improvement District Law of 1994, for a renewed ten-year term.

    CED; Trevin Barber, 209-860-1251, tbarber@modestogov.com

    ACTION: (Escutia-Braaton/Wright; 7/0) Motion approving Final Adoption of **Ordinance 3780-C.S.** of the City of Modesto declaring formation of the Modesto Tourism Marketing District, pursuant to the Property and Business Improvement District Law of 1994, for a renewed ten-year term.

    ACTION: (Wright/Alvarez; 7/0) Resolution 2024-170 declaring formation of the Modesto Tourism Marketing District, pursuant to the Property and Business Improvement District Law of 1994, for a renewed ten-year term.

Published in the Modesto Bee on April 24, 2024.

18. Hearing to consider an Ordinance amending Compensation for the Mayor and Councilmembers' Salaries pursuant to the Citizens' Salary Setting Commission's Final Recommendations pursuant to Modesto Charter Section 703. (Funding Source: General Fund) (Funding Source: General Fund)
    - Motion Introducing and waiving the first reading of an Ordinance amending Sections 2-1.24 "Compensation of Mayor," and 2-1.26 "Compensation of City Councilmembers," of Chapter 1, "City Council Organization and Procedure," of Title 2, "Administration," of the Modesto Municipal Code, to increase the salaries of the Mayor and City Councilmembers pursuant to Charter Section 703 and the recommendations of the Citizen's Salary Setting Commission of 2024.

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

    ACTION: (Bavaro/Alvarez; 7/0) Motion Introducing and waiving the first reading of an **Ordinance 3781-C.S.** amending Sections 2-1.24 "Compensation of Mayor," and 2-1.26 "Compensation of City Councilmembers," of Chapter 1, "City Council Organization and Procedure," of Title 2, "Administration," of the Modesto Municipal Code, to increase the salaries of the Mayor and City Councilmembers pursuant to Charter Section 703 and the recommendations of the Citizen's Salary Setting Commission of 2024.

Published in the Modesto Bee on May 3, 2024

19. Hearing to consider approving the application and issuance of a Permit to operate as a Non-Emergency Medical Transport Company to Mediwest Non-Emergency Medical Transportation in the City of Modesto. (Funding Source: General Fund)
    - Resolution approving the application and issuance of a Permit to operate as a Non-Emergency Medical Transport Company to Mediwest Non-Emergency Medical Transportation in the City of Modesto.

    POLICE DEPARTMENT; Kalani Souza, 209-572-9500, souzak@modestopd.com

    ACTION: (Wright/Zwahlen; 7/0) Resolution 2024-171 approving the application and issuance of a Permit to operate as a Non-Emergency Medical Transport Company to Mediwest Non-Emergency Medical Transportation in the City of Modesto.

Recessed: 7:04 p.m.
Reconvened: 7:10 p.m.

NEW BUSINESS

(Councilmember Alvarez recused due to conflict of interest.)

20. Consider directing staff to prepare a Request for Proposals (RFP) for the purpose of issuing one commercial cannabis retail permit under the City of Modesto's Cannabis Equity Program (Providing Local Equity Development Grants and Education (PLEDGE)). (Funding Source: Cannabis Application Fee)

- Resolution directing staff to prepare a Request for Proposals (RFP) for the purpose of issuing one commercial cannabis retail permit under the City of Modesto's Cannabis Equity Program (Providing Local Equity Development Grants and Education (PLEDGE)).

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

ACTION: (Ricci/Zwahlen; 3/3; Noes; Bavaro, Escutia-Braaton, Wright; Recused; Alvarez) MOTION FAILS - Resolution directing staff to prepare a Request for Proposals (RFP) for the purpose of issuing one commercial cannabis retail permit under the City of Modesto's Cannabis Equity Program (Providing Local Equity Development Grants and Education (PLEDGE)).

21. 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 2024-25 and noticing a Public Hearing to be held on June 4, 2024, for Council's consideration and adoption of the Fiscal Year 2024-25 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 2024-25 and noticing a Public Hearing to be held on June 4, 2024, for Council's consideration and adoption of the Fiscal Year 2024-25 Proposed Budget and related actions.

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

ACTION: (Bavaro/Williams; 7/0) Resolution 2024-172 combining the City Manager's Draft Budget and the Mayor's Final Budget Modifications into the Proposed Budget for Fiscal Year 2024-25 and noticing a Public Hearing to be held on June 4, 2024, for Council's consideration and adoption of the Fiscal Year 2024-25 Proposed Budget and related actions.

MATTERS TOO LATE FOR THE AGENDA

None

All Closed Session matters heard prior to the 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

ADJOURNMENT

This meeting adjourned at 7:55 P.M.

Attest: _____
Dana Sanchez, Assistant City Clerk

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, May 20, 2024 at 4:00 PM

Roll Call: Present: Committee Member Wright and Vice-Chair Escutia-Braaton
Absent: Chair Bavaro
Also Present: Alternate Member Williams

PUBLIC COMMENTS IN PERSON

None

SUBMITTING COMMENTS BY E-MAIL

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 1-8 (Wright/Williams; 3/0)

CONSENT

Consent

1. Consider three On-Call Agreements for Construction Inspection Services, with Dillon and Murphy Engineering, West Yost Associates, and TRC Engineering, Inc., for a one-year Agreement with two one-year extension options, for an estimated amount of $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 recommending three On-Call Agreements for Construction Inspection Services with Dillon and Murphy Engineering, West Yost Associates, and TRC Engineering, Inc, for a one-year Agreement with two one-year extension options, for an estimated amount of $74,500 per consultant, and a total amount not to exceed $223,500 per consultant over three years and forwarding to Council for approval.

ENGINEERING SERVICES; Peter Kambel, 209-577-5444, pkambel@modestogov.com

ACTION: (Wright/Williams; 3/0) Motion recommending three On-Call Agreements for Construction Inspection Services with Dillon and Murphy Engineering, West Yost Associates, and TRC Engineering, Inc, for a one-year Agreement with two one-year extension options, for an estimated amount of $74,500 per consultant, and a total amount not to exceed $223,500 per consultant over three years and forwarding to Council for approval.

Consent

2. Consider the purchase of a New Public Bidding Solution Subscription with OpenGov Inc., San Francisco, CA in the amount of $276,136 over three years and forwarding to Council for approval. (Funding Source: General Fund, Capital Improvement Fund, and Utility Funds)
    - Motion recommending the purchase of a New Public Bidding Solution Subscription with OpenGov Inc., San Francisco, CA in the amount of $276,136 over three years and forwarding to Council for approval.

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

    ACTION: (Wright/Williams; 3/0) Motion recommending the purchase of a New Public Bidding Solution Subscription with OpenGov Inc., San Francisco, CA in the amount of $276,136 over three years and forwarding to Council for approval.

Consent

3. Consider the Agreement for Polygraph Services to Assurance Polygraph, LLC, Castro Valley, CA, for a total amount not to exceed $538,260 over five years and forwarding to Council for approval. (Funding Source: General Fund)
    - Motion recommending the Award of Bid and Agreement for Polygraph Examination Services to Assurance Polygraph, LLC, Castro Valley, CA, for a two-year agreement with three one-year extension options, for an annual estimated amount of $96,250, plus $57,010 for contingency, if needed, for an Agreement total amount not to exceed $538,260 over five 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 Award of Bid and Agreement for Polygraph Examination Services to Assurance Polygraph, LLC, Castro Valley, CA, for a two-year agreement with three one-year extension options, for an annual estimated amount of $96,250, plus $57,010 for contingency, if needed, for an Agreement total amount not to exceed $538,260 over five years and forwarding to Council for approval.

Consent

4. Consider the First Amendment to the Agreements for Rental Fleet Services with Herc Rentals, Modesto, California, Holt of California, Salida, California and United Rentals (North America) Inc., Modesto, California, for an annual estimated cost increase of $200,000 from $400,000 to $600,000 and a total revised not to exceed amount of $3,000,000 and forwarding to Council for approval. (Funding Source: Fleet Management Fund)
    - Motion recommending the First Amendment for the Agreements with Herc Rentals, Modesto, CA, Holt of California, Salida, CA, and United Rentals, Modesto, CA, for Rental Fleet Services for the Agreements for an annual estimated cost increase of $200,000 from $400,00 to $600,00 and a total revised

not to exceed a total amount of $3,000,000 and forwarding to Council for approval.

PUBLIC WORKS; Patrick Crowley, 209-342-2274, pcrowley@modestogov.com

ACTION: (Wright/Williams; 3/0) Motion recommending the First Amendment for the Agreements with Herc Rentals, Modesto, CA, Holt of California, Salida, CA, and United Rentals, Modesto, CA, for Rental Fleet Services for the Agreements for an annual estimated cost increase of $200,000 from $400,00 to $600,00 and a total revised not to exceed a total amount of $3,000,000 and forwarding to Council for approval.

Consent

5. Consider the Second Amendment to the Agreement for an On-Site Tire Technician with Fleet Tire Inc. dba Brannon Tire, Stockton, CA. for tire services, inspection and repairs to City vehicle tires for an annual estimated cost increase of $121,080 from $88,920 to $210,000 and a total revised not to exceed amount from $444,600 to a new total amount of $654,600 and extending the term of the Agreement from June 10, 2024, to June 10, 2025, and forwarding to Council for approval. (Funding Source: Fleet Management Fund)
    - Motion recommending the Second Amendment for an On-Site Tire Technician with Fleet Tire Inc. dba Brannon Tire, Stockton, CA. for tire services, inspection and repairs to City vehicle tires for an annual estimated cost increase of $121,080 from $88,920 to $210,000 and a total revised not to exceed amount from $444,600 to a new total amount of $654,600 and extending the term of the Agreement from June 10, 2024, to June 10, 2025, and forwarding to Council for approval.

PUBLIC WORKS; Patrick Crowley, 209-342-2274, pcrowley@modestogov.com

ACTION: (Wright/Williams; 3/0) Motion recommending the Second Amendment for an On-Site Tire Technician with Fleet Tire Inc. dba Brannon Tire, Stockton, CA. for tire services, inspection and repairs to City vehicle tires for an annual estimated cost increase of $121,080 from $88,920 to $210,000 and a total revised not to exceed amount from $444,600 to a new total amount of $654,600 and extending the term of the Agreement from June 10, 2024, to June 10, 2025, and forwarding to Council for approval.

Consent

6. Consider the Second Amendment for bulk oils and lubricants with Hunt & Sons, Inc., Ceres, CA, to a revised total amount of $1,743,201, and forwarding to Council for approval. (Funding Source: Fleet Management Fund)
    - Motion recommending the Second Amendment for the purchase of Bulk Oils and Lubricants with Hunt & Sons Inc., Ceres, CA, for an increase by $800,000 to a new total amount of $1,743,201 over the remaining duration of the agreement and forwarding to Council for approval.

PUBLIC WORKS; Patrick Crowley, 209-342-2274, pcrowley@modestogov.com

ACTION: (Wright/Williams; 3/0) Motion recommending the Second Amendment for the purchase of Bulk Oils and Lubricants with Hunt & Sons Inc., Ceres, CA, for an increase by $800,000 to a new total amount of $1,743,201 over the remaining duration of the agreement and forwarding to Council for approval.

Consent

7. Consider an On-Call Electrical Engineering Design Services Agreement with Pezzoni Engineering, Inc, of Modesto, CA for a total amount not to exceed $300,000 over three years, and an On-Call Architectural Design Services Agreement with Red Inc. Architects, of Modesto, CA, for a total amount not to exceed $300,000 over three years and forwarding to Council for approval. (Funding Source: Various Capital Improvement Program Projects)
    - Motion recommending an On-Call Electrical Engineering Design Services Agreement with Pezzoni Engineering, Inc., of Modesto, CA for a one-year Agreement with two one-year extension options, for an annual estimated amount of $100,000, and a total amount not to exceed $300,000 over three years; and forwarding to Council for approval.
    - Motion recommending an On-Call Architectural Design Services Agreement with Red Inc. Architects, of Modesto, CA for a one-year Agreement with two one-year extension options, for an annual estimated amount of $100,000, and a total amount not to exceed $300,000 over three years; and forwarding to Council for approval.

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

ACTION: (Wright/Williams; 3/0) Motion recommending an On-Call Electrical Engineering Design Services Agreement with Pezzoni Engineering, Inc., of Modesto, CA for a one-year Agreement with two one-year extension options, for an annual estimated amount of $100,000, and a total amount not to exceed $300,000 over three years; and forwarding to Council for approval.

ACTION: (Wright/Williams; 3/0) Motion recommending an On-Call Architectural Design Services Agreement with Red Inc. Architects, of Modesto, CA for a one-year Agreement with two one-year extension options, for an annual estimated amount of $100,000, and a total amount not to exceed $300,000 over three years; and forwarding to Council for approval.

Consent

8. Consider two Engineering Services Agreements with Carollo Engineers, of Walnut Creek, CA, for the Downtown Sewer Trunk Rehabilitation and the Santa Rosa Sewer Trunk Rehabilitation Projects, in the amount of $935,326, plus $93,534 in additional services, if needed, for a combined amount not to exceed $1,028,860 and forwarding to Council for approval. (Funding Source: Wastewater Fund)
    - Motion recommending an Engineering Services Agreement with Carollo Engineers, of Walnut Creek, CA, for the Downtown Sewer Trunk Rehabilitation Project in the amount of $497,892, plus $49,790 in additional

services, if needed, for an Agreement total amount not to exceed $547,682; and forwarding to Council for approval.

- Motion recommending an Engineering Services Agreement with Carollo Engineers, of Walnut Creek, CA, for the Santa Rosa Sewer Trunk Rehabilitation Project in the amount of $437,434, plus $43,744 in additional services, if needed, for an Agreement total amount not to exceed $481,178; and forwarding to Council for approval.
- Motion recommending an amendment to the Fiscal Year 2023-24 Multi-Year Program Budget in the amount of $8,431,782 from Wastewater Reserves to fund the Downtown Sewer Trunk Rehabilitation and Santa Rosa Sewer Trunk Rehabilitation Projects and forwarding to Council for approval.

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

ACTION: (Wright/Williams; 3/0) Motion recommending an Engineering Services Agreement with Carollo Engineers, of Walnut Creek, CA, for the Downtown Sewer Trunk Rehabilitation Project in the amount of $497,892, plus $49,790 in additional services, if needed, for an Agreement total amount not to exceed $547,682; and forwarding to Council for approval.

ACTION: (Wright/Williams; 3/0) Motion recommending an Engineering Services Agreement with Carollo Engineers, of Walnut Creek, CA, for the Santa Rosa Sewer Trunk Rehabilitation Project in the amount of $437,434, plus $43,744 in additional services, if needed, for an Agreement total amount not to exceed $481,178; and forwarding to Council for approval.

ACTION: (Wright/Williams; 3/0) Motion recommending an amendment to the Fiscal Year 2023-24 Multi-Year Program Budget in the amount of $8,431,782 from Wastewater Reserves to fund the Downtown Sewer Trunk Rehabilitation and Santa Rosa Sewer Trunk Rehabilitation Projects and forwarding to Council for approval.

NEW BUSINESS

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

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

ADJOURNMENT

This meeting adjourned at 4:28 p.m.

Attest: _____
Andrea Cook, Deputy City Clerk

MINUTES
City of Modesto
ECONOMIC DEVELOPMENT COMMITTEE
COUNCIL WORKSHOP
2001-40 Del Puerto Room.
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, June 03, 2024 at 4:00 PM

Roll Call: Present: Committee Member Zwahlen and Vice-Chair Alvarez (Arrived at 4:04 p.m.)
Absent: Chair Ricci
Also Present: Alternate Committee Member Escutia-Braaton

PUBLIC COMMENTS IN PERSON

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 1-3 (Escutia-Braaton/Zwahlen; 2/0)

CONSENT

Consent
1. Consider a Resolution of Intention to form City of Modesto Community Facilities District (CFD) No. 2024-1 (Tivoli), an area bounded by Claratina Avenue to the north, Oakdale Road to the west, Sylvan Avenue to the south, and Roselle Avenue, and a Resolution of Intention to incur debt for CFD No. 2024-1 and forwarding to Council for approval. (Funding Source: Developer Deposit)
    - Motion recommending a Resolution of Intention to form City of Modesto Community Facilities District (CFD) No. 2024-1 (Tivoli), establish Improvement Area No. 1, and designate a future annexation area, as well as a Resolution of Intention to incur debt, and forwarding to Council for approval.

CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

ACTION: (Escutia-Braaton/Zwahlen; 2/0) Motion recommending a Resolution of Intention to form City of Modesto Community Facilities District (CFD) No. 2024-1 (Tivoli), establish Improvement Area No. 1, and designate a future annexation area, as well as a Resolution of Intention to incur debt, and forwarding to Council for approval.

Consent
2. Consider the summary vacation of an existing 60 feet wide road right-of-way dedication located at APN 033-089-037 and forwarding to Council for approval. (Funding Source: Not Applicable)

- Motion recommending the summary vacation of an existing 60 feet wide by approximately 192 feet long (11,505.95 square foot) road right-of-way located at APN 033-089-037 and forwarding to Council for approval.

ENGINEERING SERVICES; Jaspreet Mangat, 209-577-5253, jmangat@modestogov.com

ACTION: (Escutia-Braaton/Zwahlen; 2/0) Motion recommending the summary vacation of an existing 60 feet wide by approximately 192 feet long (11,505.95 square foot) road right-of-way located at APN 033-089-037 and forwarding to Council for approval.

Consent

3. Consider an Agreement with Hach Company, Loveland, CO, for field services and parts for a total amount not to exceed $389,405 over three years and forwarding to Council for approval. (Funding Source: Sewer Operations Fund)
    - Motion recommending the Sole Source Agreement with Hach Company, Loveland, CO, for field services and parts for a three-year Agreement for an estimated annual amount of $123,134, and a total amount not to exceed $389,405 over three years and forwarding to Council for approval.

UTILITIES; Jeff Daniels, 209-577-6255, jdaniels@modestogov.com,

ACTION: (Escutia-Braaton/Zwahlen; 2/0) Motion recommending the Sole Source Agreement with Hach Company, Loveland, CO, for field services and parts for a three-year Agreement for an estimated annual amount of $123,134, and a total amount not to exceed $389,405 over three years and forwarding to Council for approval.

Vice-Chair Alvarez arrived at 4:04 p.m

NEW BUSINESS

4. Consider amendments to the Capital Facilities Fees Policies and Procedures and forwarding to Council for approval. (Funding Source: Capital Facilities Fees)
    - Motion recommending amendments to the Capital Facilities Fees Policies and Procedures, and forwarding to Council for approval.

CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

ACTION: (Escutia-Braaton/Alvarez; 3/0) Motion recommending amendments to the Capital Facilities Fees Policies and Procedures, and forwarding to Council for approval.

5. Consider a Modesto Forward Grant Agreement with Stanislaus 2030 to support in-home childcare entrepreneurship, for a total amount not to exceed $156,758 and forwarding to Council for approval. (Funding Source: American Rescue Plan Act Funds)
    - Motion recommending a Modesto Forward Grant Agreement with Stanislaus 2030 to support in home childcare entrepreneurship for a total amount not to exceed $156,758 and forwarding to Council for approval.

CED; Trevin Barber, 209-571-5566, tbarber@modestogov.com

ACTION: (Alvarez/Escutia-Braaton; 3/0) Motion recommending a Modesto Forward Grant Agreement with Stanislaus 2030 to support in home childcare entrepreneurship for a total amount not to exceed $156,758 and forwarding to Council for approval.

6. Consider a Modesto Forward Grant Agreement with HealthForce Partners for the implementation of Modesto Forward for a Workforce Development Program, for a total amount not to exceed $500,000 over two and a half years and forwarding to Council for approval. (Funding Source: American Rescue Plan Act Funds)
    - Motion recommending a Modesto Forward Grant Agreement with HeathForce Partners for a Workforce Development Program, for a total amount not to exceed $500,000 and forwarding to Council for approval.

CED; Trevin Barber, 209-571-5566, tbarber@modestogov.com

ACTION: (Escutia-Braaton/Alvarez; 3/0) Motion recommending a Modesto Forward Grant Agreement with HeathForce Partners for a Workforce Development Program, for a total amount not to exceed $500,000 and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:44 p.m.

Attest: _____
Reyna Mendoza, Deputy City Clerk

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, June 04, 2024 at 5:30 PM

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

Pledge of Allegiance to the Flag

Invocation: Mike Gunnarson, City Ministry Network

City Clerk's Announcements

Declaration of Conflicts of Interest: Item 11 - Councilmember Bavaro recused himself due to a conflict.

Reports from Closed Session: No reportable action.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation declaring June as Pride 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 Pride Month.

PUBLIC COMMENT IN PERSON

- David Stephens spoke regarding concerns about ongoing traffic control issues on his street, emphasizing the urgency of the matter following a recent incident where a neighbor's wife was nearly hit by a car. He urged Council Members to facilitate dialogue and find a solution to the problem.

- Micah Dizney echoed similar concerns about traffic control on their street, recounting a near-miss incident involving his wife and emphasizing the need for action to prevent future accidents. He highlighted previous discussions regarding a gate resolution and called for better communication from the Council.

- Jori Nunes expressed concerns about the dangerous commute to school for her 16-year-old son due to speeding traffic on Carpenter Street. She called for community action to address the issue and ensure the safety of students.

- Patty Castillo Davis voiced support for LGBTQ rights, urging the Council to champion projects promoting acceptance and tolerance, such as installing a rainbow pedestrian crosswalk. She emphasized the importance of creating an inclusive environment for LGBTQ youth.

- Diane Kroeze addressed homelessness, criticizing the Council's lack of action in providing adequate support for homeless individuals. She urged them to prioritize solutions and treat homeless individuals with dignity and humanity.

- Ramon Rodriguez raised concerns about bigotry against the LGBTQ community and called for continuous support and defense against hate and discrimination. He also advocated for improvements to public transportation and infrastructure to alleviate traffic congestion and ensure safety.

- Jerry Miller expressed gratitude for the Council's support for the car community in Modesto and highlighted community events and volunteer opportunities. He emphasized the importance of supporting the Modesto Graffiti Museum and engaging with visitors during Graffiti Week events.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: 2-10, 12-19 (Wright/Alvarez; 7/0)

CONSENT

Consent

2. Consider approving the minutes for the May 14, 2024 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes for the May 14, 2024 Council Meeting.

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

    ACTION: (Wright/Alvarez; 7/0) Motion approving the minutes for the May 14, 2024 Council Meeting.

Consent

3. Consider approving Final Adoption of Ordinance 3781-C.S. Amending Sections 2-1.24 "Compensation Of Mayor," and 2-1.26 "Compensation of City Councilmembers," of Chapter 1, "City Council Organization and Procedure," of Title 2, "Administration," of the Modesto Municipal Code, to increase the salaries of the Mayor and City Councilmembers pursuant to Charter Section 703 and the recommendations of the Citizen's Salary Setting Commission of 2024. (Funding Source: Not Applicable)
    - Motion approving Final Adoption of Ordinance 3781-C.S. Amending Sections 2-1.24 "Compensation Of Mayor," and 2-1.26 "Compensation of City Councilmembers," of Chapter 1, "City Council Organization and Procedure," of Title 2, "Administration," of the Modesto Municipal Code, to increase the salaries of the Mayor and City Councilmembers pursuant to Charter Section

703 and the recommendations of the Citizen's Salary Setting Commission of 2024.

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

ACTION: (Wright/Alvarez; 7/0) Motion approving Final Adoption of **Ordinance 3781-C.S.** Amending Sections 2-1.24 "Compensation Of Mayor," and 2-1.26 "Compensation of City Councilmembers," of Chapter 1, "City Council Organization and Procedure," of Title 2, "Administration," of the Modesto Municipal Code, to increase the salaries of the Mayor and City Councilmembers pursuant to Charter Section 703 and the recommendations of the Citizen's Salary Setting Commission of 2024.

Consent

4. Consider approving Final Adoption of Ordinance 3782-C.S. approving the Modesto Police Department's Military Equipment Use Policy (Policy 710) in accordance with CA Assembly Bill 481, and approving the purchase of additional equipment that qualifies as "Military Equipment" in Fiscal Year 2024-2025 and Rescinding Ordinance No. 3763-C.S. (Funding Source: Not Applicable)
    - Motion approving Final Adoption of Ordinance 3782-C.S. approving the Modesto Police Department's Military Equipment Use Policy (Policy 710) in accordance with CA Assembly Bill 481, and approving the purchase of additional equipment that qualifies as "Military Equipment" in Fiscal Year 2024-2025 and Rescinding Ordinance No. 3763-C.S.

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

ACTION: (Wright/Alvarez; 7/0) Motion approving Final Adoption of **Ordinance 3782-C.S.** approving the Modesto Police Department's Military Equipment Use Policy (Policy 710) in accordance with CA Assembly Bill 481, and approving the purchase of additional equipment that qualifies as "Military Equipment" in Fiscal Year 2024-2025 and Rescinding Ordinance No. 3763-C.S.

Consent

5. Consider approving a Memorandum of Understanding with the County of Stanislaus for the replacement of the Fire-Life Safety Panel at 3705 Oakdale Road, a co-owned City of Modesto and County of Stanislaus Emergency Services and Communications Facility and approving the total project budget not to exceed $300,000, to be jointly and equally funded by the City and County. (Funding Source: General Fund)
    - Resolution approving a Memorandum of Understanding with the County of Stanislaus for the replacement of the Fire-Life Safety Panel at 3705 Oakdale Road, a co-owned City of Modesto and County of Stanislaus Emergency Services and Communications Facility and approving the total project budget not to exceed $300,000, to be jointly and equally funded by the City of Modesto and County of Stanislaus and authorizing the City Manager, or his designee, to execute the Memorandum of Understanding.

CITY MANAGER; Scotty Douglass, 209-577-9149, sdouglass@modestogov.com

ACTION: (Wright/Alvarez; 7/0) Resolution 2024-173 approving a Memorandum of Understanding with the County of Stanislaus for the replacement of the Fire-Life Safety Panel at 3705 Oakdale Road, a co-owned City of Modesto and County of Stanislaus Emergency Services and Communications Facility and approving the total project budget not to exceed $300,000, to be jointly and equally funded by the City of Modesto and County of Stanislaus and authorizing the City Manager, or his designee, to execute the Memorandum of Understanding.

Consent

6. Consider approving the Fifth 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 December 31, 2024, modify the governing body structure of the Commission, update quorum and action requirements and provide for Agency Member Liaison to assist the Dispatch Director and appointing Councilmembers as Commissioners to the Consolidated Emergency Dispatch Agency. (Funding Source: Not Applicable)
    - Resolution approving the Fifth 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 December 31, 2024, modify the governing body structure of the Commission, update quorum and action requirements and provide for Agency Member Liaison to assist the Dispatch Director, authorizing the City Manager or his designee to execute the Agreement, and appointing Mayor Zwahlen and Councilmember Bavaro as Commissioners to the Consolidated Emergency Dispatch Agency and Councilmember Wright as an Alternate Commissioner.

    CITY MANAGER; Scotty Douglass, 209-577-9149, sdouglass@modestogov.com

    ACTION: (Wright/Alvarez; 7/0) Resolution 2024-174 approving the Fifth 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 December 31, 2024, modify the governing body structure of the Commission, update quorum and action requirements and provide for Agency Member Liaison to assist the Dispatch Director, authorizing the City Manager or his designee to execute the Agreement, and appointing Mayor Zwahlen and Councilmember Bavaro as Commissioners to the Consolidated Emergency Dispatch Agency and Councilmember Wright as an Alternate Commissioner.

Consent

7. Consider approving the Fiscal Year 2024-2025 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 2024-2025 annual budget.

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

ACTION: (Wright/Alvarez; 7/0) Resolution 2024-175 establishing the appropriation limit for the Fiscal Year 2024-2025 annual budget.

Consent

8. Consider approving payment of various Equipment Maintenance Agreements for Fiscal Year 2024-2025 with multiple equipment manufacturers for all City Departments, for an annual cost not to exceed $854,598; and authorizing the City Manager, or his designee to execute Equipment Maintenance Agreements associated with the items in Exhibit A – Fiscal Year 2024-2025 Equipment Maintenance Agreements (less than $100,000). (Funding Source: Various Funds)
    - Resolution approving payment of various Equipment Maintenance Agreements for Fiscal Year 2024-2025 with multiple equipment manufacturers for all City Departments, for an annual estimated cost not to exceed $854,598; and authorizing the City Manager, or his designee, to execute Equipment Maintenance Agreements associated with the items in Exhibit A – Fiscal Year 2024-2025 Equipment Maintenance Agreements (less than $100,000).

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

    ACTION: (Wright/Alvarez; 7/0) Resolution 2024-176 approving payment of various Equipment Maintenance Agreements for Fiscal Year 2024-2025 with multiple equipment manufacturers for all City Departments, for an annual estimated cost not to exceed $854,598; and authorizing the City Manager, or his designee, to execute Equipment Maintenance Agreements associated with the items in Exhibit A – Fiscal Year 2024-2025 Equipment Maintenance Agreements (less than $100,000).

Consent

9. Consider approving the payment of Software Maintenance Support Agreements for Fiscal Year 2024-2025 in an amount not to exceed $9,824,473. (Funding Source: Information Technology Fund and Various Funds)
    - Resolution approving the payment of Software Maintenance Support Agreements for Fiscal Year 2024-2025 in an amount not to exceed $9,824,473; 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 2024-2025.

    IT; Kevin Harless, 209-571-5593, kharless@modestogov.com

    ACTION: (Wright/Alvarez; 7/0) Resolution 2024-177 approving the payment of Software Maintenance Support Agreements for Fiscal Year 2024-2025 in an amount not to exceed $9,824,473; 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 2024-2025.

Consent

10. Consider approving Community and Special Event Sponsorships with direct contributions over $500 and in-kind support valued at $5,000 or more for Fiscal Year 2024-2025. (Funding Source: General Fund)

- Resolution approving Community and Special Event Sponsorships with direct contributions over $500 and in-kind support valued at $5,000 or more for Fiscal Year 2024-2025.

PRN; Jeremy Rogers, 209-577-5347, jrogers@modestogov.com

ACTION: (Wright/Alvarez; 7/0) Resolution 2024-178 approving Community and Special Event Sponsorships with direct contributions over $500 and in-kind support valued at $5,000 or more for Fiscal Year 2024-2025.

Removed from Consent-Councilmember Bavaro recused.

Consent

11. Consider approving the Plans and Specifications for the Mary E. Grogan Community Park, Phase 2 Project, accepting the Bid and Awarding a Construction Contract to George Reed, Inc., of Modesto, CA, in an amount not to exceed $4,850,581. (Funding Source: Parks CFF Fund, Parks & Air Quality CFF Fund)
    - Resolution approving the Plans and Specifications for the Mary E. Grogan Community Park, Phase 2 Project, accepting the Bid and awarding a Construction Contract to George Reed, Inc., of Modesto, CA, in the amount of $4,491,279, plus $359,302, in contingency (if needed), for a total payment amount not to exceed $4,850,581 and authorizing the City Manager, or his designee, to execute the contract.
    - Resolution amending the Fiscal Year 2023-24 Capital Improvement Program Budget to fund Project #101017 (Mary Grogan Park – Phase 2) in an amount of $1,666,233 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: (Escutia-Braaton/Williams; 6/0; Bavaro recused) Resolution 2024-179 approving the Plans and Specifications for the Mary E. Grogan Community Park, Phase 2 Project, accepting the Bid and awarding a Construction Contract to George Reed, Inc., of Modesto, CA, in the amount of $4,491,279, plus $359,302, in contingency (if needed), for a total payment amount not to exceed $4,850,581 and authorizing the City Manager, or his designee, to execute the contract.

    ACTION: (Escutia-Braaton/Williams; 6/0; Bavaro recused) Resolution 2024-180 amending the Fiscal Year 2023-24 Capital Improvement Program Budget to fund Project #101017 (Mary Grogan Park – Phase 2) in an amount of $1,666,233 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

12. Consider approving the Plans and Specifications for the Rebid Carpenter Road Area Soccer Complex, Phase 2 Project, accepting the Bid, and approving a Construction Contract with Frontline General Engineering Construction, Inc., of Tracy, CA for a total amount not to exceed $1,397,466. (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 Rebid Carpenter Road Area Soccer Complex, Phase 2 Project, accepting the Bid, and awarding a Construction Contract to Frontline General Engineering Construction, Inc., of Tracy, CA, in the amount of $1,270,424, plus $127,042, in contingency (if needed), for a total payment amount not to exceed $1,397,466 and authorizing the City Manager, or his designee, to execute the contract.
- Resolution amending the Fiscal Year 2023-24 Capital Improvement Program Budget to fund Project #101061 (Carpenter Road Area Soccer) in an amount not to exceed $130,000 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/Alvarez; 7/0) Resolution 2024-181 approving the Plans and Specifications for the Rebid Carpenter Road Area Soccer Complex, Phase 2 Project, accepting the Bid, and awarding a Construction Contract to Frontline General Engineering Construction, Inc., of Tracy, CA, in the amount of $1,270,424, plus $127,042, in contingency (if needed), for a total payment amount not to exceed $1,397,466 and authorizing the City Manager, or his designee, to execute the contract.

ACTION: (Wright/Alvarez; 7/0) Resolution 2024-182 amending the Fiscal Year 2023-24 Capital Improvement Program Budget to fund Project #101061 (Carpenter Road Area Soccer) in an amount not to exceed $130,000 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

13. Consider approving adjustments to various airport rates and fees for specific activities and services at the Modesto City-County Airport, effective July 1, 2024, rescinding Resolution No. 2023-355. (Funding Source: Airport Operating Revenue, Fund 4310)

    - Resolution approving adjustments to various airport rates and fees for specific activities and services at the Modesto City-County Airport (Airport), effective July 1, 2024, and rescinding Resolution No. 2023-355.

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

    ACTION: (Wright/Alvarez; 7/0) Resolution 2024-183 approving adjustments to various airport rates and fees for specific activities and services at the Modesto City-County Airport (Airport), effective July 1, 2024, and rescinding Resolution No. 2023-355.

Consent

14. Consider approving an Agreement for Safe Streets and Roads for All to Alta Planning + Design Inc. Oakland CA to analyze roadway accidents for a total amount not to

exceed $1,104,326.00 over a two-year period. (Funding Source: Safe Streets for All Grant and Local Measure L)

- Resolution awarding the Safe Streets and Roads for All Agreement to Alta Planning + Design, Inc of Oakland, CA, in the amount of $1,003,933 and a 10 percent contingency amount of $100,393 for the total amount not to exceed $1,104,326, and authorizing the City Manager, or his designee, to execute the agreement.

PUBLIC WORKS; Max Navarro, 209-571-5116, manavarro@modestogov.com

ACTION: (Wright/Alvarez; 7/0) Resolution 2024-184 awarding the Safe Streets and Roads for All Agreement to Alta Planning + Design, Inc of Oakland, CA, in the amount of $1,003,933 and a 10 percent contingency amount of $100,393 for the total amount not to exceed $1,104,326, and authorizing the City Manager, or his designee, to execute the agreement.

Consent

15. Consider approving an Agreement for the Purchase of Software Programming and License under the Competitive Bidding Process from NASPO ValuePoint through the State of Utah with Carahsoft Technology Corp. of Reston, Virgina, for a total amount not to exceed $193,365. (Funding Source: Solid Waste Management Fund and SB 1383 Grant from CalRecycle)

    - Resolution approving an Agreement for the Purchase of Software Programming and License under the Competitive Bidding Process from NASPO ValuePoint through the State of Utah with Carahsoft Technologies Corp., of Reston, Virginia for a total amount not to exceed $193,365, and authorizing the City Manager, or his designee, to execute the Agreement.

    PUBLIC WORKS; Myriah Hill, 209-577-5495, mhill@modestogov.com

    ACTION: (Wright/Alvarez; 7/0) Resolution 2024-185 approving an Agreement for the Purchase of Software Programming and License under the Competitive Bidding Process from NASPO ValuePoint through the State of Utah with Carahsoft Technologies Corp., of Reston, Virginia for a total amount not to exceed $193,365, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

16. Consider approving the First Amendment to the Agreements for Rental Fleet Services with Herc Rentals, Modesto, California, Holt of California, Salida, California and United Rentals (North America) Inc., Modesto, California, for an annual estimated cost increase of $200,000 from $400,000 to $600,000 and a total revised amount not to exceed $3,000,000. (Funding Source: Fleet Management Fund)

    - Resolution approving the First Amendment for the Agreements with Herc Rentals, Modesto, CA, Holt of California, Salida, CA, and United Rentals, Modesto, CA, for Rental Fleet Services for the Agreements for an annual estimated cost increase of $200,000 from $400,000 to $600,000 and a total revised not to exceed a total amount of $3,000,000, and authorizing the City Manager, or his designee, to execute the amendments.

PUBLIC WORKS; Patrick Crowley, 209-342-2274, pcrowley@modestogov.com

ACTION: (Wright/Alvarez; 7/0) Resolution 2024-186 approving the First Amendment for the Agreements with Herc Rentals, Modesto, CA, Holt of California, Salida, CA, and United Rentals, Modesto, CA, for Rental Fleet Services for the Agreements for an annual estimated cost increase of $200,000 from $400,000 to $600,000 and a total revised not to exceed a total amount of $3,000,000, and authorizing the City Manager, or his designee, to execute the amendments.

Consent

17. Consider approving the Second Amendment for bulk oils and lubricants with Hunt & Sons, Inc., Ceres, CA, to a revised total amount of $1,743,201 (Funding Source: Fleet Management Fund)
    - Resolution approving the Second Amendment for the purchase of Bulk Oils and Lubricants with Hunt & Sons Inc., Ceres, CA, for an increase by $800,000 to a new total amount of $1,743,201 over the remaining duration of the agreement, and authorizing the City Manager, or his designee to execute the amendment.

    PUBLIC WORKS; Patrick Crowley, 209-342-2274, pcrowley@modestogov.com

    ACTION: (Wright/Alvarez; 7/0) Resolution 2024-187 approving the Second Amendment for the purchase of Bulk Oils and Lubricants with Hunt & Sons Inc., Ceres, CA, for an increase by $800,000 to a new total amount of $1,743,201 over the remaining duration of the agreement, and authorizing the City Manager, or his designee to execute the amendment.

Consent

18. Consider approving the Second Amendment to the Agreement for an On-Site Tire Technician with Fleet Tire Inc. dba Brannon Tire, Stockton, CA. for tire services, inspection, and repairs to City vehicle tires for an annual estimated cost increase of $121,080 from $88,920 to $210,000 and a total revised not to exceed amount from $444,600 to a new total amount of $654,600 and extend the term of the Agreement from June 10, 2024, to June 10, 2025. (Funding Source: Fleet Management Fund)
    - Resolution approving the Second Amendment for an On-Site Tire Technician with Fleet Tire Inc. dba Brannon Tire, Stockton, CA. for tire services, inspection, and repairs to City vehicle tires for an annual estimated cost increase of $121,080 from $88,920 to $210,000 and a total revised not to exceed amount from $444,600 to a new total amount of $654,600 and extend the term of the Agreement from June 10, 2024, to June 10, 2025, and authorizing the City Manager, or his designee to execute the amendment.

    PUBLIC WORKS; Patrick Crowley, 209-342-2274, pcrowley@modesogov.com

    ACTION: (Wright/Alvarez; 7/0) Resolution 2024-188 approving the Second Amendment for an On-Site Tire Technician with Fleet Tire Inc. dba Brannon Tire, Stockton, CA. for tire services, inspection, and repairs to City vehicle tires for an annual estimated cost increase of $121,080 from $88,920 to $210,000 and a total revised not to exceed amount from $444,600 to a new total amount of $654,600 and

extend the term of the Agreement from June 10, 2024, to June 10, 2025, and authorizing the City Manager, or his designee to execute the amendment.

Consent

19. Consider approving Agreements for the purchase and delivery of chemicals for wastewater treatment with Thatcher Company of California, Sacramento, CA, Northstar Chemical, Modesto, CA, and Univar Solutions, Kent, WA, for a total amount not to exceed $1,221,021, over five years. (Funding Source: Sewer Operations Fund)
    - Resolution approving the Award of Bid and Agreements for the purchase and delivery of chemicals for wastewater treatment to Thatcher Company of California, Sacramento, CA, Northstar Chemical, Modesto, CA, and Univar Solutions, Kent, WA, for a one-year agreement with four one-year extension options, for an annual estimated amount of $200,000 and a total combined amount not to exceed $1,221,021 over five years; and authorizing the Director of Finance, or her designee, to adjust agreement totals between vendors based on contractor's availability and department's needs, ensuring the combined total amount does not change and authorizing the City Manager, or his designee, to execute the Agreements.

    UTILITIES; Jeff Daniels, 209-577-6255, jdaniels@modestogov.com

    ACTION: (Wright/Alvarez; 7/0) Resolution 2024-189 approving the Award of Bid and Agreements for the purchase and delivery of chemicals for wastewater treatment to Thatcher Company of California, Sacramento, CA, Northstar Chemical, Modesto, CA, and Univar Solutions, Kent, WA, for a one-year agreement with four one-year extension options, for an annual estimated amount of $200,000 and a total combined amount not to exceed $1,221,021 over five years; and authorizing the Director of Finance, or her designee, to adjust agreement totals between vendors based on contractor's availability and department's needs, ensuring the combined total amount does not change and authorizing the City Manager, or his designee, to execute the Agreements.

COUNCIL COMMENTS & REPORTS

Council Member Ricci acknowledged Modesto's celebration of diversity during Pride Month and Graffiti Month, highlighting the importance of inclusivity and recognizing the LGBTQ+ community. He expressed appreciation for the City's efforts in prioritizing these values. Council Member Ricci also thanked Diane Nayares-Perez, the City Clerk, for facilitating his remote attendance at the Council meeting in South San Francisco following his visit to Kurume, Modesto's sister city in Japan. He emphasized the potential of sister city relationships for cultural exchange and economic development. Ricci applauds the City for hosting the "Legacy of Lowriding" exhibition at the McHenry Museum, showcasing Modesto's rich lowrider tradition. He expressed hope for future permanent installations at the museum that reflect both lowrider culture and cruising's contribution to Modesto's heritage.

Council Member Escutia-Braaton highlighted the upcoming appointment of Modesto's poet laureate, a position responsible for presenting original poetry at official events,

selected by the Culture Commission. She acknowledged the outgoing poet laureate, Sal Salerno, and anticipates the selection of a new poet laureate. She also emphasized the City's provision of free public Wi-Fi at various locations, expanding accessibility to bridge the digital divide. She also shared about her participation in the Memorial Day service, honoring fallen soldiers and their families, and expressed gratitude for the City's involvement in the event. She is looking forward to participating in Graffiti activities, celebrating Modesto's culture and community.

Council Member Williams expressed gratitude for those who sacrificed their lives for the United States, highlighting the significance of Memorial Day. He acknowledged the upcoming event on Wednesday at the Plaza and praised Chris Murphy and his team for organizing the placement of stars on the roads and 10th Street. Williams also expressed appreciation for the efforts of the North Modesto Kiwanis Club in hosting the car show on Friday, emphasizing its contribution to the community. He mentioned the significant funds raised from last year's activities, which were allocated to local nonprofit organizations. Williams concluded by mentioning upcoming events such as Father's Day and Juneteenth, indicating he will address them in future council meetings.

Mayor Zwahlen gave a comprehensive overview of recent events and activities that she attended including The Garden Club celebration of its 100th birthday at Roosevelt Park. She also participated in a Stanislaus leadership roundtable with prominent state senators. She enjoyed the community spirit of Porchfest. She attended the graduation of seven new police officers from the police academy, in response to residents' call for increased safety measures. The Mayor also visited Kurume, Japan, to commemorate the 30-year anniversary of Modesto's sister city relationship. Memorial Day events, including a ceremony at Acacia Cemetery, honored fallen soldiers. The Mayor also attended a talent show organized by Downtown Streets Team members, and judged a Graffiti Classic Car Show. Additionally, she participated in the completion celebration of an emergency backup grid resiliency project, ensuring power resilience for thousands of homes in Modesto.

Vice Mayor Alvarez expressed gratitude and congratulations to the Modesto McHenry Museum and Historical Society for their collaboration with the City on the Lowriding and Graffiti Festival exhibition. He highlighted his involvement on the Board of the McHenry Museum and the successful creation of a unique exhibit celebrating Chicano and lowrider culture. He looks forward to attending the American Graffiti parade with his family and emphasized the importance of staying hydrated during the event. He also discussed his recent trip to Washington, D.C., representing the City of Modesto and Stanislaus Council of Governments. He met with various government officials to advocate for transportation infrastructure resources, particularly for phase two and three of SR 132, which is crucial for the movement of goods and services in the region. He stressed the need for Federal funding to modernize the highway infrastructure, ensuring efficient transportation for constituents in District Two. He concluded by expressing appreciation for his time and opportunity to serve.

CITY MANAGER COMMENTS & REPORTS

City Manager Lopez announced the selection of Kevin Wise as the next Fire Chief for the City of Modesto. He recognized Chief Wise for his extensive experience and strong leadership in meeting community needs collaboratively. He praised him for his commitment to service and ensuring the safety and well-being of both firefighters and the communities they serve. He expressed anticipation for Chief Wise's contributions to the Modesto Fire Department and extends congratulations to him.

HEARINGS

Published in the Modesto Bee on May 24, 2024.

20. Hearing to consider and approve the Final Proposed Fiscal Year 2024-25 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 2024-25 Annual and Multi-Year Operating Budgets and the 2024-25 Capital Improvement Program for the City of Modesto and the related Inter-Fund Transfers.
    - Resolution approving the Budget Principles, and the Operating Budget Policy as Outlined in the Fiscal Year 2024-25 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 2024-25 as adopted in the Operating Budget.

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

    ACTION: (Bavaro/Alvarez; 7/0) Resolution 2024-190 approving the adoption of the Fiscal Year 2024-25 Annual and Multi-Year Operating Budgets and the 2024-25 Capital Improvement Program for the City of Modesto and the related Inter-Fund Transfers.

    ACTION: (Bavaro/Alvarez; 7/0) Resolution 2024-191 approving the Budget Principles, and the Operating Budget Policy as Outlined in the Fiscal Year 2024-25 Final Proposed Budget.

    ACTION: (Bavaro/Alvarez; 7/0) Resolution 2024-192 amending the Classification Plan for the City of Modesto to create new classifications and amend existing classifications.

    ACTION: (Bavaro/Alvarez; 7/0) Resolution 2024-193 amending the Position Allocation for Fiscal Year 2024-25 as adopted in the Operating Budget.

NEW BUSINESS

21. 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: (Williams/Escutia-Braaton; 7/0) Resolution 2024-194 approving the City's Pandemic Recovery Strategy, Modesto Forward, for the reallocation of American Rescue Plan Act funds defined under Slide 13 and authorizing the City Manager, or his designee, to carry out the necessary steps to implement the programs and funding allocation.

22. Consider approving a successor Memorandum of Understanding (MOU) between the City of Modesto and Modesto City Firefighter's Association (MCFFA) for a term of July 1, 2024, to June 30, 2028; and granting salary changes and benefit offerings to unrepresented sworn fire management. (Funding Source: General Fund)
    - Resolution approving an Agreement including language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and the Modesto City Firefighters' Association (MCFFA) for a term of July 1, 2024 to June 30, 2028, 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 Fire Management Employees, including Fire Chiefs and Executives consistent with those in the represented unit, effective June 18, 2024, 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 2023-321, 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 Fire Management Employees, including Fire Chiefs 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 amending the Fiscal Year 2024-25 annual Operating Budget for the Memorandum of Understanding (MOU) Agreements with the Modesto City

Firefighter's Association (MCFFA) and Unrepresented Sworn Fire Management and authorizing the City Manager to take the necessary actions to implement the required budget adjustments.

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

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-195 approving an Agreement including language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and the Modesto City Firefighters' Association (MCFFA) for a term of July 1, 2024 to June 30, 2028, and related salary schedules; and authorizing the City Manager or designee to take the necessary administrative action to implement the Agreement.

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-196 approving salary changes for Unrepresented Sworn Fire Management Employees, including Fire Chiefs and Executives consistent with those in the represented unit, effective June 18, 2024, 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 2023-321, and authorizing the City Manager or designee to take the necessary administrative action to implement the provisions of this Resolution.

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-197 approving changes to benefit offerings for Unrepresented Sworn Fire Management Employees, including Fire Chiefs 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: (Wright/Escutia-Braaton; 7/0) Resolution 2024-198 amending the Fiscal Year 2024-25 annual Operating Budget for the Memorandum of Understanding (MOU) Agreements with the Modesto City Firefighter's Association (MCFFA) and Unrepresented Sworn Fire Management and authorizing the City Manager to take the necessary actions to implement the required budget adjustments.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 7:33 P.M.

All Closed Session matters heard prior to the meeting.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Four Case (Pursuant to Section 54956.9(d)(1) of the Government Code)

Name of Case:

Ana Sepulveda v. Nestle Waters North America Holdings Inc. & City of Modesto
Superior Court of California, County of Stanislaus
Case No.: CV-21-006197

Magda Abraham v. City of Modesto, et al.
Superior Court of California, County of Stanislaus
Case No.: CV-18-003342

Kirstin Normark v. City of Modesto, et al.
Superior Court of California, County of Stanislaus
Case No.: CV-24-003441

Thomas Edward Humphrey v. Modesto Police Department
U.S. District Court- Eastern District of California
Case No.: 2:24-CV-01127-KJM-CSK

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
Wednesday, June 05, 2024 at 4:00 PM

Roll Call: Present: Chair Williams, Committee Member Escutia-Braaton
Absent: Vice-Chair Alvarez

PUBLIC COMMENTS IN PERSON

None.

SUBMITTING COMMENTS BY E-MAIL

City Clerk reported a comment by e-mail was received and forwarded to the Committee.

NEW BUSINESS

1. Consider the appointments for three vacancies to the Board of Building Appeals 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 appointments of three vacancies to the Board of Building Appeals with a term expiration of December 31, 2027 and forwarding to Council for approval.

   CED; Oscar Diaz, 209-577-5232, odiaz@modestogov.com

   ACTION: (Escutia-Braaton/Williams; 2/0) Motion recommending the appointments of Jessie Wiggins, David Harter, and Huelon Usrey to fill three vacancies on the Board of Building Appeals with a term expiration of December 31, 2027 and forwarding to Council for approval.

2. Consider the appointment of three vacancies to the City of Modesto Citizens' Housing and Community Development Committee with a term expiration date of December 31, 2027 and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending the appointment of three vacancies to the City of Modesto Citizens' Housing and Community Development Committee with a term expiration date of December 31, 2027 and forwarding to Council for approval.

   CED; Edgar Garcia, 209-577-5211, edgarcia@modestgov.com

   ACTION: (Escutia-Braaton/Williams; 2/0) Motion recommending the appointments of Gloria Verdin, David Barber, and Margie Johnson to fill three vacancies on the City

of Modesto Citizens' Housing and Community Development Committee with a term expiration date of December 31, 2027 and forwarding to Council for approval.

3. Consider the appointment for one vacancy on the City of Modesto Landmark Preservation Commission, for a four-year term with an expiration of December 31, 2027, and forwarding to City Council for approval. (Funding Source: Not Applicable)
    - Motion recommending the appointment of one vacancy to the City of Modesto Landmark Preservation Commission for a four-year term with an expiration of December 31, 2027 and forwarding to Council for approval.

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

   ACTION: (Escutia-Braaton/Williams; 2/0) Motion recommending the appointment of Joan Clendenin to fill one vacancy to the City of Modesto Landmark Preservation Commission for a four-year term with an expiration of December 31, 2027 and forwarding to Council for approval.

4. Consider the appointment of two vacancies on the Measure L Citizens' Transportation Sales Tax Commission for a four-year term from July 1, 2024 to June 30, 2028 and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending two appointments to the Citizens' Transportation Sales Tax Commission for a four-year term with a term from July 1, 2024 to June 30, 2028, and forwarding to Council for approval.

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

   ACTION: (Escutia-Braaton/Williams; 2/0) Motion recommending Craig Lewis and Tim Ragsdale to fill two appointments to the Citizens' Transportation Sales Tax Commission for a four-year term with a term from July 1, 2024 to June 30, 2028, and forwarding to Council for approval.

5. Consider one appointment to fill one Member-At-Large vacancy for a four-year term from January 1, 2024, to December 31, 2027 and one appointment to fill one Youth Member-At-Large vacancy for a one-year term from July 1, 2024, to June 30, 2025, on the City of Modesto Golf Courses Advisory Committee, and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending one appointment to fill one Member-At-Large vacancy for a four-year term from January 1, 2024, to December 31, 2027, and one appointment to fill one Youth Member-At-Large vacancy for a one-year term from July 1, 2024, to June 30, 2025 on the City of Modesto Golf Courses Advisory Committee and forwarding to Council for approval.

   PRN; Jessica Franco, 209-577-5278, jefranco@modestogov.com

   ACTION: (Escutia-Braaton/Williams; 2/0) Motion recommending Evan Yoshino to fill one Member-At-Large vacancy for a four-year term from January 1, 2024, to December 31, 2027, and Martin Montes to fill one Youth Member-At-Large vacancy for a one-year term from July 1, 2024, to June 30, 2025 on the City of Modesto Golf Courses Advisory Committee and forwarding to Council for approval.

6. Consider the appointment of Jeremiah Sasser to the Modesto City-County Airport Advisory Committee for a four-year term with an expiration date of June 30, 2028, and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending the appointment of Jeremiah Sasser to the Airport Advisory Committee for the position of Small Aircraft Owner/G.A. for a four-year term with an expiration date of June 30, 2028, and forwarding to Council for approval.

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

ACTION: Item continued to future meeting.

ADJOURNMENT

This meeting adjourned at 4:51 p.m.

Attest: _____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP
2001-40 Del Puerto Room.
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, June 10, 2024 at 4:00 PM

Roll Call: Present: Committee Member Ricci, Vice-Chair Williams, Chair Escutia-Braaton

PUBLIC COMMENTS IN PERSON

None.

SUBMITTING COMMENTS BY E-MAIL

None.

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

CONSENT

Consent

1. Consider an Automatic Aid Agreement with Woodland Avenue Fire Protection District (WFPD) for Modesto Fire Department (MFD) to provide fire-related emergency response to County "Islands" surrounded by the Modesto City limits and forwarding to Council for approval. (Funding Source: General Fund)
    - Motion recommending an Automatic Aid Agreement with Woodland Avenue Fire Protection District (WFPD) for Modesto Fire Department (MFD) to provide fire-related emergency response to County "Islands" surrounded by the Modesto City limits and forwarding to Council for approval.

    FIRE DEPARTMENT; Kevin Wise, 209-572-9590, kwise@modestofire.com

    ACTION: (Williams/Ricci; 3/0) Motion recommending an Automatic Aid Agreement with Woodland Avenue Fire Protection District (WFPD) for Modesto Fire Department (MFD) to provide fire-related emergency response to County "Islands" surrounded by the Modesto City limits and forwarding to Council for approval.

NEW BUSINESS

2. Consider the Culture Commission’s request to move forward in issuing its Request for Proposals calling for artists and muralists for Modesto’s 150th Anniversary Mural Project and forwarding to Council for approval. (Funding Source: General Fund)

- Motion recommending the Culture Commission's request to move forward in issuing a Request for Proposals calling for artists and muralists for Modesto's 150th Anniversary Mural Project and forwarding to Council for approval.

PRN; Diane Sheatsley, 209-577-5418, dsheatsley@modestogov.com

ACTION: (Williams/Ricci; 3/0) Motion recommending the Culture Commission's request to move forward in issuing a Request for Proposals calling for artists and muralists for Modesto's 150th Anniversary Mural Project and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:13 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, June 11, 2024 at 5:30 PM

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

Pledge of Allegiance to the Flag

Invocation: Mark Hammond, Celebration Center

City Clerk's Announcements

Declaration of Conflicts of Interest: Items 7 & 9 – Councilmember Escutia-Braaton recused due to a conflict. Item 21 – Councilmember Williams recused due to a conflict.

Reports from Closed Session: No reportable action.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation declaring June 19th as Juneteenth. (Funding Source: Not Applicable)
   CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

ACTION: Mayor Zwahlen presented proclamation declaring June 19th as Juneteenth.

MISCELLANEOUS

2. Consider approving the appointment of Dewey Bedford as the Culture Commission representative to the Landmark Preservation Commission for 2024, with a term expiration of December 31, 2024. (Funding Source: Not Applicable)
   Staff Recommendation:
   - Resolution approving the appointment of Dewey Bedford as the 2024 Culture Commission representative to the Landmark Preservation Commission with a term expiration of December 31, 2024.

   PRN; Diane Sheatsley, 209-577-5418, dsheatsley@modestogov.com

   ACTION: (Alvarez/Ricci; 7/0) Resolution 2024-199 approving the appointment of Dewey Bedford as the 2024 Culture Commission representative to the Landmark Preservation Commission with a term expiration of December 31, 2024.

PUBLIC COMMENT IN PERSON

- Danielle Morgan, speaking on behalf of Assemblyman Juan Alaniz, provided an update on legislative activities in Sacramento. She mentioned that Assemblyman Alaniz has been busy with various bills, including 15 currently in the Senate. These bills cover a range of topics from education to retail theft, with one specifically addressing cattle industry protections against losses (AB 2436). Morgan emphasized the importance of critical industries like cattle and offered assistance from their office for any questions or concerns.

- Derek Castle expressed his excitement about finding solutions for families experiencing homelessness but also voiced concern for those sleeping on the streets downtown and in parks. He noted the delays in moving forward with bridge housing approved seven months prior and suggested thinking more creatively to address the issue. Castle referenced Yuba City's use of inexpensive tough sheds to provide shelter and proposed a similar approach for Modesto, highlighting the affordability and immediate impact. He also suggested placing tough sheds inside warehouses to mitigate extreme weather conditions, emphasizing the cost-effectiveness of this solution compared to traditional bridge housing. Castle urged action and emphasized the need for determination in addressing homelessness in Modesto.

- Todd Aronson, CEO of Visit Modesto, provided an update on tourism activities in 2024, expressing gratitude for support. He highlighted successful events like the Almond Blossom Cruise, which garnered significant media attention and increased visitor traffic despite a dip in hotel occupancy statewide. Aaronson mentioned the success of Modesto's first citywide Garage Fest, which surpassed expectations with 260 registered garages and notable visitor spending. He also shared experiences from business trips to LA and Japan, where Modesto gained attention from international media and travel operators interested in including it in future itineraries. Despite challenges in California's travel demand, Aaronson remained optimistic about Modesto's tourism prospects, citing promising leads and a bright future ahead.

- Jonathan Williams spoke regarding the deaths of Paul Chavez and Trevor Seever in Modesto, accusing the city of attempting to cover up the incidents. He described Paul Chavez's encounter with law enforcement, highlighting Paul's non-threatening behavior during a moment of distress. Williams, who has struggled with mental health issues himself, questioned why he wasn't met with lethal force during his own encounters despite wielding weapons and making threats. He expressed sorrow over the loss of lives and their impact on families, including the recent loss of Paul Chavez’s wife Brittoni Estrella Chavez.

- Patrick expressed frustration and anger towards the Council. He called out Councilmember Bavaro for his previous treatment of Brittoni and accused the Council of ignoring her cries for help, leading to her eventual death. Patrick played an audio recording of a past Father's Day message from his best friend, Paul, highlighting the loss caused by the actions of Modesto's police. He expressed disbelief and sorrow over

the deaths of both Paul and Brittoni, blaming the city for their tragedies. Patrick concluded by expressing his disappointment in the Council and emphasized the pain caused by their inaction.

- Steve expressed frustration over disrespect, harassment, and abuse he's received while advocating for victims of police violence. He criticized the Council's handling of issues and mentioned a past incident where a council member threatened him without consequence. Steve accused the council of not caring about community members like Brittoni, who passed away. He referenced a poem by John Dunn as a reflection of community sentiment. Steve concluded by dedicating a moment of silence to Brittoni Estrella Chavez.

- Theresa Clutter expressed immense pain and grief over the recent loss of her daughter, and the loss of her son-in-law, who was killed by the police. She described the devastating impact on her family, particularly her grandsons who are now without parents. Theresa criticized the lack of accountability and support from the Council, urging them to take action to prevent similar tragedies in the future. She pleaded for change and justice, quoting scriptures and emphasized the need for the Council to do better for others, as they failed to do so for her family.

- Dayanara Estrella spoke regarding her niece, Brittoni Estrella. She highlighted Brittoni's passionate voice and her tendency to speak from the heart, even if it led to disagreement. She shared her own conflicted feelings about law enforcement due to family members in both Modesto and Stockton. She reflected on Brittoni's internal struggle, torn between her love for her father, who was in law enforcement, and her own experiences that caused pain and frustration. Dayanara emphasized the confusion and heartbreak Brittany endured, urging the Council to consider the complexities of her situation. She concluded by pledging to continue being Brittoni's voice and wished her niece to rest in peace.

- Ramon Rodriguez expressed frustration over the lack of action from the Council following incidents of misconduct and brutality of the Police Department, including the deaths of Trevor Seever and Paul Chavez. He also spoke regarding another case of police violence involving Alonzo Nunez and criticized the city's failure to hold officers accountable. Ramon accused the Council of ignoring calls for justice from advocates like Brittoni, who faced insults and threats while pushing for change. He condemned the Council's inaction on various community issues, such as economic struggles and infrastructure problems. Ramon blamed Officer Muncy for causing further trauma and loss, urging the Council to take responsibility and enact meaningful reforms.

- Giancarlo expressed appreciation to the Mayor and City Manager for meeting with them but called out other Councilmembers who failed to follow up on previous discussions about police brutality. He cited instances where promises to follow up were not kept, and emails requesting meetings were ignored or received copy-and-paste responses. Giancarlo criticized the Council for their intentional disconnect from

residents and their failure to address issues like police brutality, which directly impacted Brittoni's family. He condemned the neglect and avoidance of certain Councilmembers and called for accountability. Giancarlo concluded by observing a moment of silence for Brittoni.

- Manuela spoke about meeting Brittoni and her family and expressed sadness over her passing and determination to continue fighting for justice on behalf of Brittoni, Paul, and Trevor Seever. She condemned the pattern of police violence in Modesto and criticized the Council for not taking appropriate action. Manuela emphasized the need for reallocation of funds from law enforcement to address community issues like homelessness and mental health. She highlighted the lack of de-escalation training and understanding of mental health situations within the police department, which led to unnecessary deaths. Manuela concluded by urging the council to take action and ensure justice for victims like Brittoni, Paul, and Trevor.

- Alyssa, a mental health coordinator with Stockton Stands, addressed the Council, acknowledging a previous meeting with the City Manager, City Attorney, and Mayor. She noted a breach of the Brown Act by Councilmember Alvarez during the public comments and questioned the council's ability to maintain protocol and keep the community safe if they couldn't hold their own members accountable. Alyssa concluded by paying respects to Brittoni, who had passed away.

- Kevin McClarty expressed concerns about the delayed opening of the Transit Center due to underground wire issues. He posed several questions: why the wires were causing the delay, why it would take until 2030 to fix them, who was responsible for the oversight, whether the city would recoup costs, and if a temporary station under the Needham Overpass was planned and its cost. Kevin also questioned whether Modesto would be bypassed again for important projects and urged the council to adopt a more proactive approach to City Planning.

- Sebastian Jones expressed condolences to the family of Brittoni and Paul Chavez and emphasized the emotional and challenging aspects of their situation. Sebastian also asked for forgiveness from Councilmember Wright for misspeaking about an article two years ago. Mr. Jones then redirected his remarks towards a historical and personal perspective, referencing the naming of a building after Dr. Martin Luther King Jr. He criticized the Council for what he perceived as disrespect towards Dr. King's legacy and urged action to rectify this by putting the issue on the agenda.

- Sebastian Cervantes expressed frustration and disappointment over the lack of justice for Brittoni and others affected by police violence in Modesto. He criticized the Councilmembers for what he perceived as their indifference and insincerity towards the community's struggles, highlighting empty seats at the meeting as symbolic of their disregard for the working class. Sebastian accused some Councilmembers of being indifferent to the grief and suffering of families affected by police brutality, contrasting their actions with the pain felt by those like Steve. He concluded by calling for a

moment of silence to honor Brittoni, Paul, and all families impacted by systemic oppression.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS: 1-6, 8, 10-20, 22 (Wright/Ricci; 7/0)

CONSENT

Consent
3. Consider approving the minutes for the June 4, 2024 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes for the June 4, 2024 Council Meeting.

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

ACTION: (Wright/Ricci; 7/0) Motion approving the minutes for the June 4, 2024 Council Meeting.

Consent
4. Consider approving an Agreement with AmeriNational Community Services, LLC (dba AmeriNat) to manage the City's loan portfolio for loans funded through State and Federal programs for a total amount not to exceed $434,000 over five (5) years. (Funding Source: Community Development Block Grant Funds, Permanent Local Housing Allocation, HOME Investment Partnership Funds)
    - Resolution approving the Award of Proposal and Purchasing Agreement with AmeriNational Community Services LLC (dba AmeriNat), to manage the City's loan portfolio for loans funded through State and Federal programs for a three (3) year Agreement with two (2) one-year extension options, for an annual estimated amount of $86,800, and a total amount not to exceed $434,000 over five years; and authorizing the City Manager, or his designee, to execute the Agreement.

CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

ACTION: (Wright/Ricci; 7/0) Resolution 2024-200 approving the Award of Proposal and Purchasing Agreement with AmeriNational Community Services LLC (dba AmeriNat), to manage the City's loan portfolio for loans funded through State and Federal programs for a three (3) year Agreement with two (2) one-year extension options, for an annual estimated amount of $86,800, and a total amount not to exceed $434,000 over five years; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent
5. Consider approving On-Call Agreements for Construction Inspection Services, with Dillon and Murphy Engineering, West Yost & Associates, and TRC Engineering, Inc., for a one-year Agreement with two one-year extension options, for an estimated annual amount of $74,500 per consultant, and a total amount not to exceed $223,500 per consultant over three years. (Funding Source: Various Capital Improvement Projects)

- Resolution approving On-Call Agreements for Construction Inspection Services with Dillon and Murphy Engineering, TRC Engineering, Inc., and West Yost & Associates for a one-year Agreement with two one-year extension options, for an estimated annual amount of $74,500 per consultant, and a total amount not to exceed $223,500 per consultant over three years and authorizing the City Manager, or his designee, to execute the Agreement.

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

ACTION: (Wright/Ricci; 7/0) Resolution 2024-201 approving On-Call Agreements for Construction Inspection Services with Dillon and Murphy Engineering, TRC Engineering, Inc., and West Yost & Associates for a one-year Agreement with two one-year extension options, for an estimated annual amount of $74,500 per consultant, and a total amount not to exceed $223,500 per consultant over three years and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

6. Consider accepting the Highway Village Strengthen & Replace Water Mains Project as complete, releasing securities, releasing payments totaling $3,909,585 to Rolfe Construction Inc., of Atwater, CA., and authorizing the City Clerk to file a Notice of Completion. (Funding Source: Water Fund)
    - Resolution accepting the Highway Village Strengthen & Replace Water Mains Project as complete, releasing securities, releasing payments totaling $3,909,585 to Rolfe Construction Inc., of Atwater, 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 2024-202 accepting the Highway Village Strengthen & Replace Water Mains Project as complete, releasing securities, releasing payments totaling $3,909,585 to Rolfe Construction Inc., of Atwater, CA., and authorizing the City Clerk to file a Notice of Completion.

Councilmember Escutia-Bratton recused due to conflict.

Consent

7. Consider accepting the Pelandale Neighborhood Pavement Maintenance and Virginia Corridor Trail Maintenance Project as complete, releasing securities, releasing payments totaling $1,956,556 to American Pavement Systems, Inc., of Modesto, California, and authorizing the City Clerk to file a Notice of Completion. (Funding Source: Local Measure L Funds)
    - Resolution accepting the Pelandale Neighborhood Pavement Maintenance and Virgina Corridor Trail Maintenance Project as complete, releasing securities, releasing payments totaling $1,956,556 to American Pavement Systems, Inc., of Modesto, California, 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; Escutia-Braaton recused) Resolution 2024-203 accepting the Pelandale Neighborhood Pavement Maintenance and Virgina Corridor Trail Maintenance Project as complete, releasing securities, releasing payments totaling $1,956,556 to American Pavement Systems, Inc., of Modesto, California, and authorizing the City Clerk to file a Notice of Completion.

Consent

8. Consider accepting the Rebid Upgrade Traffic Signals 2017 CML-5059 (222) Project as complete, releasing securities, releasing payments totaling $857,281 to St. Francis Electric, LLC, of San Leandro CA., and authorizing the City Clerk to file a Notice of Completion. (Funding Source: Congestion Mitigation Air Quality Grant)
    - Resolution accepting the Rebid Upgrade Traffic Signals 2017 CML-5059 (222) Project as complete, releasing securities, releasing payments totaling $857,281 to St. Francis Electric, LLC., of San Leandro, 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 2024-204 accepting the Rebid Upgrade Traffic Signals 2017 CML-5059 (222) Project as complete, releasing securities, releasing payments totaling $857,281 to St. Francis Electric, LLC., of San Leandro, CA., and authorizing the City Clerk to file a Notice of Completion.

Councilmember Escutia-Bratton recused due to conflict.

Consent

9. Consider accepting the Briggsmore Avenue and Orangeburg Avenue Pavement Rehabilitation Project as complete, releasing securities, releasing payments totaling $7,712,644 to United Pavement Maintenance, Inc., of Hughson, CA., and authorizing the City Clerk to file a Notice of Completion. (Funding Source: Local Measure L Funds)
    - Resolution accepting the Briggsmore Avenue and Orangeburg Avenue Pavement Rehabilitation project as complete, releasing securities, releasing payments totaling $7,712,644 to United Pavement Maintenance, Inc., of Hughson, 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; Escutia-Braaton recused) Resolution 2024-205 accepting the Briggsmore Avenue and Orangeburg Avenue Pavement Rehabilitation project as complete, releasing securities, releasing payments totaling $7,712,644 to United Pavement Maintenance, Inc., of Hughson, CA., and authorizing the City Clerk to file a Notice of Completion.

Consent

10. Consider accepting the Monthly Investment Report for March 2024. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for March 2024.

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

ACTION: (Wright/Ricci; 7/0) Motion accepting the Monthly Investment Report for March 2024.

Consent

11. Consider accepting an Informational Report for the April 2024 Accounts Payable Payment Register and Void Report. (Funding Source: Not Applicable)
    - Motion accepting an Informational Report for the April 2024 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 April 2024 Accounts Payable Payment Register and Void Report.

Consent

12. Consider approving the purchase of a New Public Bidding Solution Subscription with OpenGov Inc., San Francisco, CA in the amount of $276,136 over three years. (Funding Source: General Fund, Capital Improvement Fund, and Utility Funds)
    - Resolution approving the purchase of a New Public Bidding Solution Subscription with OpenGov Inc., San Francisco, CA in the amount of $276,136 over three years; and authorizing the City Manager or his designee to execute the Agreement.

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

    ACTION: (Wright/Ricci; 7/0) **Resolution 2024-206** approving the purchase of a New Public Bidding Solution Subscription with OpenGov Inc., San Francisco, CA in the amount of $276,136 over three years; and authorizing the City Manager or his designee to execute the Agreement.

Consent

13. Consider approving an Automatic Aid Agreement with Westport Fire Protection District to provide fire-related emergency response to the Regional Water Recycling Facility Jennings Campus located at 7007 Jennings Rd. and authorizing the City Manager, or his designee, to execute the Agreement. (Funding Source: General Fund)
    - Resolution approving an Automatic Aid Agreement with Westport Fire Protection District to provide fire-related emergency response to the Regional Water Recycling Facility Jennings Campus located at 7007 Jennings Rd. and authorizing the City Manager, or his designee, to execute the Agreement.

    FIRE DEPARTMENT; Kevin Wise, 209-572-9590, kwise@modestofire.com

    ACTION: (Wright/Ricci; 7/0) Resolution 2024-207 approving an Automatic Aid Agreement with Westport Fire Protection District to provide fire-related emergency response to the Regional Water Recycling Facility Jennings Campus located at 7007

Jennings Rd. and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

14. Consider approving a First Amendment to the Agreement with LDA Partners, Inc., for additional tasks related to construction documentation for the Dryden Clubhouse Renovation Project, for a new total amount not to exceed $621,500. (Funding Source: American Rescue Plan Act (ARPA), Golf Fund)
    - Resolution approving a First Amendment to the Agreement with LDA Partners, Inc. for additional tasks related to construction documentation for the Dryden Clubhouse Renovation Project, increasing the Agreement amount by $270,000, for a new contract amount of $565,000, plus $56,500 in additional services (if needed), for a new total amount not to exceed $621,500 and authorizing the City Manager, or his designee, to execute the Amendment.

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

    ACTION: (Wright/Ricci; 7/0) Resolution 2024-208 approving a First Amendment to the Agreement with LDA Partners, Inc. for additional tasks related to construction documentation for the Dryden Clubhouse Renovation Project, increasing the Agreement amount by $270,000, for a new contract amount of $565,000, plus $56,500 in additional services (if needed), for a new total amount not to exceed $621,500 and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

15. Consider approving the Second Amendment increasing the Agreement amount with BrightView Golf Maintenance, Inc., in partnership with KemperSports Management, for Golf Management and Maintenance Services, by $175,202 from $13,987,536 to a new total amount of $14,162,738. (Funding Source: Golf Fund)
    - Resolution approving the Second Amendment increasing the Agreement amount with BrightView Golf Maintenance, Inc., in partnership with KemperSports Management, for Golf Management and Maintenance Services, by $175,202 from $13,987,536 to a new total amount of $14,162,738; and authorizing the City Manager, or his designee to execute the Amendment.

    PRN; Jessica Franco, 209-577-5278, jefranco@modestogov.com

    ACTION: (Wright/Ricci; 7/0) Resolution 2024-209 approving the Second Amendment increasing the Agreement amount with BrightView Golf Maintenance, Inc., in partnership with KemperSports Management, for Golf Management and Maintenance Services, by $175,202 from $13,987,536 to a new total amount of $14,162,738; and authorizing the City Manager, or his designee to execute the Amendment.

Consent

16. Consider approving the Agreement for Polygraph Examination Services to Assurance Polygraph, LLC, Castro Valley, CA, a total amount not to exceed $538,260 over five years. (Funding Source: General Fund)

- Resolution approving the Award of Bid and Agreement for Polygraph Examination Services to Assurance Polygraph, LLC, Castro Valley, CA, for a two (2) year Agreement with three (3) one-year extension options, for an annual estimated amount of $96,250, plus up to $57,010 for contingency, if needed, for an Agreement total amount not to exceed $538,260 over five years, and authorizing the City Manager, or his designee, to execute the Agreement.

POLICE DEPARTMENT; Jessica Smart, 209-572-9500, smartj@modestopd.com

ACTION: (Wright/Ricci; 7/0) Resolution 2024-210 approving the Award of Bid and Agreement for Polygraph Examination Services to Assurance Polygraph, LLC, Castro Valley, CA, for a two (2) year Agreement with three (3) one-year extension options, for an annual estimated amount of $96,250, plus up to $57,010 for contingency, if needed, for an Agreement total amount not to exceed $538,260 over five years, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

17. Consider approving an Agreement with Sigma Tactical Wellness, Austin, Texas, for Comprehensive Heart Health Assessments for First Responders for a total not to exceed $115,464. (Funding Source: Byrne Justice Assistance Grant)
    - Resolution approving an Agreement with Sigma Tactical Wellness, Austin, Texas, for Comprehensive Heart Health Assessments for First Responders for a total amount not to exceed $115,464; and authorizing the City Manager, or his designee, to execute the Agreement.

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

ACTION: (Wright/Ricci; 7/0) Resolution 2024-211 approving an Agreement with Sigma Tactical Wellness, Austin, Texas, for Comprehensive Heart Health Assessments for First Responders for a total amount not to exceed $115,464; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

18. Consider approving the submission of grant applications to the State Water Resources Control Board's Small Community Funding Program: Clean Water/Wastewater and Safe and Affordable Funding for Equity and Reliance Program for the Stanislaus Elementary School Water and Sewer Line Extension Projects. (Funding Source: Water and Sewer Fund)
    - Resolution approving the submission of a Safe and Affordable Funding for Equity and Reliance Program grant application to the State Water Resources Control Board to fund the Kiernan Avenue Water Main Extension Project (Stanislaus Elementary School 123-TCP Mitigation Project), authorizing the City Manager, or his designee, to enter into the associated Grant Agreement and execute all related documents.
    - Resolution approving the submission of a Small Community Funding Program: Clean Water/Wastewater grant application to the State Water Resources Control Board to fund the Carver Road Sewer Extension Project (Stanislaus

Elementary School Sewer Main Project), authorizing the City Manager, or his designee, to enter into the associated Grant Agreement and execute all related documents.

UTILITIES; Jim Alves, 209-571-5557, jalves@modestogov.com

ACTION: (Wright/Ricci; 7/0) Resolution 2024-212 approving the submission of a Safe and Affordable Funding for Equity and Reliance Program grant application to the State Water Resources Control Board to fund the Kiernan Avenue Water Main Extension Project (Stanislaus Elementary School 123-TCP Mitigation Project), authorizing the City Manager, or his designee, to enter into the associated Grant Agreement and execute all related documents.

ACTION: (Wright/Ricci; 7/0) Resolution 2024-213 approving the submission of a Small Community Funding Program: Clean Water/Wastewater grant application to the State Water Resources Control Board to fund the Carver Road Sewer Extension Project (Stanislaus Elementary School Sewer Main Project), authorizing the City Manager, or his designee, to enter into the associated Grant Agreement and execute all related documents.

Consent

19. Consider accepting the Emergency Bypass for Screw Pumps Repairs as complete, and authorizing all payments to Rain for Rent, Stockton, CA, for a total cost of $204,628. (Funding Source: Sewer Operations Fund)
    - Resolution accepting the Emergency Bypass for Screw Pumps repairs as complete, and authorizing all payments to Rain for Rent, Stockton, CA, for a total cost not to exceed $204,628, and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

    UTILITIES; Jeff Daniels, 209-577-6255, jdaniels@modestogov.com,

    ACTION: (Wright/Ricci; 7/0) Resolution 2024-214 accepting the Emergency Bypass for Screw Pumps repairs as complete, and authorizing all payments to Rain for Rent, Stockton, CA, for a total cost not to exceed $204,628, and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

Consent

20. Consider approving the Plans and Specifications for the Well 312 Treatment & Flushline Improvements Project; accepting the Bid and Awarding a Construction Contract to TSI Engineering, Inc., of North Highlands, CA, in the amount of $4,060,786, authorizing $487,295 (12%) in contingency (if needed), for a total payment amount not to exceed $4,548,081. (Funding Source: Water Fund)
    - Resolution approving the Plans and Specifications for the Well 312 Treatment & Flushline Improvements Project; accepting the Bid and Awarding a Construction Contract to TSI Engineering, Inc., of North Highlands, CA, in the amount of $4,060,786, authorizing the Director of Engineering Services to approve Change Orders up to the cumulative amount of $487,295, 12% of the

original contract price, for a total payment amount not to exceed $4,548,081 and authorizing the City Manager, or his designee, to execute the Contract.

- Resolution amending the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $3,722,218 to be transferred into the Project from Water Fund Reserves in order to fund the Construction Phase of the Well 312 Treatment & Flushline Improvements Project.

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

ACTION: (Wright/Ricci; 7/0) Resolution 2024-215 approving the Plans and Specifications for the Well 312 Treatment & Flushline Improvements Project; accepting the Bid and Awarding a Construction Contract to TSI Engineering, Inc., of North Highlands, CA, in the amount of $4,060,786, authorizing the Director of Engineering Services to approve Change Orders up to the cumulative amount of $487,295, 12% of the original contract price, for a total payment amount not to exceed $4,548,081 and authorizing the City Manager, or his designee, to execute the Contract.

ACTION: (Wright/Ricci; 7/0) Resolution 2024-216 amending the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $3,722,218 to be transferred into the Project from Water Fund Reserves in order to fund the Construction Phase of the Well 312 Treatment & Flushline Improvements Project.

Councilmember Williams recused due to conflict.

Consent

21. Consider approving an Engineering Services Agreement with BKF Engineers, of Modesto, CA, for the Final Design of the Highway 99 Water Main Crossings Improvements Project, in the amount of $491,321, plus $49,132 in additional services, if needed, for an Agreement total not to exceed $540,453. (Funding Source: Water Fund)

    - Resolution approving an Engineering Services Agreement with BKF Engineers, of Salida, CA, for the Final Design of the Highway 99 Water Main Crossings Improvements Project in the amount of $491,321, plus $49,132 in additional services, if needed, for an Agreement total amount not to exceed $540,453 and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution approving an amendment to the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $3,047,541 to be transferred into the Project from Water Fund Reserves to fund the Highway 99 Water Main Crossings Improvements Project.

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

    ACTION: (Escutia-Braaton/Wright; 6/0; Williams recused) Resolution 2024-217 approving an Engineering Services Agreement with BKF Engineers, of Salida, CA, for the Final Design of the Highway 99 Water Main Crossings Improvements Project in the amount of $491,321, plus $49,132 in additional services, if needed, for an Agreement total amount not to exceed $540,453 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Escutia-Braaton/Wright; 6/0; Williams recused) Resolution 2024-218 approving an amendment to the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $3,047,541 to be transferred into the Project from Water Fund Reserves to fund the Highway 99 Water Main Crossings Improvements Project.

Consent

22. Consider approving an Engineering Services Agreement with Carollo Engineers, Inc., of Sacramento, CA, for the Regional Water Recycling Facility - Sutter Campus Master Plan Relocation Project, in an amount not to exceed $1,966,703. (Funding Source: Wastewater Fund)
    - Resolution approving an Engineering Services Agreement with Carollo Engineers, of Sacramento, CA, for the Regional Water Recycling Facility - Sutter Campus Master Plan Relocation Project in the amount of $1,787,912, plus $178,791 in additional services, if needed, for an Agreement total amount not to exceed $1,966,703 and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution approving an amendment to the Fiscal Year 2023-24 Multi-Year Program Budget in the amount of $2,045,000 to be transferred into the Project from Wastewater Reserves to fund the Regional Water Recycling Facility - Sutter Campus Master Plan Relocation Project.

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

    ACTION: (Wright/Ricci; 7/0) Resolution 2024-219 approving an Engineering Services Agreement with Carollo Engineers, of Sacramento, CA, for the Regional Water Recycling Facility - Sutter Campus Master Plan Relocation Project in the amount of $1,787,912, plus $178,791 in additional services, if needed, for an Agreement total amount not to exceed $1,966,703 and authorizing the City Manager, or his designee, to execute the Agreement.

    ACTION: (Wright/Ricci; 7/0) Resolution 2024-220 approving an amendment to the Fiscal Year 2023-24 Multi-Year Program Budget in the amount of $2,045,000 to be transferred into the Project from Wastewater Reserves to fund the Regional Water Recycling Facility - Sutter Campus Master Plan Relocation Project.

COUNCIL COMMENTS & REPORTS

Vice Mayor Alvarez spoke during the meeting, beginning with positive remarks about a recent graffiti event and thanking organizers for their efforts. He then addressed comments made by Steve Allen, John Carlos Serna, and Sebastian regarding alleged misinformation and defamation directed at him and his colleagues on social media. Alvarez clarified that he and some Councilmembers decline meetings with this group due to what he described as their nefarious tactics in public communication, particularly regarding matters affecting black and brown communities. He emphasized his willingness to engage with constituents on district and city issues but asserted that he cannot discuss ongoing legal proceedings. Alvarez defended the council's commitment to addressing police brutality, noting the

diversity among Councilmembers as evidence of their dedication to community welfare despite criticisms they receive.

Councilmember Ricci praised Modesto's recent Graffiti event, echoing Vice Mayor Alvarez's positive remarks. He emphasized community involvement in driving government decisions, citing the opening of Graceada pool on weekends by Parks and Rec as an example. Ricci discussed plans from a meeting with the College Area Neighborhood Association to improve parks, especially addressing safety issues at Enslen Park with increased patrols and community activities. He also noted the Council's efforts in police reform through accountability measures and expressed optimism for ongoing progress and collaboration with residents for positive citywide changes.

Councilmember Escutia-Bratton began by highlighting several community events she attended. She mentioned an event at Vintage Faire Mall celebrating Jerry Givens as the winner of an almond blossom photo contest, emphasizing the beauty of Modesto's almond blossoms. Bratton also expressed joy about participating in the Graffiti Parade, praising the community spirit and thanking volunteers for their efforts. She then discussed attending a police ceremony where seven new officers were sworn in, noting their qualifications and eagerness to serve Modesto. Lastly, she joined other officials at a groundbreaking for an outpatient facility by the Center for Human Services, emphasizing the partnership between public and private sectors to enhance mental health and substance use treatment for youth in the community.

Councilmember Williams began by recalling recent community events. First, he mentioned the Legends of the Cruise event on 10th Street Plaza, where the Council received an award from the Legends of the Cruise Committee. He expressed gratitude for the recognition and praised the committee for their efforts. He then shifted to the Kiwanis event, expressing thanks to the City of Modesto for their ongoing partnership. He reported 1372 registrants, with additional participants over the weekend, totaling around 11,000 attendees. He thanked the community, participants, spectators, and law enforcement for their support in ensuring the event's success and safety. Lastly, he invited everyone to the upcoming Juneteenth celebration at Graceada Park, highlighting it as a commemoration of the Emancipation Proclamation with food, music, and cultural activities, emphasizing that it's a free event open to all.

Mayor Zwahlen shared updates on recent events and initiatives in Modesto. She began with the Modesto Police Department's welcoming and promotion ceremony, noting the addition of two new Rangers and two CHAT officers alongside seven sworn officers. She highlighted positive feedback from the Clergy Council regarding the professionalism of Rangers at Graceada Park. The Mayor also praised the new outpatient center for 0 to 25-year-olds by the Center for Human Services, emphasizing its impact on youth facing challenges like substance use disorder and mental illness, and recognizing Cindy Duenas for her long-standing service as the Executive Director. Additionally, she reported on her ongoing attendance at San Joaquin Regional Rail Commission meetings, focusing on efforts to bring rail to Modesto, including outreach initiatives for students and seniors, and accommodations for special events like 49ers games and trips to Great America.

CITY MANAGER COMMENTS & REPORTS

None.

Recessed: 6:57 p.m.
Reconvened: 7:02 p.m.

HEARINGS

Published in the Modesto Bee on May 31, 2024.

23. Hearing to consider approving Fiscal Year 2024-25 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 2024-25 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; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

    ACTION: (Williams/Alvarez; 7/0) Resolution 2024-221 approving the Fiscal Year 2024-25 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 May 31, 2024.

24. Hearing to consider approving Fiscal Year 2024-25 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 2024-25 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; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

    ACTION: (Wright/Ricci; 7/0) Resolution 2024-222 approving the Fiscal Year 2024-25 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 May 31, 2024.

25. Hearing to consider approving Fiscal Year 2024-25 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 2024-25 Diagram and Annual Assessment and ordering the Levy and Collection of Charges within Shackelford Landscape and Lighting District.

    CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

    ACTION: (Escutia-Braaton/Williams; 7/0) Resolution 2024-223 approving the Fiscal Year 2024-25 Diagram and Annual Assessment and ordering the Levy and Collection of Charges within Shackelford Landscape and Lighting District.

Published in the Modesto Bee on May 31, 2024.

26. Hearing to consider the annexation of Assessor Parcel Numbers (APNs) 077-008-039 and 077-008-040 totaling approximately 33.694 acres, to the City of Modesto Community Facilities District (CFD) No. 2004-1 (Village One #2), authorizing the levy of special taxes therein; calling a special election; and declaring the results of the June 11, 2024 election. (Funding Source: Developer Deposit)
    - Resolution calling a special election for the Annexation of additional territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2).
    - Resolution declaring the results of the June 11, 2024 special election and ordering the Annexation of the additional territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2).

    CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

    ACTION: (Wright/Williams; 7/0) Resolution 2024-224 calling a special election for the Annexation of additional territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2).

    ACTION: (Bavaro/Ricci; 7/0) Resolution 2024-225 declaring the results of the June 11, 2024, special election and ordering the Annexation of the additional territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2).

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 7:17 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: Brittoni Estrella, et al. v. City of Modesto et al.
United States Eastern District
Case No.: 1:22-cv-00921

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
SPECIAL CANNABIS PROGRAM AND PERMIT REVIEW COMMITTEE / COUNCIL WORKSHOP
2001-40 Del Puerto Room.
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, June 17, 2024 at 4:00 PM

Roll Call: Present: Committee Member Ricci, Vice-Chair Zwahlen, and Chair Wright

PUBLIC COMMENTS IN PERSON

None.

NEW BUSINESS

1. Consider a Change in Ownership request for Retail Cannabis Dispensary CR and D Inc. and forwarding to Council for approval. (Funding Source: Cannabis Annual Permit Fee)
    - Motion recommending the approval of the Change in Ownership request for Retail Dispensary CR and D Inc. resulting in Carolina Fernandez acquiring eighty percent (80%) of CR and D Inc. and forwarding to Council for approval.

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

   ACTION: (Ricci/Zwahlen; 3/0) Motion recommending the approval of the Change in Ownership request for Retail Dispensary CR and D Inc. resulting in Carolina Fernandez acquiring eighty percent (80%) of CR and D Inc. and forwarding to Council for approval.

2. Consider approving the renewal of six Non-Retail Commercial Cannabis Permits for a two-year period ending June 30, 2026. (Funding Source: Annual Cannabis Permit Fees)
    - Resolution approving the renewal of six Non-Retail Commercial Cannabis Permits for businesses in the City of Modesto to June 30, 2026.

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

   ACTION: (Ricci/Zwahlen; 3/0) Resolution 01-2024 approving the renewal of six Non-Retail Commercial Cannabis Permits for businesses in the City of Modesto to June 30, 2026.

ADJOURNMENT

This meeting adjourned at 4:09 p.m.

Attest: _____
Reyna Mendoza, Deputy City Clerk

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, June 24, 2024 at 4:00 PM

Roll Call: Present: Committee Member Wright and Chair Bavaro
Absent: Vice-Chair Escutia-Braaton
Also Present: Alternate Member Ricci

PUBLIC COMMENTS IN PERSON

None

SUBMITTING COMMENTS BY E-MAIL

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 1-5, 7-12 (Wright/Ricci; 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: (Wright/Ricci; 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 LeSar Development Consultants to assist in the development of the 2025-2030 Consolidated Plan for the use of HUD Funds, including the Year One Annual Action Plan and the Affirmatively Furthering Fair Housing Plan, for a total amount not to exceed $200,000, and forwarding to Council for approval. (Funding Source: Community Development Block Grant and HOME Investment Partnership Funds)
    - Motion recommending an Agreement with LeSar Development Consultants to assist in the development of the 2025-2030 Consolidated Plan, including the

Year One Annual Action Plan and Affirmatively Furthering Fair Housing Plan, for a total amount not to exceed $200,000 and forwarding to Council for approval.

CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

ACTION: (Wright/Ricci; 3/0) Motion recommending an Agreement with LeSar Development Consultants to assist in the development of the 2025-2030 Consolidated Plan, including the Year One Annual Action Plan and Affirmatively Furthering Fair Housing Plan, for a total amount not to exceed $200,000 and forwarding to Council for approval.

Consent

3. Consider a Professional Services Agreements with Wildan Engineering, Elk Grove, CA, and BPR Consultants, Madera, CA for Plan Review and Inspection Services for a total combined amount not to exceed $2,500,000 over five years and forwarding to Council for approval. (Funding Source: Building Permit Fees/Measure H)
    - Motion recommending the Award of Proposal and Agreements for Professional Servies for Plan Review and Inspection Services to Wildan Engineering, Elk Grove, CA and BPR Consulting Group, Madera, CA, for a two-year Agreement with three one-year extension options, for an annual estimated amount of $500,000 and a total not to exceed $2,500,000 over five years and forwarding to Council for approval.

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

ACTION: (Wright/Ricci; 3/0) Motion recommending the Award of Proposal and Agreements for Professional Servies for Plan Review and Inspection Services to Wildan Engineering, Elk Grove, CA and BPR Consulting Group, Madera, CA, for a two-year Agreement with three one-year extension options, for an annual estimated amount of $500,000 and a total not to exceed $2,500,000 over five years and forwarding to Council for approval.

Consent

4. Consider the Purchasing Agreements for the purchase of Equipment and Vehicle Parts and Services with CenCal Auto and Truck Parts, Modesto, CA and Rush Truck Center, Ceres, CA for a total amount not to exceed $1,000,000 over five years and forwarding to Council for approval. (Funding Source: Fleet Fund, Outside Service Agreements)
    - Motion recommending the Purchasing Agreements for purchase of Equipment and Vehicle Parts and Services with CenCal Auto and Truck Parts, Modesto, CA and Rush Truck Center, Ceres, CA for a two-year Agreement with three one-year extension options, for an annual combined estimated amount of $200,000 and a total amount not to exceed $1,000,000 over five years; and forwarding to Council for approval.

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

ACTION: (Wright/Ricci; 3/0) Motion recommending the Purchasing Agreements for purchase of Equipment and Vehicle Parts and Services with CenCal Auto and Truck Parts, Modesto, CA and Rush Truck Center, Ceres, CA for a two-year Agreement with three one-year extension options, for an annual combined estimated amount of $200,000 and a total amount not to exceed $1,000,000 over five years; and forwarding to Council for approval.

Consent

5. Consider the Purchasing Agreements for the purchase of Equipment and Vehicle Parts and Services with Terex Services, Stockton, CA and Golden State Emergency Vehicle Services, Sacramento, CA for a total amount not to exceed $1,250,000 over five years and forwarding to Council for approval. (Funding Source: Fleet Fund, Outside Service Agreements)
    - Motion recommending the Purchasing Agreements for purchase of Equipment and Vehicle Parts and Services with Terex Services, Stockton, CA and Golden State Emergency Vehicle Services, Sacramento, CA for a two-year Agreement with three one-year extension options, for an annual combined estimated amount of $250,000 and a total amount not to exceed $1,250,000 over five years; and forwarding to Council for approval.

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

ACTION: (Wright/Ricci; 3/0) Motion recommending the Purchasing Agreements for purchase of Equipment and Vehicle Parts and Services with Terex Services, Stockton, CA and Golden State Emergency Vehicle Services, Sacramento, CA for a two-year Agreement with three one-year extension options, for an annual combined estimated amount of $250,000 and a total amount not to exceed $1,250,000 over five years; and forwarding to Council for approval.

Pulled from Consent

Consent

6. Consider an Agreement with Burton Fire, Modesto, CA for the purchase of fire fleet parts and services for a total amount not to exceed $625,000 over five years and forwarding to Council for approval. (Funding Source: General Fund and Outside Fire Contract Agencies)
    - Motion recommending the Agreement for the purchase of fire fleet parts for a two-year Agreement with three one-year extension options, for an annual estimated amount of $125,000 and a total amount not to exceed $625,000 over five years; and forwarding to Council for approval.

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

ACTION: (Ricci/Wright; 2/0; Bavaro Recused) Motion recommending the Agreement for the purchase of fire fleet parts for a two-year Agreement with three one-year extension options, for an annual estimated amount of $125,000 and a total amount not to exceed $625,000 over five years; and forwarding to Council for approval.

Consent

7. Consider the purchase of various fleet replacements for public safety fleet vehicles which include twenty-two Ford Interceptors and five Chevrolet Tahoes in an amount not to exceed $1,980,238 and forwarding to Council for approval. (Funding Source: Fleet Replacement Fund)
    - Motion recommending the Competitive Bidding Process from the State of California, Department of General Services to Folsom Lake Ford, Folsom, CA for the purchase of twenty-two Ford Police Interceptors for an amount not to exceed $1,374,633; 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.
    - Motion recommending the Competitive Bidding Process from the State of California, Department of General Services to Winner Chevrolet, Elk Grove, CA for the purchase of five Chevrolet Tahoes for an amount not to exceed $347,311 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: (Wright/Ricci; 3/0) Motion recommending the Competitive Bidding Process from the State of California, Department of General Services to Folsom Lake Ford, Folsom, CA for the purchase of twenty-two Ford Police Interceptors for an amount not to exceed $1,374,633; 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: (Wright/Ricci; 3/0) Motion recommending the Competitive Bidding Process from the State of California, Department of General Services to Winner Chevrolet, Elk Grove, CA for the purchase of five Chevrolet Tahoes for an amount not to exceed $347,311 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

8. Consider Legal Services Agreements with Renne Public Law Group, San Francisco, CA; Oppenheimer Investigations Group LLP, Oakland, CA; and Liebert Cassidy Whitmore, Fresno, CA and Consultant Services Agreements with Municipal Resource Group, LLC, Wilton, CA and DigiStream, Sacramento, CA to conduct citywide Administrative Investigations on an as needed basis, in an amount not to exceed $100,000 each for two years and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion recommending Legal Services Agreements with Renne Public Law Group, San Francisco, CA; Oppenheimer Investigations Group LLP, Oakland, CA; and Liebert Cassidy Whitmore, Fresno, CA and Consultant Agreements

with Municipal Resource Group, LLC, Wilton, CA and DigiStream, Sacramento, CA to conduct citywide Administrative Investigations on an as needed basis, in an amount not to exceed $100,000 per agreement for two years and forwarding to Council for approval.

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

ACTION: (Wright/Ricci; 3/0) Motion recommending Legal Services Agreements with Renne Public Law Group, San Francisco, CA; Oppenheimer Investigations Group LLP, Oakland, CA; and Liebert Cassidy Whitmore, Fresno, CA and Consultant Agreements with Municipal Resource Group, LLC, Wilton, CA and DigiStream, Sacramento, CA to conduct citywide Administrative Investigations on an as needed basis, in an amount not to exceed $100,000 per agreement for two years and forwarding to Council for approval.

Consent

9. Consider a First Amendment to the Legal Services Agreement with Oppenheimer Investigations Group LLP, Oakland, CA to conduct citywide Administrative Investigations increasing the Agreement amount by $40,000 and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion recommending the First Amendment to the Agreement with Oppenheimer Investigations Group LLP, Oakland, CA to continue to complete ongoing important specific matters increasing the Agreement amount by $40,000 to a new total of $140,000; and forwarding to Council for approval.

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

ACTION: (Wright/Ricci; 3/0) Motion recommending the First Amendment to the Agreement with Oppenheimer Investigations Group LLP, Oakland, CA to continue to complete ongoing important specific matters increasing the Agreement amount by $40,000 to a new total of $140,000; and forwarding to Council for approval.

Consent

10. Consider the price increase of Purchase Order 216609 for Tracy Ford, Tracy, CA by $96,302 for six Ford Interceptor Patrol Sport Utility Vehicles and forwarding to Council for approval. (Funding Source: Fleet Replacement Fund)
    - Motion recommending the price increase of Purchase Order 216609 for Tracy Ford, Tracy, CA by $96,302 for six Ford Interceptor Patrol Sport Utility Vehicles from $241,424 for a revised total amount not to exceed $337,726 and forwarding to Council for approval.

PUBLIC WORKS; Patrick Crowley, 209-342-2274, pcrowley@modestogov.com

ACTION: (Wright/Ricci; 3/0) Motion recommending the price increase of Purchase Order 216609 for Tracy Ford, Tracy, CA by $96,302 for six Ford Interceptor Patrol Sport Utility Vehicles from $241,424 for a revised total amount not to exceed $337,726 and forwarding to Council for approval.

Consent

11. Consider the Second Amendment with Champion Industrial Contractors Inc. Modesto, CA for On-Call Plumbing Services increasing the Agreement amount by $120,000 for a new total amount of $552,370, within the term of the Agreement and forwarding to Council for approval. (Funding Source: General Fund, Utility Funds, Centre Plaza, Golf Fund and Building Maintenance Fund)
    - Motion recommending the Second Amendment with Champion Industrial Contractors Inc. Modesto, CA for On-Call Plumbing Services and increasing the Agreement amount by $120,000 for a new total amount of $552,370; and forwarding to Council for approval.

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

    ACTION: (Wright/Ricci; 3/0) Motion recommending the Second Amendment with Champion Industrial Contractors Inc. Modesto, CA for On-Call Plumbing Services and increasing the Agreement amount by $120,000 for a new total amount of $552,370; and forwarding to Council for approval.

Consent

12. Consider an Agreement with East Bay Municipal Utility District (EBMUD), Oakland, CA for the disposal of non-hazardous brine waste for a total amount not to exceed $352,450 over three years and forwarding to Council for approval. (Funding Source: Water Fund)
    - Motion recommending the Agreement with East Bay Municipal Utility District (EBMUD), Oakland, CA for the disposal of non-hazardous brine for a three-year Agreement and a total amount not to exceed $352,450 over three years; and forwarding to Council for approval.

    UTILITIES; Manuel Martinez, 209-342-4592, mmartinez@modestogov.com

    ACTION: (Wright/Ricci; 3/0) Motion recommending the Agreement with East Bay Municipal Utility District (EBMUD), Oakland, CA for the disposal of non-hazardous brine for a three-year Agreement and a total amount not to exceed $352,450 over three years; and forwarding to Council for approval.

NEW BUSINESS

13. Consider an Agreement for Concrete Services with United Pavement Maintenance, Hughson, CA and Westside Landscape & Concrete, Newman, CA for a total amount not to exceed $17,250,000 for five years and forwarding to Council for approval. (Funding Source: Measure H, Water Fund and General Fund)
    - Motion recommending the Award of Bid and Agreements for Concrete Services to United Pavement Maintenance, Hughson, CA. and Westside Landscape & Concrete, Newman, CA for a two year agreement with three one-year extension options, for an annual estimated amount of $3,450,000 and a total amount not to exceed $17,250,000 over five years and forwarding to Council for approval.

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

ACTION: (Wright/Ricci; 3/0) Motion recommending the Award of Bid and Agreements for Concrete Services to United Pavement Maintenance, Hughson, CA. and Westside Landscape & Concrete, Newman, CA for a two year agreement with three one-year extension options, for an annual estimated amount of $3,450,000 and a total amount not to exceed $17,250,000 over five years and forwarding to Council for approval.

14. Consider a list of projects to be funded with Road Repair and Accountability Act tax proceeds for Fiscal Year 2024-2025 and forwarding to Council for approval. (Funding Source: Senate Bill 1 Funds)
    - Motion recommending the project list to be funded with Road Repair and Accountability Act tax proceeds in an amount up to $5,888,194 and forwarding to Council for approval.

    PUBLIC WORKS; John Sphar, 209-342-2235, jsphar@modestogov.com

ACTION: (Ricci/Wright; 3/0) Motion recommending the project list to be funded with Road Repair and Accountability Act tax proceeds in an amount up to $5,888,194 and forwarding to Council for approval.

15. Consider 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 September 1, 2024, and rescinding Resolution No. 2023-312 for the July 1, 2023, annual rate adjustment; approving a Fuel Rate Adjustment to the Maximum Rate Schedule for City Solid Waste Collection Services provided by the haulers to become effective September 1, 2024; and approving the update to the Schedule of Cash Security Deposits and Fees for Self-Haul Residents and Businesses, rescinding Resolution No. 2022-471 and forwarding to Council for approval. (Funding Source: General Fund, Solid Waste Fund, Geer Road Landfill Fund, Carpenter Road Landfill Fund, Green Waste Fund, Compost Facility Improvements Fund, Streets Fund)
    - Motion recommending the Annual Rate Adjustment to the Maximum Rate Schedule for City Solid Waste Collection Services provided by the Solid Waste Haulers, for a decrease of $1.08 per month for residential services, an increase of $6.61 per cubic yard for commercial services, and an increase of $24.87 per pull for industrial services, to become effective September 1, 2024 and rescinding Resolution No. 2022-276 for the July 1, 2022 annual rate adjustment, and forwarding to Council for approval.
    - Motion recommending a Fuel Rate Adjustment to the Maximum Rate Schedule for City Solid Waste Collection Services provided by the haulers, for a reduction of $0.11 per month for residential services, and a reduction of $0.13 per cubic yard for commercial services, to become effective September 1, 2024, and forwarding to Council for approval.
    - Motion recommending the update to the Schedule of Cash Security Deposits and Fees for Self-Haul Residents and Businesses in accordance with Assembly Bill 939, and rescinding Resolution No. 2022-471 and forwarding to Council for approval.

    PUBLIC WORKS; Myriah Hill, 209-577-5495, mhill@modestogov.com

ACTION: (Ricci/Wright; 3/0) Motion recommending the Annual Rate Adjustment to the Maximum Rate Schedule for City Solid Waste Collection Services provided by the Solid Waste Haulers, for a decrease of $1.08 per month for residential services, an increase of $6.61 per cubic yard for commercial services, and an increase of $24.87 per pull for industrial services, to become effective September 1, 2024 and rescinding Resolution No. 2022-276 for the July 1, 2022 annual rate adjustment, and forwarding to Council for approval.

ACTION: (Ricci/Wright; 3/0) Motion recommending a Fuel Rate Adjustment to the Maximum Rate Schedule for City Solid Waste Collection Services provided by the haulers, for a reduction of $0.11 per month for residential services, and a reduction of $0.13 per cubic yard for commercial services, to become effective September 1, 2024, and forwarding to Council for approval.

ACTION: (Ricci/Wright; 3/0) Motion recommending the update to the Schedule of Cash Security Deposits and Fees for Self-Haul Residents and Businesses in accordance with Assembly Bill 939, and rescinding Resolution No. 2022-471 and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:49 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 25, 2024 at 5:30 PM

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

Pledge of Allegiance to the Flag

Invocation: Carlos Gonzalez, City Ministry Network

City Clerk's Announcements

Declaration of Conflicts of Interest: Item 21 - Councilmember Bavaro recused himself due to a conflict.

Reports from Closed Session: No reportable action.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Poem by outgoing Poet Laureate Sal Salerno. (Funding Source: Not Applicable)
   PRN; Diane Sheatsley, 209-577-5418, dsheatsley@modestogov.com

   ACTION: Poet Laureate Sal Salerno presented his outgoing poem.

2. Youth Commission Presentation (Funding Source: Not Applicable)
   PRN; Valerie Garcia, 209-571-5576, vagarcia@modestogov.com

   ACTION: Youth Commission gave a presentation of their activities.

MISCELLANEOUS

3. Consider approving the appointments for David Harter, Huelon "Herk" Usrey, and Jesse Wiggins to the Board of Building Appeals for a four-year term with a term expiration of January 01, 2027. (Funding Source: Not Applicable)
   Staff Recommendation:
   - Resolution approving the appointments of David Harter, Huelon "Herk" Usrey, and Jesse Wiggins to the City of Modesto Board of Building Appeals to a four-year term, with a term expiration of January 01, 2027.

   CED; Oscar Diaz, 209-577-5232, odiaz@modestogov.com

ACTION: (Wright/Alvarez; 7/0) Resolution 2024-226 approving the appointments of David Harter, Huelon "Herk" Usrey, and Jesse Wiggins to the City of Modesto Board of Building Appeals to a four-year term, with a term expiration of January 01, 2027.

4. Consider approving the appointments of Craig Lewis and Tim Ragsdale to the Citizen's Transportation Sales Tax Commission for a four-year term with a term from July 1, 2024 to June 30, 2028. (Funding Source: Not Applicable)
Staff Recommendation:
   - Resolution approving the appointments of Craig Lewis and Tim Ragsdale to the Citizen's Transportation Sales Tax Commission for a four-year term with a term from July 1, 2024 to June 30, 2028.

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

ACTION: (Ricci/Wright; 7/0) Resolution 2024-227 approving the appointments of Craig Lewis and Tim Ragsdale to the Citizen's Transportation Sales Tax Commission for a four-year term with a term from July 1, 2024 to June 30, 2028.

PUBLIC COMMENT IN PERSON

- Deanna Washington voiced concerns about a dispensary that was in their neighborhood, urging businesses like dispensaries to locate away from homes and schools to protect children and improve the neighborhood's image.

- Diane Kroeze expressed concern for homeless individuals not receiving adequate support and invited others to join in advocating for better solutions.

- Kevin McClarty voiced concerns about the ACE Train Project delay due to gas line issues, and asked about accountability, feasibility study oversight, relocation timeline and costs, and funding for a temporary station. He urged the Council to commit to ensuring Modesto residents do not have to travel elsewhere for train access.

- Sebastian Jones spoke about discrimination at the King Kennedy Center, urging an investigation into the center's reservations. He highlighted efforts to rename the center solely after Dr. King, proposed renaming a different park for Kennedy, and stressed the importance of honoring Dr. King's legacy properly.

- Sarah Bland Johnson congratulated the youth and suggested reinstating the Upper Bound program in schools. She spoke of the lack of access to the King Kennedy Memorial Center during a hot event at Martin Luther King Park, highlighting the need for better facilities and accommodations for people with disabilities.

- Zeff criticizes the Council for failing to address homelessness and for not using $3 million set aside for bridge housing. He notes that advocates have given up on the Council and highlights an increase in homelessness, urging the Council to consider their legacy and missed opportunities.

- Doctor Karen Clark criticized the King Kennedy Center for abruptly denying their event space three days before their anti-stigma event in Stanislaus County. She urged the Mayor to investigate, highlighting their aim to address racism, mental health, and homelessness through community resources. Clark emphasized the need for inclusivity and equitable access for all residents, regardless of background.

- Kirk Usher urged the Council to stop approving what they call "dope dens" in Modesto, referring to recent $16 million allocations for homeless facilities. Usher criticized the effectiveness of current aid programs for homeless adults and expressed concern over increased crime affecting local businesses. The speaker called on Councilmembers to visit locations like the Kansas house, review police reports, and prioritize community safety before funding similar projects.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS: 5-20, 22 (Wright/Williams; 7/0)

CONSENT

Consent
5. Consider approving the minutes for the June 11, 2024 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes for the June 11, 2024 Council Meeting.

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

    ACTION: (Wright/Williams; 7/0) Motion approving the minutes for the June 11, 2024 Council Meeting.

Consent
6. Consider approving the State of California Homekey Resolution authorizing a joint application to and participation in the Homekey program for the development at 710 N. 9th Street. (Funding Source: Homekey 3 Funds)
    - Resolution of the Governing Body of the City of Modesto authorizing joint application to and participation in the Homekey Program for the development at 710 N. 9th Street.

    CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

    ACTION: (Wright/Williams; 7/0) Resolution 2024-228 of the Governing Body of the City of Modesto authorizing joint application to and participation in the Homekey Program for the development at 710 N. 9th Street.

Consent
7. Consider approving the Second Amendment increasing the Agreement amount with 4-LEAF, Inc. for Professional Services for Plan Review and Inspection Services for a total amount not to exceed $642,000 over five years for the Rental Housing Safety Program. (Funding Source: Measure H)

- Resolution approving the Second Amendment to the Professional Services Agreement with 4-LEAF, Inc. for Inspection Services by $30,000 from $53,000 to $83,000 for the fifth year with a revised total amount not to exceed $642,000 from $612,000 over five years and authorizing the City Manager, or his designee, to execute the Amendment.

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

ACTION: (Wright/Williams; 7/0) Resolution 2024-229 approving the Second Amendment to the Professional Services Agreement with 4-LEAF, Inc. for Inspection Services by $30,000 from $53,000 to $83,000 for the fifth year with a revised total amount not to exceed $642,000 from $612,000 over five years and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

8. Consider approving a Modesto Forward Grant Agreement with Stanislaus Community Foundation, to support in-home childcare entrepreneurship, for a total amount not to exceed $156,758. (Funding Source: American Rescue Plan Act Funds)
    - Resolution approving a Modesto Forward Grant Agreement with Stanislaus Community Foundation to support in home childcare entrepreneurship for a total amount not to exceed $156,758; and authorizing the City Manager, or his designee, to execute the Agreement.

CED; Trevin Barber, 209-571-5566, tbarber@modestogov.com

ACTION: (Wright/Williams; 7/0) Resolution 2024-230 approving a Modesto Forward Grant Agreement with Stanislaus Community Foundation to support in home childcare entrepreneurship for a total amount not to exceed $156,758; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

9. Consider approving a Modesto Forward Grant Agreement with United Way of San Joaquin County for the implementation a Workforce Development Program by HealthForce Partners Northern San Joaquin Valley, for a total amount not to exceed $500,000 over two and a half years. (Funding Source: American Rescue Plan Act Funds)
    - Resolution approving a Modesto Forward Grant Agreement with United Way of San Joaquin County for the implementation of a Workforce Development Program by HealthForce Partners Northern San Joaquin Valley, for a total amount not to exceed $500,000 over two and a half years, and authorizing the City Manager, or his designee to execute the Agreement.

CED; Trevin Barber, 209-571-5566, tbarber@modestogov.com

ACTION: (Wright/Williams; 7/0) Resolution 2024-231 approving a Modesto Forward Grant Agreement with United Way of San Joaquin County for the implementation of a Workforce Development Program by HealthForce Partners Northern San Joaquin Valley, for a total amount not to exceed $500,000 over two and a

half years, and authorizing the City Manager, or his designee to execute the Agreement.

Consent

10. Consider approving the summary vacation of an existing 60 feet wide by approximately 192 feet long (11,505.95 square feet) road right-of-way located at APN 033-089-037. (Funding Source: Not Applicable)
    - Resolution approving the summary vacation of an existing 60 feet wide by approximately 192 feet long (11,505.95 square feet) road right-of-way located at APN 033-089-037.

    ENGINEERING SERVICES; Jaspreet Mangat, 209-577-5253, jmangat@modestogov.com

    ACTION: (Wright/Williams; 7/0) Resolution 20024-232 approving the summary vacation of an existing 60 feet wide by approximately 192 feet long (11,505.95 square feet) road right-of-way located at APN 033-089-037.

Consent

11. Consider accepting the Jennings Command Center and Hahn Lift Station Restroom Project as complete, releasing securities, releasing payments totaling $568,374 to Harris Builders, Inc., of Hilmar, CA, and authorizing the City Clerk to file a Notice of Completion (Funding Source: Wastewater Fund)
    - Resolution accepting the Jennings Command Center and Hahn Lift Station Restroom Project as complete, releasing securities, releasing payments totaling $568,374 to Harris Builders, Inc., of Hilmar, CA., and authorizing the City Clerk to file a Notice of Completion.

    ENGINEERING SERVICES; Peter Kambel, 209-577-5444, pkambel@modestogov.com

    ACTION: (Wright/Williams; 7/0) Resolution 2024-233 accepting the Jennings Command Center and Hahn Lift Station Restroom Project as complete, releasing securities, releasing payments totaling $568,374 to Harris Builders, Inc., of Hilmar, CA., and authorizing the City Clerk to file a Notice of Completion.

Consent

12. Consider approving the updates to the City's Debt Management Policy. (Funding Source: Not Applicable)
    - Resolution approving the updates to the City's Debt Management Policy.

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

    ACTION: (Wright/Williams; 7/0) Resolution 2024-234 approving the updates to the City's Debt Management Policy.

Consent

13. Consider approving the updates to the City's Investment Policy. (Funding Source: Not Applicable)

- Resolution approving the updates to the City's Investment Policy.

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

ACTION: (Wright/Williams; 7/0) Resolution 2024-235 approving the updates to the City's Investment Policy.

Consent

14. Consider accepting the Monthly Investment Report for April 2024. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for April 2024.

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

ACTION: (Wright/Williams; 7/0) Motion accepting the Monthly Investment Report for April 2024.

Consent

15. Consider accepting an informational report on the March and April 2024 grant applications and awards (Funding Source: Not Applicable)
    - Motion accepting an informational report for the March and April 2024, grant applications and awards.

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

ACTION: (Wright/Williams; 7/0) Motion accepting an informational report for the March and April 2024, grant applications and awards.

Consent

16. Consider accepting an informational report for the May 2024 Accounts Payable Payment Register and Void Report. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the May 2024 Accounts Payable Payment Register and Void Report.

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

ACTION: (Wright/Williams; 7/0) Motion accepting an informational report for the May 2024 Accounts Payable Payment Register and Void Report.

Consent

17. Consider approving an Automatic Aid Agreement with Woodland Avenue Fire Protection District (WFPD) for Modesto Fire Department (MFD) to provide fire-related emergency response to County "Islands" surrounded by the Modesto City limits. (Funding Source: General Fund)
    - Resolution approving an Automatic Aid Agreement with Woodland Avenue Fire Protection District (WFPD) for Modesto Fire Department (MFD) to

provide fire-related emergency response to County "Islands" surrounded by the Modesto City limits and authorizing the City Manager, or his designee, to execute the Agreement.

FIRE DEPARTMENT; Kevin Wise, 209-572-9590, kwise@modestofire.com

ACTION: (Wright/Williams; 7/0) Resolution 2024-236 approving an Automatic Aid Agreement with Woodland Avenue Fire Protection District (WFPD) for Modesto Fire Department (MFD) to provide fire-related emergency response to County "Islands" surrounded by the Modesto City limits and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

18. Consider approving the proposed Bylaw Amendments for the City of Modesto Youth Commission to increase Commission Members from nine to seventeen and extend the appointment term from one year to two years. (Funding Source: Not Applicable)
    - Resolution approving the proposed Bylaw Amendments for the City of Modesto Youth Commission to increase Commission Members from nine to seventeen and extend the appointment term from one year to two years.

    PRN; Jeremy Rogers, 209-577-5347, jrogers@modestogov.com

    ACTION: (Wright/Williams; 7/0) Resolution 2024-237 approving the proposed Bylaw Amendments for the City of Modesto Youth Commission to increase Commission Members from nine to seventeen and extend the appointment term from one year to two years.

Consent

19. Consider approving the First Amendment with Adamson Police Products, Los Alamitos, CA, for Ballistic Vests increasing the Agreement amount by $113,416 and extending the term of the Agreement from June 30, 2024, to June 30, 2025. (Funding Source: General Fund)
    - Resolution approving the First Amendment with Adamson Police Products, for Ballistic Vests, increasing the Agreement amount by $113,416 to a new total amount of $427,416 and extending the term of the Agreement from June 30, 2024, to June 30, 2025; and authorizing the City Manager, or his designee to execute the Amendment.

    POLICE DEPARTMENT; Jessica Smart, 209-572-9500, smartj@modestopd.com

    ACTION: (Wright/Williams; 7/0) Resolution 2024-238 approving the First Amendment with Adamson Police Products, for Ballistic Vests, increasing the Agreement amount by $113,416 to a new total amount of $427,416 and extending the term of the Agreement from June 30, 2024, to June 30, 2025; and authorizing the City Manager, or his designee to execute the Amendment.

Consent

20. Consider approving two Engineering Services Agreements with Carollo Engineers, of Walnut Creek, CA, for the Downtown Sewer Trunk Rehabilitation and the Santa Rosa Sewer Trunk Rehabilitation Projects, in the amount of $935,326, plus $93,534 in additional services, if needed, for a combined amount not to exceed $1,028,860. (Funding Source: Wastewater Fund)
    - Resolution approving an Engineering Services Agreement with Carollo Engineers, of Walnut Creek, CA, for the Downtown Sewer Trunk Rehabilitation Project in the amount of $497,892, plus $49,790 in additional services, if needed, for an Agreement total amount not to exceed $547,682; and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution approving an Engineering Services Agreement with Carollo Engineers, of Walnut Creek, CA, for the Santa Rosa Sewer Trunk Rehabilitation Project in the amount of $437,434, plus $43,744 in additional services, if needed, for an Agreement total amount not to exceed $481,178; and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution approving an amendment to the Fiscal Year 2023-24 Multi-Year Program Budget in the amount of $8,431,782 from Wastewater Reserves to fund the Downtown Sewer Trunk Rehabilitation and Santa Rosa Sewer Trunk Rehabilitation Projects.

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

    ACTION: (Wright/Williams; 7/0) Resolution 2024-239 approving an Engineering Services Agreement with Carollo Engineers, of Walnut Creek, CA, for the Downtown Sewer Trunk Rehabilitation Project in the amount of $497,892, plus $49,790 in additional services, if needed, for an Agreement total amount not to exceed $547,682; and authorizing the City Manager, or his designee, to execute the Agreement.

    ACTION: (Wright/Williams; 7/0) Resolution 2024-240 approving an Engineering Services Agreement with Carollo Engineers, of Walnut Creek, CA, for the Santa Rosa Sewer Trunk Rehabilitation Project in the amount of $437,434, plus $43,744 in additional services, if needed, for an Agreement total amount not to exceed $481,178; and authorizing the City Manager, or his designee, to execute the Agreement.

    ACTION: (Wright/Williams; 7/0) Resolution 2024-241 approving an amendment to the Fiscal Year 2023-24 Multi-Year Program Budget in the amount of $8,431,782 from Wastewater Reserves to fund the Downtown Sewer Trunk Rehabilitation and Santa Rosa Sewer Trunk Rehabilitation Projects.

Removed from Consent - Councilmember Bavaro recused

Consent

21. Consider approving an On-Call Electrical Engineering Design Services Agreement with Pezzoni Engineering, Inc, of Modesto, CA for a total amount not to exceed $300,000 over three years, and an On-Call Architectural Design Services Agreement with Red Inc. Architects, of Modesto, 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 Electrical Engineering Design Services Agreement with Pezzoni Engineering, Inc., of Modesto, CA for a one-year Agreement with two one-year extension options, for an annual estimated amount of $100,000, and a total amount not to exceed $300,000 over three years; and authorizing the City Manager, or his designee, to execute the Agreement.
- Resolution approving an On-Call Architectural Design Services Agreement with Red Inc. Architects, of Modesto, CA for a one-year Agreement with two one-year extension options, for an annual estimated amount of $100,000, and a total amount not to exceed $300,000 over three years; and authorizing the City Manager, or his designee, to execute the Agreement.

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

ACTION: (Wright/Ricci; 6/0; Bavaro Recused) Resolution 2024-242 approving an On-Call Electrical Engineering Design Services Agreement with Pezzoni Engineering, Inc., of Modesto, CA for a one-year Agreement with two one-year extension options, for an annual estimated amount of $100,000, and a total amount not to exceed $300,000 over three years; and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Wright/Ricci; 6/0; Bavaro Recused) Resolution 2024-243 approving an On-Call Architectural Design Services Agreement with Red Inc. Architects, of Modesto, CA for a one-year Agreement with two one-year extension options, for an annual estimated amount of $100,000, and a total amount not to exceed $300,000 over three years; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

22. Consider approving an Agreement with Hach Company, Loveland, CO, for Field Services and Parts for a total amount not to exceed $389,405 over three years. (Funding Source: Sewer Operations Fund)
    - Resolution approving the Sole Source Agreement with Hach Company, Loveland, CO, for Field Services and Parts for a three year Agreement, for an estimated annual amount of $123,134, and a total amount not to exceed $389,405 over three years and 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, 209-577-6255, jdaniels@modestogov.com

    ACTION: (Wright/Williams; 7/0) Resolution 2024-244 approving the Sole Source Agreement with Hach Company, Loveland, CO, for Field Services and Parts for a three year Agreement, for an estimated annual amount of $123,134, and a total amount not to exceed $389,405 over three years and 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

COUNCIL COMMENTS & REPORTS

Vice-Mayor Alvarez responded to concerns raised about issues at the King-Kennedy Center, expressing gratitude to those who brought the matter forward. Alvarez promised to investigate the issue personally, acknowledging their connection to the district. Alvarez stated he would follow up with the individuals affected and appreciates their engagement on the issue.

Councilmember Williams acknowledged not being aware of the issues at the King-Kennedy Center earlier and apologized for the inconvenience caused. Williams proceeded to discuss upcoming community events including Juneteenth celebrations and a retirement event for George Garner from the Modesto Symphony Orchestra. Williams invited participation in the upcoming 4th of July parade, highlighting the theme "Red, White and Bloom" and honoring the Modesto Garden Club as Grand Marshal. He also mentioned other community figures and events, and concluded with a moment of silence for the late Bob Gallo, a significant community member.

Councilmember Ricci expressed agreement with fellow Councilmembers Alvarez and Williams regarding the accessibility issues at recent events held at the King-Kennedy Center. He advocates for better access to community groups at the facility. Ricci then discussed a proposed lowrider building program involving local clubs, businesses, and law enforcement, aiming to engage youth and strengthen community-police relations. He also addressed issues at Enslen Park, applauding police efforts and discussing plans for revitalization. Finally, Ricci raised concerns about smoke shops selling contraband substances and calls for continued enforcement to ensure neighborhood safety.

Councilmember Escutia-Braaton greeted from Atlanta, Georgia, where she attended the National Association of Regional Councils annual conference. She highlighted learning best practices to bring back to Modesto and addresses the severe fire season affecting the region, encouraging proactive measures to safeguard against poor air quality. She promoted resources from the Valley Air District and discussed upcoming Independence Day celebrations, emphasizing safe alternatives like drone fireworks funded by a Valley Air Board grant.

Councilmember Bavaro acknowledged attending Fire Chief Wise's swearing-in ceremony, marking his 13th year as Fire Chief in Modesto, and congratulated him. He reported on productive neighborhood meetings in Lakewood and Lincoln Estates, discussing community concerns about Measure H funding and public safety. Bavaro also noted ongoing efforts to improve parks in District Four and echoes concerns about local smoke shops, concluding with a proud mention of his cousin's election as the first female Councilmember in Battito, Italy.

Councilmember Wright expressed gratitude for attending the Juneteenth Freedom Day March with Councilmember Williams, highlighting the importance of the event and

lamenting the low turnout while celebrating the meaningful conversations held at the Masonic Temple afterward. He warmly welcomed Chief Wise as the new Fire Chief overseeing multiple cities and the county, expressing confidence in his leadership and the fire department's capabilities.

Mayor Zwahlen acknowledged the passing of Bob Gallo, highlighting his and his wife Marie's significant contributions to the community and expressing gratitude for Modesto's acceptance of their family. Mayor Zwahlen mentioned Dos Rios Park, Modesto's latest state park, as a serene natural retreat just 17 minutes from City Hall. The Mayor also celebrated attending a Khmer student graduation and the One Valley Many Stories event at Prospect Theater, emphasizing the diversity and richness of Modesto's community. Finally, Mayor Zwahlen warmly welcomed Chief Wise as the new Fire Chief, noting his recent oath of office and expressing optimism for future city improvements under his leadership.

CITY MANAGER COMMENTS & REPORTS

None.

Recessed: 6:52 p.m.
Reconvened: 6:57 p.m.

NEW BUSINESS

23. Consider approving a Right of Entry Agreement with DignityMoves for the development of a 42-unit bridge housing project on a City-owned parcel located on the corner of 9th and E Street and approving a three-year Lease Agreement with Modesto BHBH LP in the amount of $1 per year for the operation of the Bridge Housing project. (Funding Source: Stanislaus County Funds)
    - Resolution approving a Right of Access Agreement with DignityMoves for the development of a 42-unit bridge housing project on a City-owned parcel located on the corner of 9th and E Street and authorizing the City Manager, or his designee, to negotiate and execute the Agreement.
    - Resolution approving a three-year lease with Modesto BHBH, LP in the amount of $1 per year for the operations of a 42-unit bridge housing project on a City-owned parcel located on the corner of 9th and E Street and authorizing the City Manager, or his designee, to negotiate and execute the Agreement.

    CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

    ACTION: (Bavaro/Alvarez; 7/0) Resolution 2024-245 approving a Right of Access Agreement with DignityMoves for the development of a 42-unit bridge housing project on a City-owned parcel located on the corner of 9th and E Street and authorizing the City Manager, or his designee, to negotiate and execute the Agreement.

ACTION: (Bavaro/Alvarez; 7/0) Resolution 2024-246 approving a three-year lease with Modesto BHBH, LP in the amount of $1 per year for the operations of a 42-unit bridge housing project on a City-owned parcel located on the corner of 9th and E Street 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 7:20 P.M.

All Closed Session matters heard prior to the meeting.

CLOSED SESSION

1. Consider appointing Real Property Negotiator Joseph P. Lopez, City Manager for Properties: **APN: 102-012-001 and 102-012-004**

Motion appointing Real Property Negotiator Joseph P. Lopez, City Manager for Properties: **APN: 102-012-001 and 102-012-004**
City Attorney, Jose M. Sanchez, 577-5284, jsanchez@modestogov.com

ACTION: (Wright/Alvarez; 5/0; Williams, Escutia-Braaton Absent)
Motion appointing Real Property Negotiator Joseph P. Lopez, City Manager for Properties: **APN: 102-012-001 and 102-012-004**

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

Property: 601 Neece Dr., Modesto, CA 95351; APN: 102-012-001 and 102-012-004

Property Owners: City of Modesto

Negotiating Parties:

For City: Joseph P. Lopez, City Manager

For Lessee: The Baseball Club of Modesto, LLC

Under Negotiation: Price and Terms of Lease

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
SPECIAL AUDIT COMMITTEE / COUNCIL WORKSHOP
2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, July 09, 2024 at 2:00 PM

Roll Call – Present: Chair Sue Zwahlen, Vice-Chair Nick Bavaro, Member David Wright, Public Members Camille Garcia, (arrived at 2:01 p.m.), Jennifer Barillas

Absent: None

Also Present: Councilmember Ricci

PUBLIC COMMENTS IN PERSON

None.

NEW BUSINESS

1. Consider the FY Internal Audit Status Report dated July 2, 2024 (Funding Source: Not Applicable)
   - Motion to receive and file the Internal Audit Status Report dated July 2, 2024.

   CITY AUDITOR; Colleen Rozillis, 206-302-6795, colleen.rozillis@mossadams.com

   ACTION: (Wright/Barillas; 5/0) Motion to receive and file the Internal Audit Status Report dated July 2, 2024.

2. Consider the Procurement Performance Audit Report and forwarding to Council for approval. (Funding Source: Not Applicable)
   - Motion recommending the Procurement Performance Audit Report and forwarding to Council for approval.

   CITY AUDITOR; Colleen Rozillis, 206-302-6795, colleen.rozillis@mossadams.com

   ACTION: (Garcia/Wright; 5/0) Motion recommending the Procurement Performance Audit Report and forwarding to Council for approval.

3. Consider Reviewing and Providing Comment on the FY24-25 Internal Audit Work Plan and forwarding to Council for Review and Comment. (Funding Source: Not Applicable)
   - Review and Provide Comment on the FY24-25 Internal Audit Work Plan and forwarding to Council for Review and Comment.

   CITY AUDITOR; Colleen Rozillis, 206-302-6795, colleen.rozillis@mossadams.com

ACTION: (Garcia/Wright; 5/0) Motion accepting the FY24-25 Internal Audit Work Plan and forwarding to Council for Review and Comment.

ADJOURNMENT

This meeting adjourned at 2:33 p.m.

Attest: _____
Diane Nayares-Perez, CMC, City Clerk

MINUTES
City of Modesto
ECONOMIC DEVELOPMENT COMMITTEE
COUNCIL WORKSHOP
2001-40 Del Puerto Room.
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, August 05, 2024 at 4:00 PM

Roll Call: Present: Committee Member Zwahlen, Vice-Chair Alvarez, and Chair Ricci
Absent: None
Also Present: None

PUBLIC COMMENTS IN PERSON

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 1-6 (Alvarez/Zwahlen; 3/0)

CONSENT

Consent
1. Consider a Third Amendment to an Agreement with Harris & Associates to provide Community Facilities Districts Engineering Services, increasing the Agreement amount by $200,000 to a new total amount not to exceed $550,000 and forwarding to Council for approval (Funding Source: Various Community Facilities Districts and Developer Deposits)
    - Motion recommending a Third Amendment to an Agreement with Harris & Associates to provide Community Facilities Districts Engineering Services, increasing the Agreement amount by $200,000 from $350,000 to a new total not to exceed $550,000 and forwarding to Council for approval.

    CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

    ACTION: (Alvarez/Zwahlen; 3/0) Motion recommending a Third Amendment to an Agreement with Harris & Associates to provide Community Facilities Districts Engineering Services, increasing the Agreement amount by $200,000 from $350,000 to a new total not to exceed $550,000 and forwarding to Council for approval.

Consent
2. Consider the submittal of a Grant Application for Highway Safety Improvement Program (HSIP) and forwarding to Council for approval. (Funding Source: California Department of Transportation Grant Funds)

- Motion recommending the submittal of a Grant Application for Highway Safety Improvement Program (HSIP) funds and forwarding to Council for approval.

ENGINEERING SERVICES; Michael Sacuskie, 209-571-5552, msacuskie@modestogov.com

ACTION: (Alvarez/Zwahlen; 3/0) Motion recommending the submittal of a Grant Application for Highway Safety Improvement Program (HSIP) funds and forwarding to Council for approval.

Consent

3. Consider a Grant of Permanent Easement and Right-of-Way to Modesto Irrigation District associated with existing irrigation facilities within a portion of APN 004-102-003 and forwarding to Council for approval. (Funding Source: Water Fund)
    - Motion recommending a Grant of Permanent Easement and Right-of-Way to Modesto Irrigation District to cover existing irrigation facilities within a portion of APN 004-102-003, consenting to the recordation thereof and forwarding to Council for approval.

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

ACTION: (Alvarez/Zwahlen; 3/0) Motion recommending a Grant of Permanent Easement and Right-of-Way to Modesto Irrigation District to cover existing irrigation facilities within a portion of APN 004-102-003, consenting to the recordation thereof and forwarding to Council for approval.

Consent

4. Consider the Agreement for Landscape Maintenance, Weed Abatement, Trash Removal and Rodent Control Services to Grover Landscape Services, Inc. Modesto, CA, for a total amount not to exceed $1,030,347 over five years and forwarding to Council for approval. (Funding Source: Sewer Operations Fund, Storm Drain Fund, and various Community Facilities Districts (CFD) Funds)
    - Motion recommending the Award of Bid and Agreement for Landscape Maintenance, Weed Abatement, Trash Removal, and Rodent Control to Grover Landscape Services, Inc., Modesto, CA, for a two-year Agreement with three one-year extension options, for an annual estimated amount of $187,000 and a total amount not to exceed $1,030,347 over five years and forwarding to Council for approval.

UTILITIES; Jeff Daniels, 209-577-6255, jdaniels@modestogov.com

ACTION: (Alvarez/Zwahlen; 3/0) Motion recommending the Award of Bid and Agreement for Landscape Maintenance, Weed Abatement, Trash Removal, and Rodent Control to Grover Landscape Services, Inc., Modesto, CA, for a two-year Agreement with three one-year extension options, for an annual estimated amount of $187,000 and a total amount not to exceed $1,030,347 over five years and forwarding to Council for approval.

Consent

5. Consider the Agreements for Generator Repair and Preventative Maintenance Service with Bay City Electric Works of Livermore, CA, and PowerGen Inc. of Tracy, CA, for a total amount not to exceed $1,214,800 over five years and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion recommending the Award of Bid and Agreements for Generator Repair and Preventative Maintenance Service to Bay City Electric Works of Livermore, CA and PowerGen Inc., of Tracy, CA, for a two-year Agreement with three one-year extension options, for an estimated annual amount of $181,300 and a total amount not to exceed $1,214,800 over five years and forwarding to Council for approval.

UTILITIES; Manuel Martinez, 209-342-4592, mmartinez@modestogov.com

ACTION: (Alvarez/Zwahlen; 3/0) Motion recommending the Award of Bid and Agreements for Generator Repair and Preventative Maintenance Service to Bay City Electric Works of Livermore, CA and PowerGen Inc., of Tracy, CA, for a two-year Agreement with three one-year extension options, for an estimated annual amount of $181,300 and a total amount not to exceed $1,214,800 over five years and forwarding to Council for approval.

Consent

6. Consider the Agreement for the Purchase of Rock, Sand, and Gravel to West Coast Sand and Gravel, Inc. of Buena Park, CA, for a total amount not to exceed $3,920,700 over five years and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion recommending the Award of Bid and Agreement for the Purchase of Rock, Sand & Gravel to West Coast Sand and Gravel, Inc. of Buena Park, CA, for a two (2) year Agreement with three (3) one-year extension options, for an estimated annual amount of $712,000 and a total amount not to exceed $3,920,700 over five years; and forwarding to Council for approval.

UTILITIES; Manuel Martinez, 209-342-4592, mmartinez@modestogov.com

ACTION: (Alvarez/Zwahlen; 3/0) Motion recommending the Award of Bid and Agreement for the Purchase of Rock, Sand & Gravel to West Coast Sand and Gravel, Inc. of Buena Park, CA, for a two (2) year Agreement with three (3) one-year extension options, for an estimated annual amount of $712,000 and a total amount not to exceed $3,920,700 over five years; and forwarding to Council for approval.

UNFINISHED BUSINESS

7. Consider the Southwest Modesto Plan and forwarding to Council for approval. (Funding Source: Local Early Action Planning (LEAP) Grant)
    - Motion recommending the Southwest Modesto Plan and forwarding to Council for approval.

CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

ACTION: (Zwahlen/Alvarez; 3/0) Motion recommending the Southwest Modesto Plan and forwarding to Council for approval.

NEW BUSINESS

8. Consider a Resolution of Intention to form City of Modesto Community Facilities District (CFD) No. 2024-2 (Fairview Village #2), an area bounded by Carpenter Road, Whitmore Avenue, and Hatch Road, and to designate certain parcels as future annexation areas for the CFD No. 2024-2, and forwarding to Council for approval. (Funding Source: Developer Deposit)
    - Motion recommending a Resolution of Intention to form City of Modesto Community Facilities District (CFD) No. 2024-2 (Fairview Village #2), an area bounded by Carpenter Road, Whitmore Avenue, and Hatch Road, and to designate certain parcels as future annexation areas for the CFD No. 2024-2, and forwarding to Council for approval.

CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

ACTION: (Alvarez/Zwahlen; 3/0) Motion recommending a Resolution of Intention to form City of Modesto Community Facilities District (CFD) No. 2024-2 (Fairview Village #2), an area bounded by Carpenter Road, Whitmore Avenue, and Hatch Road, and to designate certain parcels as future annexation areas for the CFD No. 2024-2, and forwarding to Council for approval.

9. Consider a Modesto Forward Grant Agreement with Valley First Credit Union for two revolving loan fund programs — “Business Beautification” and “Business Incentives,” not to exceed $500,000 for each program over two and a half years and forwarding to Council for approval. (Funding Source: American Rescue Plan Act Funds)
    - Motion recommending a Modesto Forward Grant Agreement with Valley First Credit Union for two revolving loan fund programs — "Business Beautification” and “Business Incentives,” not to exceed $500,000 for each program over two and a half years and forwarding to Council for approval.

CED; Trevin Barber, 209-571-5566, tbarber@modestogov.com

ACTION: (Zwahlen/Alvarez; 3/0) Motion recommending a Modesto Forward Grant Agreement with Valley First Credit Union for two revolving loan fund programs — "Business Beautification” and “Business Incentives,” not to exceed $500,000 for each program over two and a half years and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:38 p.m.

Attest: _____

Reyna Mendoza, Deputy City Clerk

MINUTES
City of Modesto
SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP
2001-40 Del Puerto Room.
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, August 12, 2024 at 4:00 PM

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

Absent: None

PUBLIC COMMENTS IN PERSON

None.

SUBMITTING COMMENTS BY E-MAIL

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEMS 1-4, 6 (Williams/Ricci; 3/0)

CONSENT

Consent
1. Consider an Agreement with the State of California Office of Emergency Services to temporarily house and maintain a Type 1 Fire Engine and its associated equipment and forwarding to Council for approval. (Funding Source: General Fund)
    - Motion recommending an Agreement with the State of California Office of Emergency Services to temporarily house and maintain a Type 1 Fire Engine and its associated equipment and forwarding to Council for approval.

FIRE DEPARTMENT; Jerardo Avila, 209-572-9590, javila@modestofire.com

ACTION: (Williams/Ricci; 3/0) Motion recommending an Agreement with the State of California Office of Emergency Services to temporarily house and maintain a Type 1 Fire Engine and its associated equipment and forwarding to Council for approval.

Consent
2. Consider the City's sponsorship of the 2024 International Heritage Festival for $5,080 in in-kind support and $2,650 in monetary contributions and forwarding to Council for approval. (Funding Source: General Fund)

- Motion recommending the City's sponsorship of the 2024 International Heritage Festival for $5,080 in in-kind support and $2,650 in monetary contributions and forwarding to Council for approval.

PRN; Diane Sheatsley, 209-577-5418, dsheatsley@modestogov.com

ACTION: (Williams/Ricci; 3/0) Motion recommending the City's sponsorship of the 2024 International Heritage Festival for $5,080 in in-kind support and $2,650 in monetary contributions and forwarding to Council for approval.

Consent

3. Consider a First Amendment to the Cell Tower Site Lease Agreement at the Sutter Avenue Wastewater Treatment Facility with New Cingular Wireless, PCS, LLC, to increase the lease area by an additional 150 square feet and to extend the maximum term of the Agreement through June 24, 2043, and forwarding to Council for approval. (Funding Source: Cell Tower Facility Rental Revenue)
    - Motion recommending a First Amendment to the Cell Tower Site Lease Agreement at the Sutter Avenue Wastewater Treatment Facility with New Cingular Wireless, PCS, LLC, to increase the lease area by an additional 150 square feet and to extend the maximum term of the Agreement through June 24, 2043, and forwarding to Council for approval.

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

ACTION: (Williams/Ricci; 3/0) Motion recommending a First Amendment to the Cell Tower Site Lease Agreement at the Sutter Avenue Wastewater Treatment Facility with New Cingular Wireless, PCS, LLC, to increase the lease area by an additional 150 square feet and to extend the maximum term of the Agreement through June 24, 2043, and forwarding to Council for approval.

Consent

4. Consider the application and issuance of a Permit to operate as a Non-Emergency Medical Transport Company to Trauma Life Care Medical Transport 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 Trauma Life Care Medical Transport in the City of Modesto and forwarding to Council for approval.

POLICE DEPARTMENT; Kalani Souza, 209-572-9500, souzak@modestopd.com

ACTION: (Williams/Ricci; 3/0) Motion recommending the application and issuance of a Permit to operate as a Non-Emergency Medical Transport Company to Trauma Life Care Medical Transport in the City of Modesto and forwarding to Council for approval.

Removed from Consent

5. Consider a Purchasing Agreement with Streetlight Data Inc. of San Francisco CA, for Travel Time Bluetooth Data Services for collecting and observing vehicle circulation around Modesto for a total amount not to exceed $140,000 over a four-year agreement

and forwarding to Council for approval. (Funding Source: Congestion Mitigation and Air Quality)

- Motion recommending a Purchasing Agreement with Streetlight Data Inc. by utilizing the Competitive Bid Process with National Intergovernmental Purchasing Alliance (National IPA), SCAG, for the Travel Time Bluetooth Data Services, for a four-year Agreement not to exceed $140,000; and forwarding to Council for approval.

PUBLIC WORKS; Max Navarro, 209-571-5116, manavarro@modestogov.com

ACTION: (Ricci/Williams; 3/0) Motion recommending a Purchasing Agreement with Streetlight Data Inc. by utilizing the Competitive Bid Process with National Intergovernmental Purchasing Alliance (National IPA), SCAG, for the Travel Time Bluetooth Data Services, for a four-year Agreement not to exceed $140,000; and forwarding to Council for approval.

Consent

6. Consider an Agreement with Swarco McCain Inc. of Vista CA for integrating signal performance metrics for the Automated Traffic Signal Performance Measures for a total amount not to exceed $131,670 and forwarding to Council for approval. (Funding Source: Congestion Mitigation and Air Quality)

   - Motion recommending the Award of Proposal and Agreement for integrating signal performance metrics for the Automated Traffic Signal Performance Measures to Swarco McCain Inc. of Vista CA for a two (2) year agreement with five (5) one-year extension options for total and total amount not to exceed $131,670 over the life of the Agreement and forwarding to Council for approval.

   PUBLIC WORKS; Max Navarro, 209-571-5116, manavarro@modestogov.com

   ACTION: (Williams/Ricci; 3/0) Motion recommending the Award of Proposal and Agreement for integrating signal performance metrics for the Automated Traffic Signal Performance Measures to Swarco McCain Inc. of Vista CA for a two-year agreement with five one-year extension options for total and total amount not to exceed $131,670 over the life of the Agreement and forwarding to Council for approval.

NEW BUSINESS

7. Consider an Agreement with Axon Enterprise, Inc., Scottsdale, AZ, for Fusus Real-Time Public Safety Operations Solution for a total amount not to exceed $410,000 and forwarding to Council for approval. (Funding Source: Police Grants, Supplemental Law Enforcement Services Fund)

   - Motion recommending the Sole Source Agreement with Axon Enterprise, Inc., Scottsdale, AZ for Fusus Real-Time Public Safety Operations Solution for three-year Agreement, for a total amount not to exceed $410,000.00; and forwarding to Council for approval.

POLICE DEPARTMENT; Cathy McFadon, 209-572-9500, mcfadonc@modestopd.com

ACTION: (Williams/Ricci; 3/0) Motion recommending the Sole Source Agreement with Axon Enterprise, Inc., Scottsdale, AZ for Fusus Real-Time Public Safety Operations Solution for three-year Agreement, for a total amount not to exceed $410,000.00; and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:25 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 13, 2024 at 5:30 PM

Roll Call - Councilmembers Present: 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: Item 12 – Vice-Mayor Alvarez recused due to possible conflict.

Reports from Closed Session: City Attorney Sanchez reported there was No Reportable Action on the Anticipated Litigation Closed Session items. Mayor Zwahlen reported that during the Closed Session of the City Council, a performance evaluation of the City Manager was conducted in accordance with Section 725 of the City Charter. The review focused on the City Manager's core competencies, job duties, past achievements during this rating period, and his goals for this upcoming year. Following this evaluation, the City Council unanimously determined that the City Manager is performing an excellent job.

MISCELLANEOUS

1. Consider accepting the resignation of Michelle Buer from the Landmark Preservation Commission. (Funding Source: Not Applicable)
Staff Recommendation:
   - Resolution accepting the resignation of Michelle Buer from the City of Modesto Landmark Preservation Commission.

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

ACTION: (Wright/Ricci; 7/0) Resolution 2024-271 accepting the resignation of Michelle Buer from the City of Modesto Landmark Preservation Commission.

2. Consider appointing Angela Drew as the Poet Laureate of the City of Modesto for a two-year term retroactive to July 1, 2024 through June 30, 2026. (Funding Source: Not Applicable)
Staff Recommendation:

- Resolution appointing Angela Drew as the Poet Laureate of the City of Modesto for a two-year term retroactive to July 1, 2024 through June 30, 2026.

PRN; Diane Sheatsley, 209-577-5418, dsheatsley@modestogov.com

ACTION: (Escutia-Braaton/Williams; 7/0) Resolution 2024-272 appointing Angela Drew as the Poet Laureate of the City of Modesto for a two-year term retroactive to July 1, 2024 through June 30, 2026.

PUBLIC COMMENT IN PERSON

- Danielle Morgart provided a legislative update on behalf of Assemblyman Juan Alanis, highlighting the recent signing of AB 1796 into law. This new law requires notifications to parents about advanced course opportunities for high school students. Additionally, AB 1972, aimed at supporting law enforcement in combating cargo theft, is awaiting the Governor's signature. Morgan invited the Council to contact their office with any questions or concerns.

- Ronald DeLoach, a member of various local organizations, addressed the City Council regarding the future use of 50 acres in West Modesto. He expressed concern over the lack of development in their area compared to other parts of the City, such as new neighborhoods and luxury apartments. DeLoach emphasized the need for better planning and more workforce housing in West Modesto, urging the Council to reach a resolution to address overcrowding and improve living conditions.

- Sebastian Jones played a recording of previous Council Comments, addressing alleged allegations of disrespect and unfair treatment directed at him. He expressed frustration over not receiving support on community issues and emphasized his commitment to serving seniors, the homeless, and youth. He called for unity and understanding, referencing his ongoing efforts and personal integrity.

- Manuela addressed the City Council by reading the names of individuals killed by the Modesto Police Department and urged for immediate changes. She presented several demands: increasing funding for public education and social programs instead of police; implementing non-binding arbitration; demilitarizing the police; redirecting police resources to appropriate health workers; and centering the Police Review Board around community voices. Manuela emphasized the need for the Council to listen to victims' families and take meaningful action to address these concerns.

- Honey G shared a personal connection with Sonya Massey, who was fatally shot by police, drawing parallels between their lives and highlighting racial disparities in police violence. She criticized Officer Sean Greyson and Joseph Lamantia, who has a history of deadly encounters and is seeking reinstatement. Honey G urged the City Council to reject Lamantia’s return and to take action to prevent further police violence. She concluded with a call for a moment of silence for victims of police shootings.

- Karla stated that City Council and Police are neglecting the needs of communities of color, especially in West Side Modesto. She stated that instead of funding community programs, the Council prioritizes policing, which worsens issues. Karla advocated for investment in community development.

- Steve stated that the City Council is complicit in police misconduct and protects officers through a flawed arbitration process. He criticized the system for allowing police officers to be judged by biased experts and arbitrators, resulting in unjust outcomes. Steve claimed the Council disrespects the community and fails to address police misconduct.

- Giancarlo, a member of the Central Valley Black Indigenous People of Color Coalition, spokes against "police terror," arguing that police are tasked with addressing social, economic, and political issues they are not equipped to handle. He spoke against the criminalization of disadvantaged people, particularly the homeless, which worsens social issues and leads to mass incarceration. He advocated for funding community support, such as stable housing, rather than relying on ineffective policing strategies. He asked the Council to work with the coalition to address these issues and keep communities safe.

- Anthony criticized the City Council for approving the MPD’s military equipment use policy and spending on polygraph exams, arguing that these expenditures are wasteful and ineffective. He highlighted that militarization does not reduce crime and intimidates communities, while polygraphs are widely discredited in psychology. Anthony urged the Council to redirect funds towards addressing social issues like housing and mental health, arguing that these would be more beneficial and cost-effective.

- Nic, a lifelong Modesto resident, criticized the City Council's focus on increasing police and military budgets, arguing that it only addresses the symptoms of deeper issues like poverty and inadequate education. He shared personal experiences from his family's struggles in healthcare and education, highlighting how underfunded schools and socioeconomic challenges harm the community. Nick stated that instead of spending on policing, funds should be redirected to address the root causes of social problems, such as poverty, to create a more equitable community.

- Kevin McClarty suggested changes to the City Council meeting format to better serve the public. He requested more printed agendas, especially after a long break between meetings, and proposed starting meetings with public comments. He believes Council Members should respond to public comments immediately afterward, so attendees can hear their reactions. He recommended moving award ceremonies and voting on consent items to later in the meeting to make the process more accessible and respectful to the public.

- Darlene Ruiz expressed deep frustration and grief over the deaths of several individuals, including her son Trevor Seever, who were killed by Officer Joseph Lamantia. She condemned the City's inaction, especially as Lamantia seeks reinstatement and financial compensation after being fired and initially charged. Darlene urged the City Council to take a stand, prevent Lamantia's return to the force, and push for meaningful police

reform to prevent future tragedies. She emphasized that her family's suffering will never end, but change is necessary to make the community safer.

- Ray Ruiz, the stepfather of Trevor Seever, expressed frustration with the lack of action by the Modesto City Council and the City in holding Officer Joseph Lamantia accountable for Trevor's death. He believes Community Police Review Board is ineffective and stated that the City's efforts to address the situation inadequate. He urged the Council to take meaningful action and opposes any possibility of Lamantia receiving money for killing Trevor and others.

- Charles Moses Elder addressed the Council, referencing a biblical verse to those in politics who create division. He emphasized the need for Council Members to focus on their jobs without letting personal issues interfere. He encouraged them to leave personal matters outside and handle their responsibilities professionally, urging them to settle their differences for the sake of the community.

- Ramon Rodriguez criticized the City Council for ignoring community concerns and failing to learn from the George Floyd tragedy. He denounced the continued militarization of the police, particularly the actions of Officer Joseph Lamantia. He argued that Lamantia should not be in law enforcement due to his violent history and that the Council's inaction will lead to more tragedies, loss of community trust, and wasted resources that could have been better spent on underprivileged areas.

- Diane Kroeze, a Modesto resident, expressed concern over the potential rehiring of a problematic police officer, which she finds troubling. However, her main focus is on the plight of the homeless in the community. She criticized the criminalization of homelessness and the lack of adequate support, such as proper housing and care. She urged the City to view homeless individuals as human beings with unique needs, rather than as problems to be boxed into one-size-fits-all solutions. She called for more compassionate and thoughtful approaches to address homelessness.

- Jerry Thompson spoke about a collaborative project being developed between Modesto Junior College, Modesto High School, Council Members, Modesto Police, and the Lowrider community. The project involves Modesto High students working on a lowrider car, with materials donated by the lowrider community. The goal is to inspire students, especially those from disadvantaged backgrounds, to learn skills that could lead to careers in the automotive industry. The project aims to start in spring or fall of next year, take about a year to complete, and be showcased at various school events.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS: 3-11, 13-18 (Wright/Escutia-Braaton; 7/0)

CONSENT

Consent

3. Consider approving the minutes for the July 9, 2024 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes for the July 9, 2024 Council Meeting.

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

ACTION: (Wright/Escutia-Braaton; 7/0) Motion approving the minutes for the July 9, 2024 Council Meeting.

Consent

4. Consider approving the updated City Council District Map to include annexed territory known as Fairview Village No. 2 to District 2 pursuant to California Election Code Section 21625(a). (Funding Source: Not Applicable)
    - Resolution approving the updated City Council District Map to include annexed territory known as Fairview Village No. 2 to District 2 pursuant to California Election Code Section 21625(a).

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

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-273 approving the updated City Council District Map to include annexed territory known as Fairview Village No. 2 to District 2 pursuant to California Election Code Section 21625(a).

Consent

5. Consider accepting the City of Modesto's Permanent Local Housing Allocation (PLHA) Program Year Four allocation. (Funding Source: Permanent Local Housing Allocation Funds)
    - Resolution accepting the City of Modesto's Permanent Local Housing Allocation (PLHA) Program Year Four Award, authorizing the City Manager, or his designee, to execute any program Agreements required for implementation and acceptance of the Permanent Local Housing Allocation (PLHA) Program.
    - Resolution amending the Fiscal Year 2024-2025 Multi-Year Fund Budget to a project for the Fiscal Year 2024-2025 PLHA Program to be funded with the Permanent Local Housing Allocation Program Grant.

CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-274 accepting the City of Modesto's Permanent Local Housing Allocation (PLHA) Program Year Four Award, authorizing the City Manager, or his designee, to execute any program Agreements required for implementation and acceptance of the Permanent Local Housing Allocation (PLHA) Program.

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-275 amending the Fiscal Year 2024-2025 Multi-Year Fund Budget to a project for the Fiscal Year 2024-2025 PLHA Program to be funded with the Permanent Local Housing Allocation Program Grant.

Consent

6. Consider amending the Section 6 Policy (Housing Rehabilitation Program) of the Housing and Urban Development (HUD) Policies & Procedures Manual. (Funding Source: HUD Funding)
    - Resolution amending Section 6 (Housing Rehabilitation Program) of the Housing and Urban Development Policies & Procedures Manual.

    CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-276 amending Section 6 (Housing Rehabilitation Program) of the Housing and Urban Development Policies & Procedures Manual.

Consent

7. Consider approving a Modesto Forward Grant Agreement with Community Housing and Shelter Services to administer a Homeless Prevention and Rapid Rehousing Program in the amount not to exceed $525,000 to support households experiencing homelessness or at imminent risk of experiencing homelessness in the City of Modesto. (Funding Source: American Rescue Plan Act Funding)
    - Resolution approving a Modesto Forward Grant Agreement with Community Housing and Shelter Services to administer a Homeless Prevention and Rapid Rehousing Program in the amount not to exceed $525,000 to support households experiencing homelessness or at imminent risk of experiencing homelessness in the City of Modesto and authorizing the City Manager, or his designee, to execute the Agreement.

    CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-277 approving a Modesto Forward Grant Agreement with Community Housing and Shelter Services to administer a Homeless Prevention and Rapid Rehousing Program in the amount not to exceed $525,000 to support households experiencing homelessness or at imminent risk of experiencing homelessness in the City of Modesto and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

8. Consider approving amendments to the Capital Facilities Fees Policies and Procedures. (Funding Source: Capital Facilities Fees)
    - Resolution approving the amendments to the Capital Facilities Fees Policies and Procedures.

    CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-278 approving the amendments to the Capital Facilities Fees Policies and Procedures.

Consent

9. Consider a Resolution of Intention to form City of Modesto Community Facilities District (CFD) No. 2024-1 (Tivoli), an area bounded by Claratina Avenue to the north, Oakdale Road to the west, Sylvan Avenue to the south, and Roselle Avenue, and a Resolution of Intention to incur debt for CFD No. 2024-1. (Funding Source: Developer Deposit)
    - Resolution of Intention to form City of Modesto Community Facilities District (CFD) No. 2024-1 (Tivoli) to establish Improvement Area No. 1, designate a future annexation area and Authorize the Levy of a Special Tax within said Community Facilities District.
    - Resolution of Intention of the City of Modesto to incur bonded indebtedness in the amount not to exceed $120,000,000 within the proposed City of Modesto Community Facilities District No. 2024-1 (Tivoli).

    CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution of Intention 2024-279 to form City of Modesto Community Facilities District (CFD) No. 2024-1 (Tivoli) to establish Improvement Area No. 1, designate a future annexation area and Authorize the Levy of a Special Tax within said Community Facilities District.

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution of Intention 2024-280 of the City of Modesto to incur bonded indebtedness in the amount not to exceed $120,000,000 within the proposed City of Modesto Community Facilities District No. 2024-1 (Tivoli).

Consent

10. Consider approving an Agreement with LeSar Development Consultants to assist in the development of the 2025-2030 Consolidated Plan, including the Year One Annual Action Plan and the Affirmatively Furthering Fair Housing Plan, for a total amount not to exceed $200,000. (Funding Source: Community Development Block Grant and HOME Investment Partnership Funds)
    - Resolution approving an Agreement with LeSar Development Consultants to assist in the development of the 2025-2030 Consolidated Plan, including the Year One Annual Action Plan and Affirmatively Furthering Fair Housing Plan, for a total amount not to exceed $200,000 and authorizing the City Manager, or his designee, to execute the Agreement.

    CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-281 approving an Agreement with LeSar Development Consultants to assist in the development of the 2025-2030 Consolidated Plan, including the Year One Annual Action Plan and Affirmatively Furthering Fair Housing Plan, for a total amount not to exceed $200,000 and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

11. Consider approving Agreements for Plan Review and Inspection Services with Wildan Engineering, Elk Grove, CA, and BPR Consulting Group, Madera, CA for a total

combined amount not to exceed $2,500,000 over five years. (Funding Source: Building Permit Fees/Measure H)

- Resolution approving the Award of Proposal and Agreements for Plan Review and Inspection Services to Wildan Engineering, Elk Grove, CA and BPR Consulting Group, Madera, CA, for a two-year Agreement with three one-year extension options, for an annual estimated amount of $500,000 and a total not to exceed $2,500,000 over five years; authorizing the Director of Finance to adjust agreement totals between consultant's based on availability and department's needs, ensuring the combined total amount does not change and authorizing the City Manager, or his designee, to execute the Agreements.

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

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-282 approving the Award of Proposal and Agreements for Plan Review and Inspection Services to Wildan Engineering, Elk Grove, CA and BPR Consulting Group, Madera, CA, for a two-year Agreement with three one-year extension options, for an annual estimated amount of $500,000 and a total not to exceed $2,500,000 over five years; authorizing the Director of Finance to adjust agreement totals between consultant's based on availability and department's needs, ensuring the combined total amount does not change and authorizing the City Manager, or his designee, to execute the Agreements.

Removed from Consent

Consent

12. Consider approving a Change in Ownership request for Retail Cannabis Dispensary CR and D Inc. (Funding Source: Cannabis Annual Permit Fee)

    - Resolution approving the Change in Ownership request for Retail Dispensary CR and D Inc. resulting in Carolina Fernandez acquiring eighty percent (80%) of CR and D Inc.

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

    ACTION: (Ricci/Bavaro; 6/0: Alvarez Recused) Resolution 2024-283 approving the Change in Ownership request for Retail Dispensary CR and D Inc. resulting in Carolina Fernandez acquiring eighty percent (80%) of CR and D Inc.

Consent

13. Consider accepting the Monthly Investment Report for May 2024. (Funding Source: Various Funds)

    - Motion accepting the Monthly Investment Report for May 2024.

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

    ACTION: (Wright/Escutia-Braaton; 7/0) Motion accepting the Monthly Investment Report for May 2024.

Consent

14. Consider accepting an informational report for the June 2024 Accounts Payable Payment Register and Void Report. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the June 2024 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 2024 Accounts Payable Payment Register and Void Report.

Consent

15. Consider approving an Agreement with Golden State Fire Apparatus for the purchase of one BME 4x4 Freightliner Wildland Pumper for a total amount not to exceed $530,831. (Funding Source: General Fund, Measure H Funds)
    - Resolution approving an Agreement with Golden State Fire Apparatus for the purchase of one BME 4x4 Freightliner Wildland Pumper for a total amount not to exceed $530,831 and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution amending the Fiscal Year 2024-25 Annual Operating Budget to appropriate $530,831 in the MFD – Measure H – Facilities & Fleet Cost Center (18611) in General Fund – Measure H Fund (0160) for one BME 4X4 Freightliner Wildland Pumper and authorizing the City Manager to take the necessary steps to implement the required Budget Adjustments.

    FIRE DEPARTMENT; Jerardo Avila, 209-572-9590, javila@modestofire.com

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-284 approving an Agreement with Golden State Fire Apparatus for the purchase of one BME 4x4 Freightliner Wildland Pumper for a total amount not to exceed $530,831 and authorizing the City Manager, or his designee, to execute the Agreement.

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-285 amending the Fiscal Year 2024-25 Annual Operating Budget to appropriate $530,831 in the MFD – Measure H – Facilities & Fleet Cost Center (18611) in General Fund – Measure H Fund (0160) for one BME 4X4 Freightliner Wildland Pumper and authorizing the City Manager to take the necessary steps to implement the required Budget Adjustments.

Consent

16. Consider approving a First Amendment to the Legal Services Agreement with Oppenheimer Investigations Group LLP, Oakland, CA to conduct Citywide Administrative Investigations increasing the Agreement amount by $40,000 to a new total amount not to exceed $140,000. (Funding Source: Various Funds)
    - Resolution approving the First Amendment to the Agreement with Oppenheimer Investigations Group LLP, Oakland, CA to complete ongoing important specific matters, increasing the Agreement amount by $40,000 to a new total amount not to exceed $140,000 and authorizing the City Manager, or his designee to execute the Amendment.

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

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-286 approving the First Amendment to the Agreement with Oppenheimer Investigations Group LLP, Oakland, CA to complete ongoing important specific matters, increasing the Agreement amount by $40,000 to a new total amount not to exceed $140,000 and authorizing the City Manager, or his designee to execute the Amendment.

Consent

17. Consider approving the Legal Services Agreements with Renne Public Law Group, San Francisco, CA; Oppenheimer Investigations Group LLP, Oakland, CA; and Liebert Cassidy Whitmore, Fresno, CA and Consultant Services Agreements with Municipal Resource Group, LLC, Wilton, CA and DigiStream, Sacramento, CA to conduct Citywide Administrative Investigations on an as needed basis, in an amount not to exceed $100,000 each for two years. (Funding Source: Various Funds)
    - Resolution approving the Legal Services Agreements with Renne Public Law Group, San Francisco, CA; Oppenheimer Investigations Group LLP, Oakland, CA; and Liebert Cassidy Whitmore, Fresno, CA and Consultant Services Agreements with Municipal Resource Group, LLC, Wilton, CA and DigiStream, Sacramento, CA to conduct Citywide Administrative Investigations on an as needed basis, in an amount not to exceed $100,000 each for two years and authorizing the City Manager or his designee to execute the Agreements.

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

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-287 approving the Legal Services Agreements with Renne Public Law Group, San Francisco, CA; Oppenheimer Investigations Group LLP, Oakland, CA; and Liebert Cassidy Whitmore, Fresno, CA and Consultant Services Agreements with Municipal Resource Group, LLC, Wilton, CA and DigiStream, Sacramento, CA to conduct Citywide Administrative Investigations on an as needed basis, in an amount not to exceed $100,000 each for two years and authorizing the City Manager or his designee to execute the Agreements.

Consent

18. Consider approving the price increase of Purchase Order 216609 for Tracy Ford, Tracy, CA by $96,302 for six Ford Interceptor Patrol Sport Utility Vehicles for a revised total amount not to exceed $337,727. (Funding Source: Fleet Replacement Fund)
    - Resolution approving the increase of Purchase Order 216609 with Tracy Ford, Tracy, CA for six Ford Interceptor Patrol Sport Utility Vehicles by $96,302 from $241,425 for a revised total amount not to exceed $337,727, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order price increase.

    PUBLIC WORKS; Patrick Crowley, 209-342-2274, pcrowley@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-288 approving the increase of Purchase Order 216609 with Tracy Ford, Tracy, CA for six Ford Interceptor Patrol Sport Utility Vehicles by $96,302 from $241,425 for a revised total amount not to exceed $337,727, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order price increase.

Removed from Consent

Consent

19. Consider approving the First Amendment with HF&H Consultants, LLC., Walnut Creek, CA, for the Solid Waste Haulers Audit and Performance Review increasing the Agreement amount by $99,855, to a revised total amount not to exceed $249,855 over the term of the original agreement. (Funding Source: Solid Waste Fund)
    - Resolution approving the First Amendment for Consultant Services with HF&H Consultants, LLC., Walnut Creek, CA for the Solid Waste Haulers Audit and Performance Review increasing the Agreement amount by $99,855 to a new total amount not to exceed $249,855 over the term of the original agreement; and authorizing the City Manager, or his designee to execute the Amendment.

    PUBLIC WORKS; Rosene Nguyen, 209-577-5453, rnguyen@modestogov.com

    ACTION: (Williams/Ricci; 7/0) Resolution 2024-289 approving the First Amendment for Consultant Services with HF&H Consultants, LLC., Walnut Creek, CA for the Solid Waste Haulers Audit and Performance Review increasing the Agreement amount by $99,855 to a new total amount not to exceed $249,855 over the term of the original agreement; and authorizing the City Manager, or his designee to execute the Amendment.

COUNCIL COMMENTS & REPORTS

Councilmember Bavaro shared the story of Detective Michael Rokaitis, known as Mikey, from the Modesto Police Department. Three years ago, Mikey was critically injured during a police operation when he was shot twice while confronting a barricaded suspect. He endured severe injuries, including the amputation of his right leg, and a long recovery process involving multiple surgeries and rehabilitation. Despite the challenges, Mikey returned to work in November 2022 and is now serving in a modified role with the Modesto Police Department. He expressed deep gratitude for the support he received from City officials and his department throughout his recovery.

Councilmember Ricci expressed appreciation for the efforts of the Modesto Police Department in improving safety at Enslen Park, encouraging them to continue their work. He highlighted the success of the Stanislaus Regional Transit Board, noting a significant increase in ridership, almost doubling since 2021. Ricci also thanked the Parks Department for their efforts, mentioning new developments like a cricket pitch at Mary Grogan Soccer Park, a beach volleyball court at East La Loma Park, and a successful Drive-In movie event. He concluded by acknowledging the Modesto Police and Fire Departments for their work over the 4th of July weekend, issuing fines for illegal fireworks.

Councilmember Escutia-Braaton thanked the community and Police for their successful participation in National Night Out 2024, highlighting the positive interactions between law enforcement and residents. She also mentioned Modesto's response to a large fire near Chico, where local police and firefighters were deployed to assist, with costs reimbursed by the state. Additionally, she shared her experience at the Del Rio premiere car show, where she awarded the best lowrider. Lastly, she praised a 4th of July event in West Sacramento that featured an eco-friendly drone light show instead of fireworks, promoting better air quality.

Councilmember Williams highlighted recent improvements in Modesto, including new roundabouts near Modesto High School and on Chicago Avenue, which have enhanced traffic flow and student safety. He also congratulated Angela Drew on becoming Modesto's first African American poet laureate. Williams praised the success of National Night Out, though he could only attend six of the 15 stops in his district and emphasized the importance of community engagement. Finally, he thanked City government for securing vehicle upgrades at a minimal cost, benefiting the City's fleet.

Mayor Zwahlen reported on various activities and initiatives aimed at improving community relations. Key events included a "Day on the Bench" at the courthouse, a meet-and-greet with District Attorney interns, and a discussion with Valerie Brown, daughter of Ralph Brown, the author of the Brown Act. The Mayor also attended the inauguration of a new supportive housing project at Freewill Baptist Church, participated in a Sutter Health clinic groundbreaking, and toured local programs for the developmentally disabled. Additionally, the Mayor engaged with new City employees, attended a real estate summit, a Modesto City Schools construction tour, a police academy graduation, and the monthly Clergy Council meeting, which focuses on police-community relations.

Vice Mayor Alvarez addressed several key issues during a recent meeting, including housing, the Southwest Modesto Plan, parks, and public safety. He highlighted the City's rental housing safety program, launched last year with over $400,000 in funding, which aims to improve rental housing quality and combat slumlords. Vice Mayor Alvarez also mentioned a $33 million state investment for a new apartment complex in downtown Modesto, which will include transportation improvements and education facilities. He discussed the ongoing development of the Southwest Modesto Plan, emphasizing community engagement in shaping the future of the West Side. He also noted the upcoming modernization of Cesar Chavez Park and Martin Luther King Park, each with $8.5 million in state funding. Lastly, he praised the Modesto Police Department for significant crime reductions in 2023, citing decreases in homicides, auto thefts, property crimes, and violent crimes. Furthermore, Vice Mayor Alvarez expressed his commitment to continuing efforts to improve District 2 despite challenges.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on July 24, 2024

20. Hearing to consider an Ordinance amending Planned Development Zone P-D(470) to change the allowable uses to allow certain Highway Commercial (C-3) uses for property located at 1101 N Carpenter Road, (APN 081-052-045) (Funding Source: Developer Funded)
    - Motion introducing and waiving the first reading of an Ordinance amending Planned Development Zone P-D(470) to change the allowable uses to allow certain Highway Commercial (C-3) uses for property located at 1101 N Carpenter Road. (APN 081-052-045).

    CED; Michael Hren, 209-577-5273, mhren@modestogov.com

    ACTION: (Williams/Escutia-Braaton; 7/0) Motion introducing and waiving the first reading of an Ordinance 3783-C.S. amending Planned Development Zone P-D(470) to change the allowable uses to allow certain Highway Commercial (C-3) uses for property located at 1101 N Carpenter Road. (APN 081-052-045).

Published in the Modesto Bee on August 2, 2024.

21. Hearing to consider the Annual Adjustment to the Maximum Rate Schedule for City Solid Waste Collection Services provided by the Solid Waste Haulers, to become effective September 1, 2024; approving a Fuel Rate Adjustment to the Maximum Rate Schedule for City Solid Waste Collection Services provided by the haulers to become effective September 1, 2024; approving the update to the Schedule of Cash Security Deposits and Fees for Self-Haul Residents and Businesses; and approving the final report and recommendations of HF&H Consultants, LLC. regarding City of Modesto 2023 Solid Waste Financial Review and Rate Analysis. (Funding Source: General Fund, Solid Waste Fund, Geer Road Landfill Fund, Carpenter Road Landfill Fund, Green Waste Fund, Compost Facility Improvements Fund, Streets 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 a decrease of $1.08 per month for residential services, an increase of $6.61 per cubic yard for commercial services, and an increase of $24.87 per pull for industrial services, to become effective September 1, 2024 and rescinding Resolution No. 2023-312 for the August 1, 2023 annual rate adjustment.
    - Resolution approving a Fuel Rate Adjustment to the Maximum Rate Schedule for City Solid Waste Collection Services provided by the haulers, for a reduction of $0.11 per month for residential services, and a reduction of $0.13 per cubic yard for commercial services, to become effective September 1, 2024.
    - Resolution approving the update to the Schedule of Cash Security Deposits and Fees for Self-Haul Residents and Businesses in accordance with Assembly Bill 939, and rescinding Resolution No. 2022-471.
    - Resolution approving the final report and recommendations of HF&H Consultants, LLC., Walnut Creek, CA regarding City of Modesto 2023 Solid Waste Financial Review and Rate Analysis, which provide staff next steps for rate methodology development and haulers' franchise agreement review.

    PUBLIC WORKS; Myriah Hill, 209-577-5495, mhill@modestogov.com

ACTION: (Williams/Wright; 7/0) Resolution 2024-290 approving the Annual Rate Adjustment to the Maximum Rate Schedule for City Solid Waste Collection Services provided by the Solid Waste Haulers, for a decrease of $1.08 per month for residential services, an increase of $6.61 per cubic yard for commercial services, and an increase of $24.87 per pull for industrial services, to become effective September 1, 2024 and rescinding Resolution No. 2023-312 for the August 1, 2023 annual rate adjustment.

ACTION: (Alvarez/Wright; 7/0) Resolution 2024-291 approving a Fuel Rate Adjustment to the Maximum Rate Schedule for City Solid Waste Collection Services provided by the haulers, for a reduction of $0.11 per month for residential services, and a reduction of $0.13 per cubic yard for commercial services, to become effective September 1, 2024.

ACTION: (Williams/Wright; 7/0) Resolution 2024-292 approving the update to the Schedule of Cash Security Deposits and Fees for Self-Haul Residents and Businesses in accordance with Assembly Bill 939, and rescinding Resolution No. 2022-471.

ACTION: (Bavaro/Wright; 7/0) Resolution 2024-293 approving the final report and recommendations of HF&H Consultants, LLC., Walnut Creek, CA regarding City of Modesto 2023 Solid Waste Financial Review and Rate Analysis, which provide staff next steps for rate methodology development and haulers' franchise agreement review.

NEW BUSINESS

22. Consider Reviewing, Providing Comment and Accepting the Proposed FY24-25 Internal Audit Work Plan. (Funding Source: Not Applicable)
    - Motion accepting the FY24-25 Internal Audit Work Plan.

CITY AUDITOR; Colleen Rozillis, 206-302-6795, colleen.rozillis@mossadams.com

ACTION: (Wright/Escutia-Braaton; 7/0) Motion accepting the FY24-25 Internal Audit Work Plan.

23. Consider approving an Agreement for Concrete Services with United Pavement Maintenance, Hughson, CA and Westside Landscape & Concrete, Newman, CA for a total amount not to exceed $17,250,000 for five years. (Funding Source: Measure H, Water Fund and General Fund)
    - Resolution approving the Award of Bid and Agreements for Concrete Services to United Pavement Maintenance, Hughson, CA. and Westside Landscape & Concrete, Newman, CA for a two-year Agreement with three one-year extension options, for an annual estimated amount of $3,450,000 and a total amount not to exceed $17,250,000 over five years; and authorizing the Director of Finance to adjust agreement totals between vendors based on contractor's availability and department's needs, ensuring the combined total amount does

not change and authorizing the City Manager or his designee to execute the Agreements.

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

ACTION: (Wright/Zwahlen; 7/0) Resolution 2024-294 approving the Award of Bid and Agreements for Concrete Services to United Pavement Maintenance, Hughson, CA. and Westside Landscape & Concrete, Newman, CA for a two-year Agreement with three one-year extension options, for an annual estimated amount of $3,450,000 and a total amount not to exceed $17,250,000 over five years; and authorizing the Director of Finance to adjust agreement totals between vendors based on contractor's availability and department's needs, ensuring the combined total amount does not change and authorizing the City Manager or his designee to execute the Agreements.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:30 P.M.

All Closed Session matters heard prior to the meeting.

CLOSED SESSION

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

CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION
One Case (Pursuant to Section 54956.9(d)(4) of the Government Code)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Pursuant to Section 54957 of the Government Code)
Title: City Manager

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

Property: 601 Neece Dr., Modesto, CA 95351; APN: 102-012-001 and 102-012-004

Property Owners: City of Modesto

Negotiating Parties:

For City: Joseph P. Lopez, City Manager

For Lessee: The Baseball Club of Modesto, LLC

Under Negotiation: Price and Terms of Lease

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, August 26, 2024 at 4:00 PM

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

PUBLIC COMMENTS IN PERSON

- Tim Ragsdale, a long-time Modesto resident and property owner, expressed his strong support for the current City Council, praising them as the best he's seen in decades. He and his wife, a schoolteacher, are disturbed by the disrespectful and toxic behavior of some individuals addressing the Council. Ragsdale suggested that the City should consider cutting the TV feed or microphone when such behavior occurs, to avoid amplifying negativity. He wanted to voice his support and offer a solution to the problem.

- Emerson Drake acknowledged the importance of public speech, even when it comes from those who may be disruptive or use offensive language. He defended the right of the public to voice their opinions, including criticisms of the Police Department and City policies. He argued that such voices are crucial for bringing about change and improvements in Modesto, emphasizing that their concerns should be heard, even if they are expressed in a frustrating manner.

SUBMITTING COMMENTS BY E-MAIL

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 4-11 (Wright/Escutia-Braaton; 3/0)

CONSENT

Pulled from Consent
Consent

1. Consider the recommended budget adjustments to Fiscal Year 2023-24 and 2024-25 Annual Operating and Capital Improvement Program Budgets; Amending the Fiscal Year 2024-25 Position Allocation; and forwarding to Council for approval. (Funding Source: Various Funds)

- Motion recommending the budget adjustments to Fiscal Year 2023-24 and 2024-25 Annual Operating and Capital Improvement Program Budgets and amending the Fiscal Year 2024-25 Position Allocation and forwarding to Council for approval.

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

ACTION: (Escutia-Braaton/Wright; 3/0) Motion recommending the budget adjustments to Fiscal Year 2023-24 and 2024-25 Annual Operating and Capital Improvement Program Budgets and amending the Fiscal Year 2024-25 Position Allocation and forwarding to Council for approval.

Pulled from Consent

Consent

2. Consider the Fiscal Year 2023-24 Write-Off and Adjustments Reports through Fiscal Year-end June 30, 2024, in the total amount of $415,908 and forwarding to Council for approval. (Funding Source: Abatement and Public Nuisance Fund, Airport Operating Fund, Capital Improvement Fund Community Center Operations Fund, Compost Fund, Garbage Fund, General Fund, Insurance Fund, Sewer Operations Fund, Solid Waste Fund, Storm Drain Fund, Surface Transportation Fund, Water Fund. Wastewater Fund)
    - Motion recommending the Fiscal Year 2023-2024 Write-Off and Adjustments Reports through Fiscal Year-end June 30, 2024 in the total of $415,908 and forwarding to Council for approval.

FINANCE DEPARTMENT; Vanessa Ferrel, 209-571-5174, vferrel@modestogov.com

ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending the Fiscal Year 2023-2024 Write-Off and Adjustments Reports through Fiscal Year-end June 30, 2024 in the total of $415,908 and forwarding to Council for approval.

Pulled from Consent

Consent

3. Consider a report on Fiscal Year 2023-2024 unclaimed funds of $56,975 that can be transferred to the General Fund and forwarding to Council for approval. (Funding Source: General Fund)
    - Motion recommending the Fiscal Year 2023-2024 unclaimed funds of $56,975 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/Wright; 3/0) Motion recommending the Fiscal Year 2023-2024 unclaimed funds of $56,975 that can be transferred to the General Fund and forwarding to Council for approval.

Consent

4. Consider a report detailing City personal property sold, donated, or disposed of during Fiscal Year 2023-24 and forwarding to Council for approval. (Funding Source:

Community Center Operations, Compost, General, Green Waste, Non-Capital Parks, Sewer, Solid Waste, Surface Transportation, Traffic Safety, Water)

- Motion recommending acceptance of the report detailing City personal property sold, donated, or disposed of during Fiscal Year 2023-24 and forwarding to Council for approval.

FINANCE DEPARTMENT; Vanessa Ferrel, 209-571-5174, vferrel@modestogov.com

ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending acceptance of the report detailing City personal property sold, donated, or disposed of during Fiscal Year 2023-24 and forwarding to Council for approval.

Consent

5. Consider the Purchasing Agreements for the purchase of Electrical Parts and Supplies to Platt Electric, Modesto CA, Wille Electric, Modesto CA and Consolidated Electric Distributors, Modesto CA for a total amount not to exceed $1,625,000 over five years and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion recommending the Purchasing Agreements for the purchase of Electrical Parts and Supplies to Platt Electric, Modesto CA, Wille Electric, Modesto CA and Consolidated Electric Distributors, Modesto CA for a two-year Agreement with three one-year extension options, for an annual combined estimated amount of $325,000 and a total amount not to exceed $1,625,000 over five years; and forwarding to Council for approval.

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

ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending the Purchasing Agreements for the purchase of Electrical Parts and Supplies to Platt Electric, Modesto CA, Wille Electric, Modesto CA and Consolidated Electric Distributors, Modesto CA for a two-year Agreement with three one-year extension options, for an annual combined estimated amount of $325,000 and a total amount not to exceed $1,625,000 over five years; and forwarding to Council for approval.

Consent

6. Consider the Purchasing Agreements for Emergency Vehicle Upfitting Services with Lehr Auto Electric, Sacramento, CA, NextGen Alpha Upfitting, Sacramento, CA, and Jay Tires, Turlock, CA for a total amount not to exceed $6,000,000 over five years and forwarding to Council for approval. (Funding Source: Fleet Replacement Funds)
    - Motion recommending the Purchasing Agreements for the purchase of Emergency Vehicle Upfitting Parts and Services with Lehr Auto Electric, Sacramento, CA, NextGen Alpha Upfitting, Sacramento, CA, and Jay Tires, Turlock, CA for a two-year Agreement with three one-year extension options, for an annual combined estimated amount of $1,200,000 and a total amount not to exceed $6,000,000 over five years; and forwarding to Council for approval.

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

ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending the Purchasing Agreements for the purchase of Emergency Vehicle Upfitting Parts and Services with

Lehr Auto Electric, Sacramento, CA, NextGen Alpha Upfitting, Sacramento, CA, and Jay Tires, Turlock, CA for a two-year Agreement with three one-year extension options, for an annual combined estimated amount of $1,200,000 and a total amount not to exceed $6,000,000 over five years; and forwarding to Council for approval.

Consent

7. Consider the Purchasing Agreements for the purchase of Fleet Motor Parts and Services with FleetPride Inc., Modesto, CA, Interstate Truck Center, LLC, Modesto, CA, and Motor Parts Distributors Inc., Modesto, CA for a total amount not to exceed $3,500,000 over five years and forwarding to Council for approval. (Funding Source: Fleet Fund and Outside Service Agreements)
    - Motion recommending the Purchasing Agreements for the purchase of Fleet Motor Parts and Services with FleetPride Inc., Modesto, CA, Interstate Truck Center, LLC, Modesto, CA, and Motor Parts Distributors Inc., Modesto, CA for a two-year Agreement with three one-year extension options, for an annual combined estimated amount of $700,000 and a total amount not to exceed $3,500,000 over five years; and forwarding to Council for approval.

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

ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending the Purchasing Agreements for the purchase of Fleet Motor Parts and Services with FleetPride Inc., Modesto, CA, Interstate Truck Center, LLC, Modesto, CA, and Motor Parts Distributors Inc., Modesto, CA for a two-year Agreement with three one-year extension options, for an annual combined estimated amount of $700,000 and a total amount not to exceed $3,500,000 over five years; and forwarding to Council for approval.

Consent

8. Consider the First Amendments 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 for Executive Level Recruitment Services to increase the amount by $207,000 for all five Agreements and the new total amount not to exceed $550,000 and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion recommending the First Amendments 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 for Executive Level Recruitment Services to increase the amount by $207,000 for all five Agreements and the new total amount not to exceed $550,000 and forwarding to Council for approval.

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

ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending the First Amendments 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 for Executive Level Recruitment Services to increase the amount by $207,000 for all five Agreements and the new total amount not to exceed $550,000 and forwarding to Council for approval.

Consent

9. Consider an Agreement with the Telcion, Inc. for the Purchase of Cisco Network Communication Equipment and Services for an amount not to exceed $178,806 and forwarding to Council for approval. (Funding Source: Information Technology Fund)
    - Motion recommending an Agreement with Telcion, Inc. for the Purchase of Cisco Network Communication Equipment and Services for an amount not to exceed $178,806 and forwarding to Council for approval.

    IT; Dameon Booker, 209-571-5229, dbooker@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending an Agreement with Telcion, Inc. for the Purchase of Cisco Network Communication Equipment and Services for an amount not to exceed $178,806 and forwarding to Council for approval.

Consent

10. Consider the Award of Bid and Agreement for Furnishing of Asphalt and Emulsified Asphalt Materials to George Reed, Inc., Escalon, CA, for a total amount not to exceed $2,987,330 over five years and forwarding to Council for approval. (Funding Source: Surface Transportation Fund)
    - Motion recommending the Award of Bid and Agreement for the Furnishing of Asphalt and Emulsified Asphalt Materials on an as needed basis to George Reed, Inc., Escalon, CA for a one-year Agreement with four one-year extension options, for an annual estimated cost of $597,466 and a total amount not to exceed $2,987,330 over five years and forwarding to Council for approval.

    PUBLIC WORKS; John Sphar, 209-342-2235, jsphar@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending the Award of Bid and Agreement for the Furnishing of Asphalt and Emulsified Asphalt Materials on an as needed basis to George Reed, Inc., Escalon, CA for a one-year Agreement with four one-year extension options, for an annual estimated cost of $597,466 and a total amount not to exceed $2,987,330 over five years and forwarding to Council for approval.

Consent

11. Consider the First Amendment with Gallo Center for the Arts, Modesto, CA for Lot 25 employee discounted parking increasing the Agreement amount by five dollars per parking permit per month and extending the term of the Agreement from June 30, 2024 to June 30, 2025, and forwarding to Council for approval. (Funding Source: Parking Services Enterprise Fund)
    - Motion recommending the First Amendment with Gallo Center for the Arts for Lot 25 Employee Discount Parking, increasing the Agreement amount by five dollars per parking permit per month, for a new total amount of $55 per parking

permit per month, and extending the term of the Agreement from June 30, 2024 to June 30, 2025, and forwarding to Council for approval.

PUBLIC WORKS; Patrick Crowley, 209-402-6812, pcrowley@modestogov.com

ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending the First Amendment with Gallo Center for the Arts for Lot 25 Employee Discount Parking, increasing the Agreement amount by five dollars per parking permit per month, for a new total amount of $55 per parking permit per month, and extending the term of the Agreement from June 30, 2024 to June 30, 2025, and forwarding to Council for approval.

NEW BUSINESS

12. Consider delegating the responsibility for investment transactions to the Director of Finance and accepting the Annual Investment Report for Fiscal Year 2023-2024 and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion delegating the responsibility for investment transactions to the Director of Finance and accepting the Annual Investment Report for Fiscal Year 2023-2024 and forwarding to Council for approval.

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

ACTION: (Wright/Escutia-Braaton; 3/0) Motion delegating the responsibility for investment transactions to the Director of Finance and accepting the Annual Investment Report for Fiscal Year 2023-2024 and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:56 p.m.

Attest: _____
Andrea Cook, Deputy City Clerk

MINUTES

City of Modesto
JOINT CITY COUNCIL AND REDEVELOPMENT SUCCESSOR AGENCY MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, August 27, 2024 at 5:30 PM

Roll Call – Present: Council/Agency Members Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

Pledge of Allegiance to the Flag

Invocation: Cindy Marks, Pray Modesto

City Clerk's Announcements

Declaration of Conflicts of Interest: None.

Reports from Closed Session: No reportable action.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation declaring September 8th - 14th 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 8th - 14th as National Suicide Prevention Week.

PUBLIC COMMENT IN PERSON

- Francis O'Brien spoke regarding the Kaiser Medical facility in Fleur de Ville, which was originally promised as a low-key, three-story hospital but has grown into a large medical campus with multiple buildings. He expressed concern over recent construction disruptions and claimed Kaiser has not fulfilled their promises, including not meeting review requirements since 2011 and failing to build as initially planned. He also noted that Kaiser has purchased other hospitals in nearby cities and questioned their commitment to Modesto. O'Brien suggested the City Council should review Kaiser's progress and ensure they adhere to their agreements.

- David Stevens addressed the Council about their denial to address traffic and safety issues on his street. He recapped that his initial, simple request was to slow down or restrict commercial traffic on a short block to ensure children's safety. Despite several months of efforts and a meeting with the Mayor, the Council ultimately denied the request, citing a resolution signed 20 years ago. Stevens argued that conditions have changed significantly since then and that resolutions should adapt to current needs. He criticized the Council for not addressing the issue and expressed frustration over their inaction.

- Micah Dizney addressed the Council concerning commercial development on his street. Four months earlier, he and his neighbors had requested action but felt their concerns were dismissed with unreasonable excuses. Dizney criticized the resolution's effectiveness, noting issues with a gate intended to restrict traffic. He expressed frustration that the Council had not enforced compliance with property owners and criticized their inaction. Although he appreciated the Mayor's and Allison's help, he urged the Council to take meaningful action to ensure the safety of children on his street and not simply offer denials.

- Carson Dizney, a 16-year-old resident of Water Street in Modesto, shared his perspective on the safety issues his family has faced. Over the past four years, he has walked frequently to various activities and experienced numerous near misses with vehicles on his own dead-end street. Despite his vigilance, he expressed concern for younger children who might not be as visible to drivers. Carson urged the Council to consider the safety of the children on his street, echoing his father's earlier points, and thanked them for their time.

- Diane Kroeze addressed the Council about the Gospel Mission's efforts to house more homeless women and children, emphasizing that while this was a positive step, it did not fully meet the community's needs. She expressed concern that resources and coordination with the Salvation Army had been reduced, leading to fewer beds and less support for the homeless. Kroeze criticized recent decisions on homeless services, such as rejecting safe camping and warehouse options, and questioned the effectiveness of current policies. She highlighted the inhumane conditions faced by the homeless and urged the Council to consider the real impact of their decisions.

- Sebastian Jones addressed the Council, expressing frustration over recent accusations and the need to clear his name as a community activist. He denied claims of inappropriate behavior, emphasizing his commitment to peace and respect. Jones also reiterated his longstanding efforts to honor Dr. Martin Luther King Jr. by advocating for the renaming of a building in Modesto. He criticized the Council for not responding to his concerns and expressed determination to see the building properly named after Dr. King. Jones requested the Council to address these issues and respect the truth of his activism.

- Zafir Solomon addressed the Council, expressing frustration over the lack of progress in addressing homelessness. He mentioned seeing news about a California Senate Bill

offering $150,000 to home buyers, including undocumented individuals, and questioned why similar support couldn't be used to address homelessness. Solomon criticized the local approach to handling homeless individuals, noting that they were frequently moved around without proper solutions. He highlighted the mental health challenges many faced and criticized the ineffective enforcement measures, such as fines and jail time. Solomon urged the Council to use common sense and take meaningful action to address homelessness in Modesto, drawing from his own experience maintaining a clean business in South Modesto.

- Emerson Drake addressed the Council, expressing dissatisfaction with the handling of housing issues in Modesto. He criticized the recent approval of 527 new homes, which he noted were priced significantly higher than initially advertised. Drake highlighted a past practice of requiring affordable housing in large developments, which he felt was missing from current plans. He warned against creating low-cost housing areas that could become problematic, drawing on negative experiences from other cities like Chicago. Drake also recalled past issues with local camping ordinances, which he felt were overly restrictive. He urged the Council to prioritize affordable housing and enforce requirements for developers to include it in their projects.

- Loretta Carhart spoke about her concerns regarding property lines and construction in her neighborhood. She requested information on the property lines for alleys between Needham and Alice, and the 100 block of Hackberry. Carhart expressed frustration over seeing people build on property lines despite regulations that require a five-foot setback. She felt that those with financial resources were able to bypass these rules. She sought assistance in resolving these issues and requested to be directed to the appropriate contact for further help.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS: 2-4, 7-9, 12, 15-16 (Williams/Wright; 7/0)

CONSENT

Consent
2. Consider approving the minutes for the August 13, 2024 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes for the August 13, 2024 Council Meeting.

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

    ACTION: (Williams/Wright; 7/0) Motion approving the minutes for the August 13, 2024 Council Meeting.

Consent
3. Consider approving the minutes from the January 11, 2022 Redevelopment Successor Agency meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the January 11, 2022 Redevelopment Successor Agency meeting.

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

ACTION: (Williams/Wright; 7/0) Motion approving the minutes from the January 11, 2022 Redevelopment Successor Agency meeting.

Consent

4. Consider approving Final Adoption of Ordinance 3783-C.S. amending Planned Development Zone P-D(470) to change the allowable uses to allow certain Highway Commercial (C-3) uses for property located at 1101 N. Carpenter Road (APN: 081-052-045). (Funding Source: Not Applicable)
    - Motion approving Final Adoption of Ordinance 3783-C.S. amending Planned Development Zone P-D(470) to change the allowable uses to allow certain Highway Commercial (C-3) uses for property located at 1101 N. Carpenter Road (APN: 081-052-045).

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

    ACTION: (Williams/Wright; 7/0) Motion approving Final Adoption of **Ordinance 3783-C.S.** amending Planned Development Zone P-D(470) to change the allowable uses to allow certain Highway Commercial (C-3) uses for property located at 1101 N. Carpenter Road (APN: 081-052-045).

Removed from Consent

5. Consider approving a Modesto Forward Grant Agreement with Valley First Credit Union for two revolving loan fund programs — "Business Beautification" and "Business Incentives," not to exceed $500,000 for each program over two and a half years. (Funding Source: American Rescue Plan Act Funds)
    - Resolution approving a Modesto Forward Grant Agreement with the Valley First Credit Union, to Main Street Business Development Loan Program, for a total amount not to exceed $500,000, and authorizing the City Manager or his designee to execute the Agreement.
    - Resolution approving a Modesto Forward Grant Agreement with the Valley First Credit Union, to Main Street Business Beautification, for a total amount not to exceed $500,000, and authorizing the City Manager or his designee to execute the Agreement.

    CED; Trevin Barber, 209-571-5566, tbarber@modestogov.com

    ACTION: (Escutia-Braaton/Alvarez; 7/0) Resolution 2024-295 approving a Modesto Forward Grant Agreement with the Valley First Credit Union, to Main Street Business Development Loan Program, for a total amount not to exceed $500,000, and authorizing the City Manager or his designee to execute the Agreement.

    ACTION: (Escutia-Braaton/Alvarez; 7/0) Resolution 2024-296 approving a Modesto Forward Grant Agreement with the Valley First Credit Union, to Main Street Business Beautification, for a total amount not to exceed $500,000, and authorizing the City Manager or his designee to execute the Agreement.

Removed from Consent

6. Consider approving a Will Serve Letter and Outside Service Agreement with Sunrise MHC, LLC a California Limited Liability Company, to connect to the City of Modesto's existing water system for the property located at 433 S 7th Street (APN: 038-003-015). (Funding Source: Water Fund)
    - Resolution approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and Sunrise MHC, LLC a California Limited Liability Company, to connect to the City of Modesto's existing water system for the property located at 433 S 7th Street (APN: 038-003-015) and authorizing the City Manager, or his designee, to the sign the Will Serve Letter and execute the Outside Service Agreement.

    ENGINEERING SERVICES; Jaspreet Mangat, 209-577-5253, jmangat@modestogov.com

    ACTION: (Alvarez/Ricci; 7/0) Resolution 2024-297 approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and Sunrise MHC, LLC a California Limited Liability Company, to connect to the City of Modesto's existing water system for the property located at 433 S 7th Street (APN: 038-003-015) and authorizing the City Manager, or his designee, to the sign the Will Serve Letter and execute the Outside Service Agreement.

Consent

7. Consider authorizing submittal of a Grant Application for Highway Safety Improvement Program (HSIP) funds. (Funding Source: California Department of Transportation Grant Funds)
    - Resolution authorizing submittal of a Grant Application for Highway Safety Improvement Program (HSIP) funds, and authorizing the City Manager, or his designee to execute all necessary grant documents.

    ENGINEERING SERVICES; Michael Sacuskie, 209-571-5552, msacuskie@modestogov.com

    ACTION: (Williams/Wright; 7/0) Resolution 2024-298 authorizing submittal of a Grant Application for Highway Safety Improvement Program (HSIP) funds, and authorizing the City Manager, or his designee to execute all necessary grant documents.

Consent

8. Consider accepting an Informational Report on the May and June 2024 Grant Applications and Awards. (Funding Source: Not Applicable)
    - Motion accepting an Informational Report for May and June 2024 Grant Applications and Awards.

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

    ACTION: (Williams/Wright; 7/0) Motion accepting an Informational Report for May and June 2024 Grant Applications and Awards.

Consent

9. Consider accepting an Informational Report for the July 2024 Accounts Payable Payment Register and Void Report. (Funding Source: Not Applicable)
    - Motion accepting an Informational Report for the July 2024 Accounts Payable Payment Register and Void Report.

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

ACTION: (Williams/Wright; 7/0) Motion accepting an Informational Report for the July 2024 Accounts Payable Payment Register and Void Report.

Removed from Consent

10. Consider approving the purchase of various Fleet Addition and Replacements for Fleet Vehicles which includes six Police Motorcycles, two F250 Super Duty Trucks, and one John Deer Wheel Loader in the amount not to exceed $839,849. (Funding Source: Fleet Replacement Fund, Senate Bill 1383 Grant and Compost Fund)
    - Resolution approving the Competitive Bidding Process from Sourcewell to Pape Machinery, French Camp, CA for the purchase of one John Deere Wheel Loader for an amount not to exceed $406,110; 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 the Florida Sheriffs Association to Alligator Alley Harley Davidson, Sunrise FL for the purchase of six Police Motorcycles for an amount not to exceed $195,605; 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 Texas Association of School Boards to Rush Truck Center, Ceres, CA for the purchase of two F250 Super Duty Trucks for an amount not to exceed $128,585; 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/Escutia-Braaton; 7/0) Resolution 2024-299 approving the Competitive Bidding Process from Sourcewell to Pape Machinery, French Camp, CA for the purchase of one John Deere Wheel Loader for an amount not to exceed $406,110; 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: (Bavaro/Zwahlen; 7/0) Resolution 2024-300 approving the Competitive Bidding Process from the Florida Sheriffs Association to Alligator Alley Harley Davidson, Sunrise FL for the purchase of six Police Motorcycles for an amount not to exceed $195,605; 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: (Wright/Williams; 7/0) Resolution 2024-301 approving the Competitive Bidding Process from Texas Association of School Boards to Rush Truck Center, Ceres, CA for the purchase of two F250 Super Duty Trucks for an amount not to exceed $128,585; 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.

Removed from Consent

11. Consider approving the Plans and Specifications for the 2023 Playground Replacement Project, Phase 1, accepting the Bid and Awarding a Construction Contract to Sierra Play Partners, of Ripon, CA, in an amount not to exceed $758,533. (Funding Source: Measure H)
    - Resolution approving the Plans and Specifications for the 2023 Playground Replacement Phase 1 Project, accepting the Bid and Awarding a Construction Contract to Sierra Play Partners of Ripon, CA, in the amount of $689,575, plus $68,958, in contingency (if needed), for a total payment amount not to exceed $758,533 and authorizing the City Manager, or his designee, to execute the contract.

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

    ACTION: (Wright/Escutia-Braaton; 6/1; Noes Ricci) Resolution 2024-302 approving the Plans and Specifications for the 2023 Playground Replacement Phase 1 Project, accepting the Bid and Awarding a Construction Contract to Sierra Play Partners of Ripon, CA, in the amount of $689,575, plus $68,958, in contingency (if needed), for a total payment amount not to exceed $758,533 and authorizing the City Manager, or his designee, to execute the contract.

Consent

12. Consider approving the Plans and Specifications for the 2024 Sport Court Lighting Project for Davis Community Park and Beyer Community Park, accepting the Bid and Awarding a Construction Contract to Fluoresco Services, LLC, of Phoenix, AZ, in an amount not to exceed $113,850. (Funding Source: Measure H)
    - Resolution approving the Plans and Specifications for the 2024 Sport Court Lighting Project for Davis Community Park and Beyer Community Park, accepting the Bid and Awarding a Construction Contract to Fluoresco Services, LLC, of Phoenix, AZ, in the amount of $103,500, plus $10,350, in contingency (if needed), for a total payment amount not to exceed $113,850 and authorizing the City Manager, or his designee, to execute the contract.

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

    ACTION: (Williams/Wright; 7/0) Resolution 2024-303 approving the Plans and Specifications for the 2024 Sport Court Lighting Project for Davis Community Park and Beyer Community Park, accepting the Bid and Awarding a Construction Contract

to Fluoresco Services, LLC, of Phoenix, AZ, in the amount of $103,500, plus $10,350, in contingency (if needed), for a total payment amount not to exceed $113,850 and authorizing the City Manager, or his designee, to execute the contract.

Removed from Consent

13. Consider approving the City of Modesto Pandemic Recovery Strategy – Modesto Forward Grant Agreement between the City of Modesto and the Graffiti USA Classic Car Museum, a non-profit Corporation, for $350,000 in American Rescue Plan Act Funding. (Funding Source: American Rescue Plan Act)
    - Resolution approving the City of Modesto Pandemic Recovery Strategy – Modesto Forward Grant Agreement between the City of Modesto and the Graffiti USA Classic Car Museum for $350,000 in American Rescue Plan Act Funding, and authorizing the City Manager, or designee, to execute the Agreement.

    PRN; Diane Sheatsley, 209-577-5418, dsheatsley@modestogov.com

    ACTION: (Ricci/Williams; 7/0) Resolution 2024-304 approving the City of Modesto Pandemic Recovery Strategy – Modesto Forward Grant Agreement between the City of Modesto and the Graffiti USA Classic Car Museum for $350,000 in American Rescue Plan Act Funding, and authorizing the City Manager, or designee, to execute the Agreement.

Removed from Consent

14. Consider approving an Agreement for Landscape Maintenance, Weed Abatement, Trash Removal and Rodent Control Services to Grover Landscape Services, Inc., Modesto, CA, for a total amount not to exceed $1,030,347 over five years. (Funding Source: Sewer Operations Fund, Storm Drain Fund, and Various Community Facilities Districts (CFD) Funds)
    - Resolution approving the Award of Bid and Agreement for the Landscape Maintenance, Weed Abatement, Trash Removal, and Rodent Control Services to Grover Landscape Service, Inc., Modesto, CA, for a two-year Agreement with three one-year extension options, for an annual estimated amount of $187,000 and a total amount not to exceed $1,030,347 over five years; and authorizing the City Manager, or his designee, to execute the Agreement.

    UTILITIES; Jeff Daniels, 209-577-6255, jdaniels@modestogov.com

    ACTION: (Wright/Ricci; 7/0) Resolution 2024-305 approving the Award of Bid and Agreement for the Landscape Maintenance, Weed Abatement, Trash Removal, and Rodent Control Services to Grover Landscape Service, Inc., Modesto, CA, for a two-year Agreement with three one-year extension options, for an annual estimated amount of $187,000 and a total amount not to exceed $1,030,347 over five years; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

15. Consider approving the Agreements for Generator Repair and Preventative Maintenance Service with Bay City Electric Works of Livermore, CA, and PowerGen,

Inc. of Tracy, CA, for a total amount not to exceed $1,214,800 over five years. (Funding Source: Various Funds)

- Resolution approving the Award of Bid and Agreements for Generator Repair and Preventative Maintenance Service to Bay City Electric Works of Livermore, CA and PowerGen Inc., of Tracy, CA, for a two-year Agreement with three one-year extension options, for a total amount not to exceed $1,214,800 over five years; and authorizing the Director of Finance to adjust agreement totals between vendors based on contractor's availability and department's needs, ensuring the combined total amount does not change and authorizing the City Manager, or his designee to execute the Agreement.

UTILITIES; Manuel Martinez, 209-342-4592, mmartinez@modestogov.com

ACTION: (Williams/Wright; 7/0) Resolution 2024-306 approving the Award of Bid and Agreements for Generator Repair and Preventative Maintenance Service to Bay City Electric Works of Livermore, CA and PowerGen Inc., of Tracy, CA, for a two-year Agreement with three one-year extension options, for a total amount not to exceed $1,214,800 over five years; and authorizing the Director of Finance to adjust agreement totals between vendors based on contractor's availability and department's needs, ensuring the combined total amount does not change and authorizing the City Manager, or his designee to execute the Agreement.

Consent

16. Consider approving a Purchasing Agreement with West Coast Sand and Gravel, Inc. of Buena Park, CA, for the purchase of rock, sand, and gravel for a total amount not to exceed $3,920,700 over five years. (Funding Source: Various Funds)

    - Resolution approving the Award of Bid and Purchasing Agreement to West Coast Sand and Gravel, Inc. of Buena Park, CA, for the purchase of rock, sand and gravel for a two-year Agreement with three one-year extension options, for an estimated annual amount of $712,000 and a total amount not to exceed $3,920,700 over five years; and authorizing the Director of Finance or her designee to execute the Agreement.

    UTILITIES; Manuel Martinez, 209-342-4592, mmartinez@modestogov.com

    ACTION: (Williams/Wright; 7/0) Resolution 2024-307 approving the Award of Bid and Purchasing Agreement to West Coast Sand and Gravel, Inc. of Buena Park, CA, for the purchase of rock, sand and gravel for a two-year Agreement with three one-year extension options, for an estimated annual amount of $712,000 and a total amount not to exceed $3,920,700 over five years; and authorizing the Director of Finance or her designee to execute the Agreement.

COUNCIL COMMENTS & REPORTS

Councilmember Escutia-Braaton expressed gratitude to the Mayor and noted that the agenda for the evening contained many positive items. Escutia-Braaton expressed appreciation that the agenda supported a vibrant economy, particularly highlighting consent item number five, which provided loans for small businesses considered the

backbone of a strong economy in Modesto. Escutia-Braaton was also pleased about the upcoming vote on extending the negotiation period with the Baseball Club of Modesto, which would allow the Modesto Nuts to remain at John Thurman Field through 2025, further contributing to the local economy. Additionally, Escutia-Braaton shared that she attended the opening of a new business in the downtown area the previous week, a dynamic family-run business at the Grub Hub on the corner of Eighth and I Street. This generational business was praised as a great concept that supports Modesto's vibrant community. Escutia-Braaton concluded by stating that all these efforts contribute to making Modesto a great place to live and thanked the Mayor and Council.

Councilmember Williams took a moment to acknowledge a personal milestone—his 38th wedding anniversary. He thanked his wife, Nancy Williams. Williams proudly stated that they have the best-looking kids and grandchildren in town, attributing their successful marriage to having God in their lives.

Councilmember Wright reported on the City's July efforts to address homelessness. The Downtown Street Team, made up of 80 to 90 homeless individuals, collected over 23,000 pounds of trash. Three team members found housing, and three gained full-time jobs. The Salvation Army Day Center provided services to 150 people, while the Berberian Shelter assisted 270 individuals, leading to several housing placements and reunions. The Safe Parking program and Modesto Gospel Mission supported numerous homeless individuals, including women and children, with essential services. Wright thanked the organizations involved for their ongoing support.

Councilmember Ricci congratulated Councilmember Williams on his anniversary, and then went on to address homelessness, praising the Downtown Streets Team for their impressive housing retention rates. Ricci highlighted the importance of helping people not just get off the streets but also reintegrate into society. He also raised concerns about the growing feral cat problem, suggesting the need for a more organized approach, such as spaying and neutering programs or adoption initiatives. Lastly, Ricci discussed the City's forestry efforts, emphasizing the need for a more aggressive tree replanting plan to maintain Modesto's urban forest, which he noted is crucial for improving health outcomes.

Vice Mayor Alvarez took the opportunity to remind the public about the Rental Housing Safety Program, which addresses complaints of substandard rental housing, such as pest infestations, mold, and absentee landlords. Alvarez highlighted the program's goal of ensuring the safety and well-being of residents through a collaborative effort between the City Council, tenant advocacy groups, and community stakeholders. He also provided an update on the ongoing construction on the Paradise corridor, funded by a $3.5 million state grant. The project includes new roundabouts, a median for left turns, improved bike lanes, more visible crosswalks, and pavement replacement, all aimed at making the area safer for pedestrians and cyclists.

Mayor Zwahlen shared a few brief comments. She mentioned meeting with ten Japanese students visiting from Modesto's sister city, Kurume, Japan, noting how much they enjoyed their visit and praised Modesto for its cleanliness. One student, in particular,

expressed a love for American hamburgers. Additionally, the Mayor provided an update on the construction of the Lathrop Y, a key step in bringing a train connection to Modesto that will link the city with Sacramento and the Bay Area. She described the project as massive and exciting, particularly the work on alternative construction to facilitate water ways.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

17. Consider approving a First Amendment to the Lease Agreement with The Baseball Club of Modesto, LLC to lease John Thurman Field through September 30, 2025, and authorizing the City Manager, or his designee, to finalize the language of the agreement pursuant to the negotiated terms and execute the Amendment. (Funding Source: Capital Improvement Project (CIP) 101019/General Fund)
    - Resolution approving a First Amendment to the Lease Agreement with The Baseball Club of Modesto, LLC to lease the John Thurman Field facility through September 30, 2025, and authorizing the City Manager, or his designee, to finalize the language of the amendment pursuant to the negotiated terms and execute the Agreement.

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

    ACTION: (Alvarez/Escutia-Braaton; 7/0) Resolution 2024-308 approving a First Amendment to the Lease Agreement with The Baseball Club of Modesto, LLC to lease the John Thurman Field facility through September 30, 2025, and authorizing the City Manager, or his designee, to finalize the language of the amendment pursuant to the negotiated terms and execute the Agreement.

NEW BUSINESS

18. Consider declaring certain properties owned by the City and Successor Agency as "surplus land" and authorizing the City Manager and the Executive Director of the Successor Agency to take all actions required to facilitate the sale or lease of such properties through the Surplus Land Act process. (Funding Source: Not Applicable)
    - Resolution declaring specified City owned properties as surplus land, authorizing the City Manager to determine which properties may be declared exempt surplus land, and authorizing the City Manager to negotiate for the conveyance of such properties in accordance with the Surplus Land Act.
    - Resolution declaring specified Successor Agency owned properties as surplus land, authorizing the Executive Director of the Successor Agency to determine which properties may be declared exempt surplus land, and authorizing the Executive Director of the Successor Agency to negotiate for the conveyance of such properties in accordance with the Surplus Land Act.

    CITY MANAGER; Scotty Douglass, 209-577-9149, sdouglass@modestogov.com

ACTION: (Wright/Williams; 7/0) Resolution 2024-309 declaring specified City owned properties as surplus land, authorizing the City Manager to determine which properties may be declared exempt surplus land, and authorizing the City Manager to negotiate for the conveyance of such properties in accordance with the Surplus Land Act.

ACTION: (Williams/Wright; 7/0) Resolution 001-2024 declaring specified Successor Agency owned properties as surplus land, authorizing the Executive Director of the Successor Agency to determine which properties may be declared exempt surplus land, and authorizing the Executive Director of the Successor Agency to negotiate for the conveyance of such properties in accordance with the Surplus Land Act.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 9:31 p.m.

All Closed Session matters heard prior to the meeting.

CLOSED SESSION

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

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

Name of case(s): Marvin Cain v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ17374007 & ADJ17548128

CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION
One Case (Pursuant to Section 54956.9(d)(4) of the Government Code)

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Five Cases (Pursuant to Section 54956.9(d)(1) of the Government Code)

Name of Case: Baljit Athwal, et al. v. Stanislaus County et al.
United States Eastern District
Case No.: 1:15-CV-00311

Georgia DeFilippo, et al. v. Stanislaus County et al.
United States Eastern District
Case No.: 1:18-CV-00496

Frank Carson v. Stanislaus County et al.
United States Eastern District
Case No.: 2:20-AT-00513

Eduardo Quintanar, Jr. v. Stanislaus County et al.
United States Eastern District
Case No.: 1:18-CV-01402

Walter W. Wells & Scott McFarlane v. Stanislaus County et al.
United States Eastern District
Case No.: 1:20-CV-00770

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
ECONOMIC DEVELOPMENT COMMITTEE
COUNCIL WORKSHOP
2001-40 Del Puerto Room.
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, September 09, 2024 at 4:00 PM

Roll Call: Present: Alternate Member Wright, Committee Member Zwahlen, Chair Ricci
Absent: Vice-Chair Alvarez
Also Present: None

PUBLIC COMMENTS IN PERSON

- Emerson Drake noted that items on the agenda are now labeled as workshops and is seeking clarification on the briefing process for council members regarding consent calendar items. He inquired how much time they have to review them before voting, particularly if the items are not discussed in workshops or public meetings.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 1-2, 5-6 (Wright/Zwahlen; 3/0)

CONSENT

Consent
1. Consider the summary vacation of a 40-foot strip of the former Litt Road (14,579 square feet) right-of-way and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending the summary vacation of a 40-foot strip of the former Litt Road (14,579 square feet) right-of-way and forwarding to Council for approval.

ENGINEERING SERVICES; Jaspreet Mangat, 209-577-5253, jmangat@modestogov.com

ACTION: (Wright/Zwahlen; 3/0) Motion recommending the summary vacation of a 40-foot strip of the former Litt Road (14,579 square feet) right-of-way and forwarding to Council for approval.

Consent
2. Consider the new Zeff Road Realignment Public Improvements and approving the summary vacation of the old Zeff Road Alignment adjacent to Crows Landing Road and releasing securities upon expiration of statutory periods and forwarding to Council for approval. (Funding Source: Developer Funded)

- Motion recommending the acceptance of Public Improvements of the Zeff Road Realignment and approving the summary vacation part of the old Zeff Road located adjacent to Crows Landing Road and releasing securities upon expiration of statutory periods and forwarding to Council for approval.

ENGINEERING SERVICES; Jaspreet Mangat, 209-577-5253, jmangat@modestogov.com

ACTION: (Wright/Zwahlen; 3/0) Motion recommending the acceptance of Public Improvements of the Zeff Road Realignment and approving the summary vacation part of the old Zeff Road located adjacent to Crows Landing Road and releasing securities upon expiration of statutory periods and forwarding to Council for approval.

Removed from Consent

Consent

3. Consider the Agreement for Painting of Water Wells and Tank Sites to HB Restoration Inc., Rio Linda, CA, for a total amount not to exceed $669,076 over five years and forwarding to Council for approval. (Funding Source: Water Fund)
    - Motion recommending the Award of Bid and Agreement for Painting of Water Wells and Tank Sites to HB Restoration Inc., Rio Linda for a two-year Agreement with three one-year extension options, for an annual estimated amount of $126,000 and a total amount not to exceed $669,076 over five years, and forwarding to Council for approval.

UTILITIES; Manuel Martinez, 209-342-4592, mmartinez@modestogov.com

ACTION: (Zwahlen/Wright; 3/0) Motion recommending the Award of Bid and Agreement for Painting of Water Wells and Tank Sites to HB Restoration Inc., Rio Linda for a two-year Agreement with three one-year extension options, for an annual estimated amount of $126,000 and a total amount not to exceed $669,076 over five years, and forwarding to Council for approval.

Removed from Consent

Consent

4. Consider the First Amendment for the Water Well Lease Agreements with Beard Land Improvement and Modesto and Empire Traction, increasing the amount by $2,764,332 and extending the term of the Agreement from December 31, 2024 to December 31, 2034, and forwarding to Council for approval. (Funding Source: Water Fund)
    - Motion recommending the First Amendment to the Water Well/Right of Way Lease Agreement with Beard Land Improvement Company for the water well site on Spenker Avenue for City Well 225 (Beard Well 25 Budget Pack) and well site on Farrar Avenue for City Well 279 (Beard Well Farrar Pump Lot), increasing the amount by $1,113,533 over ten years, and extending the term of the Agreement from December 31, 2024 to December 31, 2034, and forwarding to Council for approval.
    - Motion recommending the First Amendment to the Water Well / Right of Way Lease Agreement with Modesto and Empire Traction Company (M&ET) for the water well site on Yosemite Boulevard for City Wells 291 and 292 (M&ET

Well 91 and 92 – Mariposa E. & W. Pump Lot) and water well site on S. McClure Road for City Well 308 (M&ET Well 1 – S. McClure Pump Lot), increasing the amount by $1,650,799 over ten years, and extending the term of the Agreement from December 31, 2024 to December 31, 2034, and forwarding to Council for approval.

UTILITIES; Manuel Martinez, 209-342-4592, mmartinez@modestogov.com

ACTION: (Wright/Zwahlen; 3/0) Motion recommending the First Amendment to the Water Well/Right of Way Lease Agreement with Beard Land Improvement Company for the water well site on Spenker Avenue for City Well 225 (Beard Well 25 Budget Pack) and well site on Farrar Avenue for City Well 279 (Beard Well Farrar Pump Lot), increasing the amount by $1,113,533 over ten years, and extending the term of the Agreement from December 31, 2024 to December 31, 2034, and forwarding to Council for approval.

ACTION: (Wright/Zwahlen; 3/0) Motion recommending the First Amendment to the Water Well / Right of Way Lease Agreement with Modesto and Empire Traction Company (M&ET) for the water well site on Yosemite Boulevard for City Wells 291 and 292 (M&ET Well 91 and 92 – Mariposa E. & W. Pump Lot) and water well site on S. McClure Road for City Well 308 (M&ET Well 1 – S. McClure Pump Lot), increasing the amount by $1,650,799 over ten years, and extending the term of the Agreement from December 31, 2024 to December 31, 2034, and forwarding to Council for approval.

Consent

5. Consider the City of Modesto's Pyrethroid Management Plan and all associated documents and forwarding to Council for approval. (Funding Source: Storm Drain Fund)
    - Motion recommending the adoption of the City of Modesto's Pyrethroid Management Plan and all associated documents and forwarding to Council for approval.

    UTILITIES; Jeff Daniels, 209-577-6255, jdaniels@modestogov.com

    ACTION: (Wright/Zwahlen; 3/0) Motion recommending the adoption of the City of Modesto's Pyrethroid Management Plan and all associated documents and forwarding to Council for approval.

Consent

6. Consider the First Amendment with Labworks, LLC, Lehi, Utah, for the Annual Maintenance and Support of Labworks LIMS Software, increasing the Agreement amount by $10,504 and forwarding to Council for approval. (Funding Source: Sewer Operation Fund)
    - Motion recommending the First Amendment increasing the Agreement amount with Labworks, LLC, for the Annual Maintenance and Support of Labworks LIMS Software by $10,504 from $96,864 to a new total amount of $107,368; and forwarding to Council for approval.

    UTILITIES; Jeff Daniels, 209-577-6255, jdaniels@modestogov.com

ACTION: (Wright/Zwahlen; 3/0) Motion recommending the First Amendment increasing the Agreement amount with Labworks, LLC, for the Annual Maintenance and Support of Labworks LIMS Software by $10,504 from $96,864 to a new total amount of $107,368; and forwarding to Council for approval.

NEW BUSINESS

7. Consider Engineering and Planning Document Reports related to bicyclist, pedestrian, and school zone safety: Systemic Safety Analysis Report (SSAR), Local Roadway Safety Plan (LRSP), Non-Motorized Master Plan Update, and School Safety Program Study, and forwarding to Council for approval. (Funding Source: State Systemic Safety Analysis Report (SSAR) Grant, Highway Safety Improvement Program (HSIP), and Local Measure L Funds)
    - Motion recommending the acceptance of the following Engineering and Planning Document Reports related to bicyclist, pedestrian, and school zone safety: Systemic Safety Analysis Report (SSAR), Local Roadway Safety Plan (LRSP), Non-Motorized Master Plan Update, and School Safety Program Study, and forwarding to Council for approval.

ENGINEERING SERVICES; Michael Sacuskie, 209-571-5552, msacuskie@modestogov.com

ACTION: (Wright/Zwahlen; 3/0) Motion recommending the acceptance of the following Engineering and Planning Document Reports related to bicyclist, pedestrian, and school zone safety: Systemic Safety Analysis Report (SSAR), Local Roadway Safety Plan (LRSP), Non-Motorized Master Plan Update, and School Safety Program Study, and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:48 p.m.

Attest: _____
Reyna Mendoza, Deputy City Clerk

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, September 10, 2024 at 5:30 PM

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

Pledge of Allegiance to the Flag

Invocation: Pastor Lance Lowell, Neighborhood Church

City Clerk's Announcements

Declaration of Conflicts of Interest: None

Reports from Closed Session: No reportable action.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation declaring September 15th - October 15th as National Hispanic Heritage Month. (Funding Source: Not Applicable)
   CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

   ACTION: Mayor Zwahlen presented proclamation declaring September 15th - October 15th as National Hispanic Heritage Month.

2. Proclamation declaring September as National Senior Center Month. (Funding Source: Not Applicable)
   CITY COUNCIL; Ariana Harbottle-Jarret, 209-571-5597, aharbottle@modestogov.com

   ACTION: Mayor Zwahlen presented proclamation declaring September as National Senior Center Month.

MISCELLANEOUS

3. Consider vacating the appointments of Michelle Buer and Yelitza Pena from the Entertainment Commission. (Funding Source: Not Applicable)
   Staff Recommendation:
   - Resolution vacating the appointments of Michelle Buer and Yelitza Pena from the Entertainment Commission.

   CED; Trevin Barber, 209-860-1251, tbarber@modestogov.com

ACTION: (Wright/Ricci; 7/0) Resolution 2024-310 vacating the appointments of Michelle Buer and Yelitza Pena from the Entertainment Commission.

4. Consider accepting the resignation of Carrie Miller from the Entertainment Commission. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution accepting the resignation of Carrie Miller from the Entertainment Commission.

CED; Trevin Barber, 209-860-1251, tbarber@modestogov.com

ACTION: (Wright/Williams; 7/0) Resolution 2024-311 accepting the resignation of Carrie Miller from the Entertainment Commission.

5. Consider accepting the resignation of Lisa Lomas from the Landmark Preservation Commission. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution accepting the resignation of Lisa Lomas from the City of Modesto Landmark Preservation Commission.

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

ACTION: (Williams/Wright; 7/0) Resolution 2024-312 accepting the resignation of Lisa Lomas from the City of Modesto Landmark Preservation Commission.

6. Consider accepting the resignation of John Bergman from the Housing Rehabilitation Loan Committee. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution accepting the resignation of John Bergman from the Housing Rehabilitation Loan Committee.

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

ACTION: (Alvarez/Wright; 7/0) Resolution 2024-313 accepting the resignation of John Bergman from the Housing Rehabilitation Loan Committee.

PUBLIC COMMENT IN PERSON

- Danielle Morgan provided a legislative update on behalf of Assemblyman Juan Alaniz. She announced that several bills had been signed by the Governor, including those addressing retail crime, opioid overdose response, and cattle industry protection. Three more bills were awaiting the governor's signature by the end of the month. She encouraged anyone with questions to reach out and thanked the audience.

- Gary Nicholas offered a prayer and expressed gratitude. He then asked for prayers to receive God's gift, specifically for housing. He thanked the Council for allowing him to speak.

- Derek Castle discussed the homelessness of children in Modesto and how local churches, including the Church of the Brethren, have been helping families with temporary shelter. After withdrawing an offer to use vacant land for cabins due to local opposition, the church decided to convert Sunday School classrooms into bedrooms for ten families. He credited the city's Bridge Housing program for inspiring this effort and thanked the Council for their support, noting that over 70 children and their caregivers would benefit from the new accommodations.

- Brian raised concerns about the lack of protection for elderly people's property in Modesto, criticizing officers for preventing citizens from making arrests and allowing criminals to go free. He shared personal experiences of inadequate care for seniors and questioned whether the city is truly protecting its elderly population. He called for better officer training and raised frustration over marijuana legalization and its impact on the City.

- Susan Mendieta, Lorraine Burnett, and Phoebe Fort invited everyone to the 31st annual International Heritage Festival, set for Saturday, October 5th, at Graceada Park. The event would run from 10 a.m. to 4 p.m., with opening ceremonies at 11. They highlighted the festival's activities, including cultural performances, children's crafts, heritage booths, food, music, and dance. They expressed gratitude to the City for its support and encouraged the community to attend, emphasizing the importance of celebrating diverse heritages and coming together as a community.

- Judy Straight discussed Modesto's community cat population. She became involved in animal rescue due to her niece's concern over stray cats near their home. Judy learned about the Trap, Neuter, and Release (TNR) program, which helps reduce the number of stray animals. However, she noted that TNR is expensive and lacks local support, requiring her to travel for appointments. She thanked the Council for their service and urged for more assistance in addressing the city's stray animal problem.

- Emerson Drake expressed frustration about restrictions on showing public support of speakers and the decorum rules. He also has issues with the City website and criticized it for not providing meeting schedules for the Community Police Advisory Board and other City offices, noting that it only listed upcoming holidays. Alternatively, he thanked City staff for their assistance with a drain issue, although he suggested that a 24-hour emergency contact number should be added to the website. He ended by expressing appreciation for the efforts of those who helped resolve his issue.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: 7-8, 10-20 (Wright/Ricci; 7/0)

CONSENT

Consent

7. Consider approving the minutes for the August 27, 2024 Joint Council Meeting & Redevelopment Successor Agency Meeting. (Funding Source: Not Applicable)

- Motion approving the minutes for the August 27, 2024 Joint Council Meeting & Redevelopment Successor Agency Meeting.

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

ACTION: (Wright/Ricci; 7/0) Motion approving the minutes for the August 27, 2024 Joint Council Meeting & Redevelopment Successor Agency Meeting.

Consent

8. Consider appointing a voting delegate to the 2024 League of California Cities Annual Conference to be held in Long Beach, CA on October 16-18, 2024. (Funding Source: General Fund)
    - Motion approving Councilmember Williams as a voting delegate and Councilmember Escutia-Braaton as the alternate for the 2024 League of California Cities Annual Conference to be held in Long Beach, CA on October 16-18, 2024.

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

ACTION: (Wright/Ricci; 7/0) Motion approving Councilmember Williams as a voting delegate and Councilmember Escutia-Braaton as the alternate for the 2024 League of California Cities Annual Conference to be held in Long Beach, CA on October 16-18, 2024.

Removed from Consent

9. Consider approving the recommended budget adjustments to Fiscal Year 2023-24 and 2024-25 Annual Operating and Capital Improvement Program Budgets and amending the Fiscal Year 2024-25 Position Allocation. (Funding Source: Various Funds)
    - Resolution amending Fiscal Year 2023-24 and 2024-25 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 Position Allocation for Fiscal Year 2024-25 as adopted in the operating budget.
    - Resolution amending the classification plan for the City of Modesto to create new classifications and amend existing classifications.

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

ACTION: (Wright/Ricci; 7/0) Resolution 2024-314 amending Fiscal Year 2023-24 and 2024-25 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: (Wright/Ricci; 7/0) Resolution 2024-315 amending the Position Allocation for Fiscal Year 2024-25 as adopted in the operating budget.

ACTION: (Wright/Ricci; 7/0) Resolution 2024-316 amending the classification plan for the City of Modesto to create new classifications and amend existing classifications.

Consent

10. Consider approving a Third Amendment to an Agreement with Harris & Associates to provide Community Facilities Districts Engineering Services, increasing the Agreement amount by $200,000 through the duration of the Agreement. (Funding Source: Various Community Facilities Districts and Developer Deposits)
    - Resolution approving a Third Amendment to an Agreement with Harris & Associates to provide Community Facilities District Engineering Services, increasing the Agreement amount by $200,000 to a new total amount of $550,000; and authorizing the City Manager, or his designee, to execute the Amendment.

    CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

    ACTION: (Wright/Ricci; 7/0) Resolution 2024-317 approving a Third Amendment to an Agreement with Harris & Associates to provide Community Facilities District Engineering Services, increasing the Agreement amount by $200,000 to a new total amount of $550,000; and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

11. Consider a Resolution of Intention to form City of Modesto Community Facilities District (CFD) No. 2024-2 (Fairview Village #2), an area bounded by Carpenter Road, Whitmore Avenue, and Hatch Road, and to designate certain parcels as future annexation areas for the CFD No. 2024-2. (Funding Source: Developer Deposit)
    - Resolution of Intention to form City of Modesto Community Facilities District (CFD) No. 2024-2 (Fairview Village #2), an area bounded by Carpenter Road, Whitmore Avenue, and Hatch Road, and to designate certain parcels as future annexation areas for the CFD No. 2024-2 and Authorize the Levy of Special Tax within CFD No. 2024-2.

    CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

    ACTION: (Wright/Ricci; 7/0) Resolution of Intention 2024-318 to form City of Modesto Community Facilities District (CFD) No. 2024-2 (Fairview Village #2), an area bounded by Carpenter Road, Whitmore Avenue, and Hatch Road, and to designate certain parcels as future annexation areas for the CFD No. 2024-2 and Authorize the Levy of Special Tax within CFD No. 2024-2.

Consent

12. Consider approving a Will Serve Letter and Outside Service Agreement with Stump Family Land Company, LLC, A California Limited Liability Company, to connect to the City of Modesto's existing water system for the property located at 1108 Reno Avenue (APN: 029-011-027). (Funding Source: Water Fund)
    - Resolution approving a Will Serve Letter and Outside Service Agreement with Stump Family Land Company, LLC a California Limited Liability Company, to connect to the City of Modesto's existing water system for the property located at 1108 Reno Avenue (APN: 029-011-027) and authorizing the City Manager,

or his designee, to the sign the Will Serve Letter and execute the Outside Service Agreement.

ENGINEERING SERVICES; Jaspreet Mangat, 209-577-5253, jmangat@modestogov.com

ACTION: (Wright/Ricci; 7/0) Resolution 2024-319 approving a Will Serve Letter and Outside Service Agreement with Stump Family Land Company, LLC a California Limited Liability Company, to connect to the City of Modesto's existing water system for the property located at 1108 Reno Avenue (APN: 029-011-027) and authorizing the City Manager, or his designee, to the sign the Will Serve Letter and execute the Outside Service Agreement.

Consent

13. Consider approving the Purchasing Agreements for Emergency Vehicle Upfitting Services with Lehr Auto Electric, Sacramento, CA, NextGen Alpha Upfitting, Sacramento, CA, and Jay Tires, Turlock, CA for a total amount not to exceed $6,000,000 over five years. (Funding Source: Fleet Fund)
    - Resolution approving the Purchasing Agreements for the purchase of Emergency Vehicle Upfitting Parts and Services with Lehr Auto Electric, Sacramento, CA, NextGen Alpha Upfitting, Sacramento, CA, and Jay Tires, Turlock, CA for a two-year Agreement with three one-year extension options, for an annual combined estimated amount of $1,200,000 and a total amount not to exceed $6,000,000 over five years; and authorizing the Director of Finance to adjust agreement totals between vendors based on contractor's availability and department's needs, ensuring the combined total amount does not change and authorizing the City Manager or his designee to execute the Agreements.

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

ACTION: (Wright/Ricci; 7/0) Resolution 2024-320 approving the Purchasing Agreements for the purchase of Emergency Vehicle Upfitting Parts and Services with Lehr Auto Electric, Sacramento, CA, NextGen Alpha Upfitting, Sacramento, CA, and Jay Tires, Turlock, CA for a two-year Agreement with three one-year extension options, for an annual combined estimated amount of $1,200,000 and a total amount not to exceed $6,000,000 over five years; and authorizing the Director of Finance to adjust agreement totals between vendors based on contractor's availability and department's needs, ensuring the combined total amount does not change and authorizing the City Manager or his designee to execute the Agreements.

Consent

14. Consider approving the Purchasing Agreements for the purchase of Fleet Motor Parts and Services with FleetPride Inc., Modesto, CA, Interstate Truck Center, LLC, Modesto, CA, and Motor Parts Distributors Inc., Modesto, CA for a total amount not to exceed $3,500,000 over five years. (Funding Source: Fleet Fund and Outside Service Agreements)
    - Resolution approving the Purchasing Agreements for the purchase of Fleet Motor Parts and Services with FleetPride Inc., Modesto, CA, Interstate Truck

Center, LLC, Modesto, CA, and Motor Parts Distributors Inc., Modesto, CA for a two-year Agreement with three one-year extension options, for an annual combined estimated amount of $700,000 and a total amount not to exceed $3,500,000 over five years; and authorizing the Director of Finance to adjust agreement totals between vendors based on contractor's availability and department's needs, ensuring the combined total amount does not change and authorizing the Director of Finance or her designee to execute the Agreements.

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

ACTION: (Wright/Ricci; 7/0) Resolution 2024-321 approving the Purchasing Agreements for the purchase of Fleet Motor Parts and Services with FleetPride Inc., Modesto, CA, Interstate Truck Center, LLC, Modesto, CA, and Motor Parts Distributors Inc., Modesto, CA for a two-year Agreement with three one-year extension options, for an annual combined estimated amount of $700,000 and a total amount not to exceed $3,500,000 over five years; and authorizing the Director of Finance to adjust agreement totals between vendors based on contractor's availability and department's needs, ensuring the combined total amount does not change and authorizing the Director of Finance or her designee to execute the Agreements.

Consent

15. Consider approving the Purchasing Agreements for the purchase of Electrical Parts and Supplies to Platt Electric, Modesto, CA, Wille Electric, Modesto, CA and Consolidated Electric Distributors, Modesto, CA for a total amount not to exceed $1,625,000 over five years. (Funding Source: Various Funds)

    - Resolution approving the Purchasing Agreements for the purchase of Electrical Parts and Supplies to Vantage Electrical Group, Crystal Lake, IL under the authorized distributor Platt Electric, Modesto, CA, by utilizing the Competitive Bidding Process from E&I Cooperative Services, Wille Electric, Modesto CA and Consolidated Electric Distributors, Modesto CA for a two-year Agreement with three one-year extension options, for an annual combined estimated amount of $325,000 and a total amount not to exceed $1,625,000 over five years; and authorizing the Director of Finance to adjust agreement totals between vendors based on contractor's availability and department's needs, ensuring the combined total amount does not change and authorizing the Director of Finance or her designee to execute the Agreements.

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

ACTION: (Wright/Ricci; 7/0) Resolution 2024-322 approving the Purchasing Agreements for the purchase of Electrical Parts and Supplies to Vantage Electrical Group, Crystal Lake, IL under the authorized distributor Platt Electric, Modesto, CA, by utilizing the Competitive Bidding Process from E&I Cooperative Services, Wille Electric, Modesto CA and Consolidated Electric Distributors, Modesto CA for a two-year Agreement with three one-year extension options, for an annual combined estimated amount of $325,000 and a total amount not to exceed $1,625,000 over five years; and authorizing the Director of Finance to adjust agreement totals between vendors based on contractor's availability and department's needs, ensuring the

combined total amount does not change and authorizing the Director of Finance or her designee to execute the Agreements.

Consent

16. Consider approving an Agreement with the State of California Office of Emergency Services to temporarily house and maintain a Type 1 Fire Engine and its associated equipment. (Funding Source: General Fund)
    - Resolution approving an Agreement with the State of California Office of Emergency Services to temporarily house and maintain a Type 1 Fire Engine and its associated equipment, and authorizing the City Manager, or his designee, to execute the Agreement.

    FIRE DEPARTMENT; Jerardo Avila, 209-572-9590, javila@modestofire.com

    ACTION: (Wright/Ricci; 7/0) Resolution 2024-323 approving an Agreement with the State of California Office of Emergency Services to temporarily house and maintain a Type 1 Fire Engine and its associated equipment, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

17. Consider approving a First Amendment to the Cell Tower Site Lease Agreement at the Sutter Avenue Wastewater Treatment Facility with New Cingular Wireless, PCS, LLC, to increase the lease area by an additional 150 square feet and to extend the maximum term of the Agreement through June 24, 2043. (Funding Source: Cell Tower Facility Rental Revenue)
    - Resolution approving a First Amendment to the Cell Tower Site Lease Agreement at the Sutter Avenue Wastewater Treatment Facility with New Cingular Wireless, PCS, LLC, to increase the lease area by an additional 150 square feet and to extend the maximum term of the Agreement through June 24, 2043, and authorizing the City Manager, or his designee, to execute the agreement.

    PRN; Nathan Houx, 209-571-5560, nhoux@modestogov.com

    ACTION: (Wright/Ricci; 7/0) Resolution 2024-324 approving a First Amendment to the Cell Tower Site Lease Agreement at the Sutter Avenue Wastewater Treatment Facility with New Cingular Wireless, PCS, LLC, to increase the lease area by an additional 150 square feet and to extend the maximum term of the Agreement through June 24, 2043, and authorizing the City Manager, or his designee, to execute the agreement.

Consent

18. Consider approving the City's sponsorship of the 2024 International Heritage Festival for $5,080 in in-kind support and a direct monetary contribution of $2,650. (Funding Source: General Fund)

- Resolution approving the City's sponsorship of the 2024 International Heritage Festival for $5,080 in in-kind support and a direct monetary contribution of $2,650.

PRN; Diane Sheatsley, 209-577-5418, dsheatsley@modestogov.com

ACTION: (Wright/Ricci; 7/0) Resolution 2024-325 approving the City's sponsorship of the 2024 International Heritage Festival for $5,080 in in-kind support and a direct monetary contribution of $2,650.

Consent

19. Consider approving an Agreement with Swarco McCain Inc. of Vista, CA for integrating signal performance metrics for the Automated Traffic Signal Performance Measures for a total amount not to exceed $131,670 for a two-year agreement, with five one-year extension options. (Funding Source: Congestion Mitigation and Air Quality)
    - Resolution approving the Award of Proposal and Agreement for the Automated Traffic Signal Performance Measures with Swarco McCain Inc. of Vista, CA for a two-year Agreement, with five one-year extension options, in the amount of $119,700 plus $11,970 in additional services, for a total amount not to exceed $131,670 and authorizing the City Manager, or his designee, to execute the Agreement.

PUBLIC WORKS; Max Navarro, 209-571-5116, manavarro@modestogov.com

ACTION: (Wright/Ricci; 7/0) Resolution 2024-326 approving the Award of Proposal and Agreement for the Automated Traffic Signal Performance Measures with Swarco McCain Inc. of Vista, CA for a two-year Agreement, with five one-year extension options, in the amount of $119,700 plus $11,970 in additional services, for a total amount not to exceed $131,670 and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

20. Consider approving an Agreement with Streetlight Data Inc. of San Francisco CA, for Travel Time Bluetooth Data Services for collecting and observing vehicle circulation around Modesto for a total amount not to exceed $140,000 over four years. (Funding Source: Congestion Mitigation and Air Quality)
    - Resolution approving an Agreement with Streetlight Data Inc. of San Francisco, CA, by utilizing the Competitive Bid Process with National Intergovernmental Purchasing Alliance (National IPA), SCAG, for the Travel Time Bluetooth Data, for a four-year agreement not to exceed $140,000 and authorizing the City Manager, or his designee, to execute the Agreement.

PUBLIC WORKS; Max Navarro, 209-571-5116, manavarro@modestogov.com

ACTION: (Wright/Ricci; 7/0) Resolution 2024-327 approving an Agreement with Streetlight Data Inc. of San Francisco, CA, by utilizing the Competitive Bid Process with National Intergovernmental Purchasing Alliance (National IPA), SCAG, for the

Travel Time Bluetooth Data, for a four-year agreement not to exceed $140,000 and authorizing the City Manager, or his designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

Councilmember Ricci reported issues with parking at Mary Grogan Park, particularly on weekends, and called for better solutions due to the park's growing popularity. He praised the Forestry Department for recent improvements and community engagement. Ricci also thanked the 48 volunteers for joining the Feral Cat Committee and looked forward to their first meeting in November to explore solutions for the feral cat problem.

Councilmember Wright shared that his car almost got towed at Mary Grogan Park due to heavy traffic and parking issues, but improvements were underway with additional parking at Enoch's High School. He thanked Derek Castle and the Brethren Church for their support of Family Promise and praised their innovative efforts to help families in need.

Councilmember Escutia-Braaton reported from Washington, DC, where she was part of a delegation from the Central Valley, advocating for funding for Modesto and the region. The group met with various House and Senate representatives and officials from multiple departments, receiving positive responses and opportunities for collaboration. She also shared that she and the Mayor spoke at a county education leadership event, inspiring high school students and receiving gratitude from their parents for their motivational impact. Lastly, she mentioned attending September 11th memorial ceremonies in DC to honor those who lost their lives in the attacks.

Councilmember Bavaro mentioned that his advisory committee in District 4 received a briefing from Chief Wise last week, which was a productive meeting and helped in sharing the fire department's vision with the community. He also acknowledged Derek Castle and his church for their efforts with the homeless, expressing appreciation for their work.

Councilmember Williams reported on several events. On August 28, 2024, the Stanislaus Animal Services Agency held a ribbon-cutting ceremony for their new low-cost spay and neuter clinic. Williams also mentioned a successful community brunch at Central Plaza, organized by Dan and Denise Costa, which aimed to raise $500,000 for five nonprofits. Additionally, he highlighted a memorial commemoration for September 11th, starting at Station 1 on 611th Street at 8:46 AM, marking the time of the first plane crash on that day. He encouraged the community to participate and honor those affected by the tragedy.

Mayor Zwahlen noted that she and Council Member Williams attended a Clergy Council meeting with local black pastors, police, and other officials. They had an open discussion about police interactions with youth, highlighting positive experiences with Modesto officers. The Mayor also mentioned the ribbon-cutting for new housing for veterans, seniors, and individuals with mental illness, which will enhance community safety and security.

CITY MANAGER COMMENTS & REPORTS

None.

Recessed: 6:49 P.M.
Resumed: 6:55 P.M.

UNFINISHED BUSINESS

21. Consider approving the Plans and Specifications for César E. Chávez Park Renovation Project, accepting the Bid and Awarding a Construction Contract to Harris Builders, Inc. of Hilmar, CA., in the amount of $14,130,993 authorizing $847,860 for contingency (if needed), for a total payment amount not to exceed $14,978,853. (Funding Source: CA Statewide Parks Grant (Prop 68), American Rescue Plan Act (ARPA), Measure H, Parks Capital Facility Funds (CFF)))
    - Resolution approving the Plans and Specifications for the César E. Chávez Park Renovation Project, accepting the Bid and Awarding a Construction Contract to Harris Builders, Inc., of Hilmar, CA, in the amount of $14,130,993, authorizing $847,860, in contingency (if needed), for a total payment amount not to exceed $14,978,853 and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution approving an agreement with TRC Engineering, Inc, of Lathrop, CA, for Construction Management and Inspection Services for the César E. Chávez Park Renovation in the amount of $837,014, plus $80,097 in additional services, if needed, for a total amount not to exceed $917,111 and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution approving the City's Pandemic Recovery Strategy, Modesto Forward, for the reallocation of American Rescue Plan Act Funds for the César E. Chávez Park Renovation Project and authorizing the City Manager, or his designee, to carry out the necessary steps to implement the programs and funding allocation.
    - Resolution amending the Fiscal Year 2024-25 Capital Improvement Program budget to fund Project #101276 (Chavez Park Renovation) in an amount not to exceed $2,100,000 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: (Alvarez/Williams; 7/0) Resolution 2024-328 approving the Plans and Specifications for the César E. Chávez Park Renovation Project, accepting the Bid and Awarding a Construction Contract to Harris Builders, Inc., of Hilmar, CA, in the amount of $14,130,993,37 authorizing $847,860, in contingency (if needed), for a total payment amount not to exceed $14,978,853.37 and authorizing the City Manager, or his designee, to execute the Agreement.

    ACTION: (Alvarez/Williams; 7/0) Resolution 2024-329 approving an agreement with TRC Engineering, Inc, of Lathrop, CA, for Construction Management and

Inspection Services for the César E. Chávez Park Renovation in the amount of $837,014, plus $80,097 in additional services, if needed, for a total amount not to exceed $917,111 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Alvarez/Williams; 7/0) Resolution 2024-330 approving the City's Pandemic Recovery Strategy, Modesto Forward, for the reallocation of American Rescue Plan Act Funds for the César E. Chávez Park Renovation Project and authorizing the City Manager, or his designee, to carry out the necessary steps to implement the programs and funding allocation.

ACTION: (Alvarez/Williams; 7/0) Resolution 2024-331 amending the Fiscal Year 2024-25 Capital Improvement Program budget to fund Project #101276 (Chavez Park Renovation) in an amount not to exceed $2,100,000 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.

HEARINGS

Published in the Modesto Bee on August 30, 2024. - ***Item requested to be continued to September 24, 2024.***

22. Hearing to consider establishing City of Modesto Community Facilities District (CFD) No. 2024-1 (Tivoli), authorizing the levy of special taxes therein, and establishing an annual appropriations limit; calling a special election; and declaring the results of the September 10, 2024 special election. (Funding Source: Special Taxes generated by CFD No. 2024-1)
    - Motion to continue item to September 24, 2024.

    CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 7/0) Motion to continue item to September 24, 2024.

Published in the Modesto Bee on August 30, 2024

23. Hearing to consider approving the application and issuance of a Permit to operate as a Non-Emergency Medical Transport Company to Trauma Life Care Medical Transport in the City of Modesto. (Funding Source: General Fund)
    - Resolution approving the application and issuance of a Permit to operate as a Non-Emergency Medical Transport Company to Trauma Life Care Medical Transport in the City of Modesto.

    POLICE DEPARTMENT; Kalani Souza, 209-572-9500, souzak@modestopd.com

    ACTION: (Williams/Alvarez; 7/0) Resolution 2024-332 approving the application and issuance of a Permit to operate as a Non-Emergency Medical Transport Company to Trauma Life Care Medical Transport in the City of Modesto.

NEW BUSINESS

24. Consider approving a Letter of Intent between the United Soccer Leagues, LLC and the City of Modesto to establish an exclusive negotiating period for the exploration of a League expansion into the City, and authorizing the City Manager, or his designee, to execute the Letter. (Funding Source: General Fund)
    - Resolution approving a Letter of Intent between the United Soccer Leagues, LLC and the City of Modesto and authorizing the City Manager, or his designee, to execute the Letter.

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

    ACTION: (Wright/Ricci; 7/0) Resolution 2024-333 approving a Letter of Intent between the United Soccer Leagues, LLC and the City of Modesto and authorizing the City Manager, or his designee, to execute the Letter.

25. Consider accepting a Central Valley Regional Water Quality Control Board settlement offer in the amount of $325,000 to resolve violations of water quality laws by funding a Supplemental Environmental Project related to the Dignity Village Bridge Housing Project Located at 402 9th Street and authorizing the City to negotiate and execute a Memorandum of Understanding with the County of Stanislaus for the delivery of the Supplemental Environmental Project. (Funding Source: Wastewater Funds)
    - Resolution accepting a Central Valley Regional Water Quality Control Board settlement offer in the amount of $325,000 to resolve violations of water quality laws by funding a Supplemental Environmental Project and authorizing the City Manager, or his designee, to negotiate and execute a Memorandum of Understanding with the County of Stanislaus to carry out the scope of work outlined within the Supplemental Environmental Project.

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

    ACTION: (Williams/Wright; 7/0) Resolution 2024-334 accepting a Central Valley Regional Water Quality Control Board settlement offer in the amount of $325,000 to resolve violations of water quality laws by funding a Supplemental Environmental Project and authorizing the City Manager, or his designee, to negotiate and execute a Memorandum of Understanding with the County of Stanislaus to carry out the scope of work outlined within the Supplemental Environmental Project.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:57 P.M.

All Closed Session matters heard prior to the meeting.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Four 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

City of Camden, et al. v. Tyco Fire Products LP,
U.S. District Court for the District of South Carolina
Case No.: 2:24-cv-02321-RMG

City of Camden, et al. v. BASF Corporation,
individually and as successor in interest to Ciba Inc.
U.S. District Court for the District of South Carolina
Case No.: 2:24-cv-03174-RMG

City of Modesto v. Kimberly Soranno
Superior Court of California, County of Stanislaus
Case No.: CV-22-002099

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
Wednesday, September 11, 2024, at 4:00 PM

Roll Call: Present: Chair Williams, Vice-Chair Alvarez
Also Present: Alternate Member Bavaro
Absent: Committee Member Escutia-Braaton

PUBLIC COMMENTS IN PERSON

None.

NEW BUSINESS

1. Consider the appointment of one City of Modesto Public Member vacancy for the Measure H Oversight Board District 1 seat and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending the appointment for one vacant District 1 seat of the City of Modesto Measure H Oversight Board to be filled and forwarding to Council for approval.

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

ACTION: (Bavaro/Alvarez; 3/0) Motion recommending the appointment of Lynn Dickerson for one vacant District 1 seat of the City of Modesto Measure H Oversight Board to be filled and forwarding to Council for approval.

2. Consider the appointments for three vacancies, including one partial term ending December 31, 2024, and two for a four-year term from January 1, 2025, to December 31, 2028 on the City of Modesto Landmark Preservation Commission and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending the appointment of three vacancies including one partial term ending December 31, 2024, and two for a four-year term from January 1, 2025, to December 31, 2028 to the City of Modesto Landmark Preservation Commission and forwarding to Council for approval.

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

ACTION: (Bavaro/Alvarez; 3/0) Motion recommending the appointment of Bonnie Acree for a partial term ending December 31, 2024, Mark Farrish for a partial term ending December 31, 2025, and Naramsen Goriel for a four-year term ending December 31, 2027, to the City of Modesto Landmark Preservation Commission and forwarding to Council for approval.

3. Consider the appointment of two vacancies on the Measure L Citizens' Transportation Sales Tax Commission for a four-year term from October 8, 2024, to June 30, 2028, and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending two appointments to the Citizens' Transportation Sales Tax Commission for a four-year term with a term from October 8, 2024, to June 30, 2028, and forwarding to Council for approval.

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

ACTION: (Bavaro/Alvarez; 3/0) Motion recommending the appointments of Diane Kroeze, and Matthew Holbrook to the Citizens' Transportation Sales Tax Commission for a four-year term with a term from October 8, 2024, to June 30, 2028, and forwarding to Council for approval.

4. Consider the appointment of eleven members to the Modesto Youth Commission for a two-year term from October 9, 2024, to August 31, 2026, and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending the appointment of eleven members to the Modesto Youth Commission for a two-year term from October 9, 2024, to August 31, 2026, and forwarding to Council for approval.

PRN; John Skeel, 209-577-5216, jskeel@modestogov.com

ACTION: (Williams/Bavaro; 3/0) Motion recommending the appointments of Gulsayn Grewal, Julianna Garcia, Izzy Altadonna, Rudra Patel, Hasan Modan, Neha Prabhakar, Valentina Zeff, Ibrahim Khan, Benjamin Parke, Henry Kinzie, Myra Belkahla to the Modesto Youth Commission for a two-year term from October 9, 2024, to August 31, 2026, and forwarding to Council for approval.

5. Consider the appointment of one vacancy to the Modesto City-County Airport Advisory Committee for a four-year term with an expiration date of June 30, 2028, and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending the appointment of one vacancy to the Airport Advisory Committee for the position of Small Aircraft Owner/G.A. for a four-year term with an expiration date of June 30, 2028, and forwarding to Council for approval.

PUBLIC WORKS; Marisol Navarro, 209-577-5319, marnavarro@modestogov.com

ACTION: (Alvarez/Bavaro; 3/0) Motion recommending the appointment of Jeremiah Sasser to the Airport Advisory Committee for the position of Small Aircraft Owner/G.A. for a four-year term with an expiration date of June 30, 2028, and forwarding to Council for approval.

6. Consider the removal of two members from the City of Modesto Blight Abatement Advisory Committee and the appointment of two vacancies to the Committee for a four-year term with an expiration date of December 31, 2028, and forwarding to Council for approval. (Funding Source: Not Applicable)

- Motion recommending the removal of Kathleen Munoz and Mike Kelley from the City of Modesto Blight Abatement Advisory Committee pursuant to Section 4.08(a) of the Committee's bylaws due to unexcused absences, and the appointment of two vacancies to the Committee for a four-year term with an expiration date of December 31, 2028, and forwarding to Council for approval.

PUBLIC WORKS; Myriah Hill, 209-577-5495, mhill@modestogov.com

ACTION: (Bavaro/Alvarez; 3/0) Motion recommending the removal of Kathleen Munoz and Mike Kelley from the City of Modesto Blight Abatement Advisory Committee pursuant to Section 4.08(a) of the Committee's bylaws due to unexcused absences, and the appointment of Tim Ragsdale and Kristina Telo to the Committee for a four-year term with an expiration date of December 31, 2028, and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:37 P.M.

Attest: _____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, September 23, 2024 at 4:00 PM

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

PUBLIC COMMENTS IN PERSON

None.

SUBMITTING COMMENTS BY E-MAIL

None.

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

CONSENT

Consent
1. Consider the recommended budget adjustments to Fiscal Year 2023-24 and 2024-25 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 and 2024-25 Annual Operating and Capital Improvement Program Budgets; and forwarding to Council for approval.

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

ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending the budget adjustments to Fiscal Year 2023-24 and 2024-25 Annual Operating and Capital Improvement Program Budgets; and forwarding to Council for approval.

Consent
2. Consider the Amendments for Bottled Water Delivery Services for Citywide locations to Blue Triton Brands doing business as (dba) ReadyRefresh Livermore, CA and DS Services of America Inc. dba Primo Water North America, Manteca, CA increasing the Agreement amount by $95,000 over the term of the agreement and forwarding to Council for approval. (Funding Source: Building Services, Compost, Surface Transportation, General Fund, Forestry, Parking, Solid Waste, Wastewater and Water Funds)

- Motion recommending the Amendments with ReadyRefresh Livermore, CA and DS Services of America Inc. DBA Primo Water North America, Manteca, CA, for Bottled Water Delivery Services for Citywide locations increasing the Agreement amount by $35,000 for the first year estimated amount for a new revised first year estimated amount of $235,000; and increasing the Agreement amount by $15,000 for the annual estimated amounts for a revised annual estimated amount of $115,000 and increasing the Agreement amount by $95,000 for the total combined revised total amount of $695,000 for the term of the agreement and forwarding to Council for approval.

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

ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending the Amendments with ReadyRefresh Livermore, CA and DS Services of America Inc. DBA Primo Water North America, Manteca, CA, for Bottled Water Delivery Services for Citywide locations increasing the Agreement amount by $35,000 for the first year estimated amount for a new revised first year estimated amount of $235,000; and increasing the Agreement amount by $15,000 for the annual estimated amounts for a revised annual estimated amount of $115,000 and increasing the Agreement amount by $95,000 for the total combined revised total amount of $695,000 for the term of the agreement and forwarding to Council for approval.

Consent

3. Consider the Fifth Amendment with MuniServices, LLC, Fresno, CA, for Tax Audits, Analysis and Reporting Services increasing the Agreement amount by $250,000 and forwarding to Council for approval. (Funding Source: General Fund)
    - Motion recommending the First Amendment with MuniServices, LLC, Fresno, CA, for the Tax Audits, Analysis and Reporting Services increasing the Agreement amount by $250,000 to a new total amount of $850,000; and forwarding to Council for approval.

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

ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending the First Amendment with MuniServices, LLC, Fresno, CA, for the Tax Audits, Analysis and Reporting Services increasing the Agreement amount by $250,000 to a new total amount of $850,000; and forwarding to Council for approval.

Consent

4. Consider an Engineering Services Agreement with West Yost Associates, Sacramento, CA, for the 2025 Water System Risk and Resiliency Assessment and Emergency Response Plan updates for a total amount not to exceed $146,225 and forwarding to Council for approval. (Funding Source: Water Fund)
    - Motion recommending an Engineering Services Agreement with West Yost Associates, of Sacramento, CA for the 2025 Water System Risk and Resiliency Assessment and the Emergency Response Plan updates, in the amount of

$132,932, plus $13,293 in additional services, if needed, for a total amount not to exceed $146,225; and forwarding to Council for approval.

- Motion recommending an amendment to the Fiscal Year 2024-25 Multi-Year Program Budget in the amount of $161,000 from Water Fund Reserves to fund the 2025 Water System Risk and Resiliency Assessment and Emergency Response Plan updates and forwarding to Council for approval.

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

ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending an Engineering Services Agreement with West Yost Associates, of Sacramento, CA for the 2025 Water System Risk and Resiliency Assessment and the Emergency Response Plan updates, in the amount of $132,932, plus $13,293 in additional services, if needed, for a total amount not to exceed $146,225; and forwarding to Council for approval.

ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending an amendment to the Fiscal Year 2024-25 Multi-Year Program Budget in the amount of $161,000 from Water Fund Reserves to fund the 2025 Water System Risk and Resiliency Assessment and Emergency Response Plan updates and forwarding to Council for approval.

Consent

5. Consider an Engineering Services Agreement with Woodard and Curran, of Sacramento, CA, for the River Trunk, South Trunk, and Santa Rosa Phase II Sewer Trunk Rehabilitation Project, in an amount not to exceed $811,646 and forwarding to Council for approval. (Funding Source: Wastewater Fund)

    - Motion recommending an Engineering Services Agreement with Woodard and Curran, of Sacramento, CA, for the River Trunk, South Trunk, and Santa Rosa Phase II Sewer Trunk Rehabilitation Project in the amount of $737,860, plus $73,786 in additional services, if needed, for a total amount not to exceed $811,646; and forwarding to Council for approval.
    - Motion recommending an amendment to the Fiscal Year 2024-25 Multi-Year Program Budget in the amount of $9,090,315 from Wastewater Reserves to fund the River Trunk, South Trunk, and Santa Rosa Phase II Sewer Trunk Rehabilitation Project and forwarding to Council for approval.

    UTILITIES; Cristian Ciotau, 209-571-5175, cciotau@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending an Engineering Services Agreement with Woodard and Curran, of Sacramento, CA, for the River Trunk, South Trunk, and Santa Rosa Phase II Sewer Trunk Rehabilitation Project in the amount of $737,860, plus $73,786 in additional services, if needed, for a total amount not to exceed $811,646; and forwarding to Council for approval.

    ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending an amendment to the Fiscal Year 2024-25 Multi-Year Program Budget in the amount of $9,090,315 from Wastewater Reserves to fund the River Trunk, South Trunk, and Santa Rosa Phase II Sewer Trunk Rehabilitation Project and forwarding to Council for approval.

NEW BUSINESS

6. Consider the Agreement for Tax Audits, Analysis and Reporting Services to Hinderliter, De Llamas and Associates (HDL) Companies, Brea, CA for a total amount not to exceed $1,200,000 over five years and forwarding to Council for approval. (Funding Source: General Fund and Measure H)
    - Motion recommending the Award of Proposal and Agreement for Tax Audits, Analysis and Reporting Services to HDL Companies, Brea, CA for a two-year Agreement with three (3) one-year extension options, for an annual estimated amount of $240,000 and a total amount not to exceed $1,200,000 over five years; and forwarding to Council for approval.

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

ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending the Award of Proposal and Agreement for Tax Audits, Analysis and Reporting Services to HDL Companies, Brea, CA for a two-year Agreement with three (3) one-year extension options, for an annual estimated amount of $240,000 and a total amount not to exceed $1,200,000 over five years; 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

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, September 24, 2024 at 5:30 PM

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

Pledge of Allegiance to the Flag

Invocation: Dallas Jackson, Renew Church

City Clerk's Announcements

Declaration of Conflicts of Interest

Reports from Closed Session

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation declaring October as National Domestic Violence Awareness Month. (Funding Source: Not Applicable)
   CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

ACTION: Mayor Zwahlen presented proclamation declaring October as National Domestic Violence Awareness Month.

PUBLIC COMMENT IN PERSON

- Gladys Williams spoke regarding the topic of equity, highlighting the case of an African-American individual working in the cannabis industry who has successfully completed the equity program. Despite this, they are facing challenges in securing a retail license, which she sees as contrary to the goals of the equity program. Williams emphasized the importance of preventing systemic racism and ensuring that African-Americans have equal opportunities to succeed in the industry, particularly in owning dispensaries. She urged the leaders to consider fairness and equity for all.

- Wendy Bird addressed the Council, expressing gratitude for the support she received during her time away and noting she is doing much better. She acknowledged the progress made on the Equity Program, which the NAACP originally brought to the city's attention. Wendy echoed Gladys Williams' concerns about the challenges African-Americans face, emphasizing the difficulty of being Black, including being the last to be hired and the first to be fired. She highlighted the need for the equity program to ensure that African-Americans have opportunities to become business owners, particularly in the cannabis industry. Wendy thanked City officials for their efforts but stressed that more discussions and work are needed to fully achieve equity.

- Loretta Carhart raised several concerns, starting with a question about whether there is a law in Modesto regarding building on property lines, noting she had not received a complete answer previously. She also mentioned issues with tree trimmings near her house, where the property owners did not clean up properly, and expressed frustration over a building constructed incorrectly on a property line, which she has complained about for years without resolution. Loretta then discussed her personal experiences, including mistreatment related to her health, her time in the military, and the effects of narcotic medications prescribed to her. She mentioned her decision to stop taking medications and criticized the way narcotics affect people. Loretta shared an incident in which she was arrested for allegedly stealing records, questioning how it would have been possible to walk out of a store with the items. She concluded by thanking the Council.

- Kevin McCarthy expressed concern over the lack of updates from the Council regarding the status of the ACE train project. He explained that while the project, including the train station remodel, had been approved, progress stalled due to issues with underground cables. The City failed to obtain permission from the cable owners to lay tracks over them, leading to a stalemate in negotiations. McCarthy emphasized the importance of the ACE train for Modesto's future, believing it would greatly improve the local economy, similar to how the arrival of commuter rail transformed Walnut Creek. He argued that bringing train and airline services to Modesto would attract corporate investment, boost growth, and alleviate issues like poverty and homelessness. McCarthy concluded by asking for an update on the project, expressing his desire for Modesto to become a destination and a central hub in California.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: 2-12, 14-19 (Wright/Williams; 7/0)

CONSENT

Consent

2. Consider approving the minutes for the September 10, 2024 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes for the September 10, 2024 Council Meeting.

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

ACTION: (Wright/Williams; 7/0) Motion approving the minutes for the September 10, 2024 Council Meeting.

Consent

3. Consider approving the Amended Conflict of Interest Code for the City of Modesto. (Funding Source: Not Applicable)
    - Resolution approving the amended Conflict of Interest Code for the City of Modesto and rescinding Resolution No. 2022-411.

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

    ACTION: (Wright/Williams; 7/0) Resolution 2024-335 approving the amended Conflict of Interest Code for the City of Modesto and rescinding Resolution No. 2022-411.

Consent

4. Consider accepting the Landmark Preservation Commission Annual Reports for Fiscal Years 2022-2023 & 2023-2024. (Funding Source: Not Applicable)
    - Resolution accepting the Landmark Preservation Commission Annual Reports for Fiscal Years 2022-2023 & 2023-2024.

    CED; Michael Hren, 209-577-5267, mhren@modestogov.com

    ACTION: (Wright/Williams; 7/0) Resolution 2024-336 accepting the Landmark Preservation Commission Annual Reports for Fiscal Years 2022-2023 & 2023-2024.

Consent

5. Consider approving the Southwest Modesto Plan. (Funding Source: Local Early Action Planning (LEAP) Grant)
    - Resolution approving the Southwest Modesto Plan.

    CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

    ACTION: (Wright/Williams; 7/0) Resolution 2024-337 approving the Southwest Modesto Plan.

Consent

6. Consider approving a First Amendment to the Agreement with Stanislaus County Affordable Housing Corporation (StanCo) for Master Development Services for bridge housing projects increasing the Agreement amount by $394,640 to a new total amount of $469,640 and approving a Memorandum of Understanding with the Modesto Gospel Mission to operate the project and provide client services for a three-year term for a bridge housing site located at 1530 Owens Drive. (Funding Source: Measure H Funds)
    - Resolution approving a First Amendment to the Agreement with Stanislaus County Affordable Housing Corporation (StanCo) for Master Development Services for bridge housing projects increasing the Agreement amount by $394,640 to a new total amount of $469,640 and authorizing the City Manager, or his designee, to negotiate and execute the required Agreements.

- Resolution approving a Memorandum of Understanding with the Modesto Gospel Mission to provide Property Management Services and provide Client Services for a three-year term for a bridge housing site located at 1530 Owens Drive and authorizing the City Manager, or his designee, to negotiate and execute the required Agreements.

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

ACTION: (Wright/Williams; 7/0) Resolution 2024-338 approving a First Amendment to the Agreement with Stanislaus County Affordable Housing Corporation (StanCo) for Master Development Services for bridge housing projects increasing the Agreement amount by $394,640 to a new total amount of $469,640 and authorizing the City Manager, or his designee, to negotiate and execute the required Agreements.

ACTION: (Wright/Williams; 7/0) Resolution 2024-339 approving a Memorandum of Understanding with the Modesto Gospel Mission to provide Property Management Services and provide Client Services for a three-year term for a bridge housing site located at 1530 Owens Drive and authorizing the City Manager, or his designee, to negotiate and execute the required Agreements.

Consent

7. Consider approving the summary vacation of a 40-foot strip of the former Litt Road Alignment (14,579 square feet) road right-of-way. (Funding Source: Not Applicable)
    - Resolution approving the summary vacation of a 40-foot strip of the former Litt Road Alignment (14,579 square feet) road right-of-way.

ENGINEERING SERVICES; Jaspreet Mangat, 209-577-5253, jmangat@modestogov.com

ACTION: (Wright/Williams; 7/0) Resolution 2024-340 approving the summary vacation of a 40-foot strip of the former Litt Road Alignment (14,579 square feet) road right-of-way.

Consent

8. Consider approving the Final Map and Subdivision Improvement Agreement (SIA) for PPA-17 East Unit Map to subdivide approximately 15 acres located East of Oakdale Road, North of Floyd Ave, West of Orchard Parkway and South of Kodiak Drive. (Funding Source: Developer Fees)
    - Resolution approving the Final Map of PPA-17 East Unit, authorizing the City Manager, or his designee, to execute the Subdivision Improvement Agreement with the owner, Modesto 92 LP, and authorizing the City Clerk to certify the Final Map and record with the Stanislaus County Recorder's Office.

ENGINEERING SERVICES; Jaspreet Mangat, 209-577-5253, jmangat@modestogov.com

ACTION: (Wright/Williams; 7/0) Resolution 2024-341 approving the Final Map of PPA-17 East Unit, authorizing the City Manager, or his designee, to execute the Subdivision Improvement Agreement with the owner, Modesto 92 LP, and authorizing

the City Clerk to certify the Final Map and record with the Stanislaus County Recorder's Office.

Consent

9. Consider approving the delegation of responsibility for investment transactions to the Director of Finance and accepting the Annual Investment Report for Fiscal Year 2023-2024. (Funding Source: Various Funds)
    - Resolution delegating the responsibility for investment transactions to the Director of Finance and accepting the Annual Investment Report for Fiscal Year 2023-2024.

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

    ACTION: (Wright/Williams; 7/0) Resolution 2024-342 delegating the responsibility for investment transactions to the Director of Finance and accepting the Annual Investment Report for Fiscal Year 2023-2024.

Consent

10. Consider approving a report detailing City personal property sold, donated, or disposed of during Fiscal Year 2023-24. (Funding Source: Community Center Operations, Compost, General, Green Waste, Non-Capital Parks, Sewer, Solid Waste, Surface Transportation, Traffic Safety, Water)
    - Motion accepting the report detailing City personal property sold, donated, or disposed of during Fiscal Year 2023-24.

    FINANCE DEPARTMENT; Vanessa Ferrel, 209-571-5174, vferrel@modestogov.com

    ACTION: (Wright/Williams; 7/0) Motion accepting the report detailing City personal property sold, donated, or disposed of during Fiscal Year 2023-24.

Consent

11. Consider approving a report on Fiscal Year 2023-2024 unclaimed funds of $56,975 that can be transferred to the General Fund. (Funding Source: General Fund)
    - Resolution approving the Fiscal Year 2023-2024 unclaimed funds of $56,975 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/Williams; 7/0) Resolution 2024-343 approving the Fiscal Year 2023-2024 unclaimed funds of $56,975 held in the City's Trust Fund for more than three years and authorizing the transfer to the General Fund.

Consent

12. Consider accepting the Fiscal Year 2023-24 Write-off and Adjustments reports through fiscal year-end June 30, 2024, in the total amount of $415,908. (Funding Source: Various Funds)

- Resolution approving the 2023-2024 Write-Off and Adjustments reports through fiscal year end June 30, 2024, in the total amount of $415,908 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/Williams; 7/0) Resolution 2024-344 approving the 2023-2024 Write-Off and Adjustments reports through fiscal year end June 30, 2024, in the total amount of $415,908 and directing a report of disposition to be filed with the City Clerk.

Removed from Consent

13. Consider approving the Agreement for Cannabis Consulting Services with Avenu Insights and Analytics, LLC, Centreville, VA for a total amount not to exceed $77,300 over two years. (Funding Source: Cannabis Administration Permit Fee)
    - Resolution approving the Award of Proposal and Agreement for Cannabis Consulting Services to Avenu Insights and Analytics, LLC, Centreville, VA for a one-year Agreement with a one-year extension option, for an annual estimated amount of $38,650 and a total amount not to exceed $77,300 over two years; and authorizing the City Manager, or his designee to execute the Agreement; and authorizing the Director of Finance to adjust agreement totals between both vendors based on contractor's availability and department's needs, ensuring the combined total amount of $861,350 does not change.

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

ACTION: (Ricci/Wright; 6/0; Alvarez recused) Resolution 2024-345 approving the Award of Proposal and Agreement for Cannabis Consulting Services to Avenu Insights and Analytics, LLC, Centreville, VA for a one-year Agreement with a one-year extension option, for an annual estimated amount of $38,650 and a total amount not to exceed $77,300 over two years; and authorizing the City Manager, or his designee to execute the Agreement; and authorizing the Director of Finance to adjust agreement totals between both vendors based on contractor's availability and department's needs, ensuring the combined total amount of $861,350 does not change.

Consent

14. Consider approving the First Amendments 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 for Executive Level Recruitment Services to increase the amount by $207,000 for all five Agreements and the new total amount not to exceed $550,000. (Funding Source: Various Funds)
    - Resolution approving the First Amendments 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 for Executive Level Recruitment Services to increase the amount by $207,000 for all five Agreements and the new total amount not to

exceed $550,000 and authorizing the City Manager or their designee to execute the Amendments.

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

ACTION: (Wright/Williams; 7/0) Resolution 2024-346 approving the First Amendments 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 for Executive Level Recruitment Services to increase the amount by $207,000 for all five Agreements and the new total amount not to exceed $550,000 and authorizing the City Manager or their designee to execute the Amendments.

Consent

15. Consider approving the City of Modesto Pandemic Recovery Strategy – Modesto Forward Grant Agreement with the Stanislaus County Library, for $500,000 in American Rescue Plan Act Funding. (Funding Source: American Rescue Plan Act Funds)
    - Resolution approving the City of Modesto Pandemic Recovery Strategy – Modesto Forward Grant Agreement with the Stanislaus County Library for $500,000 in American Rescue Plan Act Funding, and authorizing the City Manager, or his designee to execute the Agreement.

PRN; Diane Sheatsley, 209-577-5418, dsheatsley@modestogov.com

ACTION: (Wright/Williams; 7/0) Resolution 2024-347 approving the City of Modesto Pandemic Recovery Strategy – Modesto Forward Grant Agreement with the Stanislaus County Library for $500,000 in American Rescue Plan Act Funding, and authorizing the City Manager, or his designee to execute the Agreement.

Consent

16. Consider approving an Agreement with Axon Enterprise, Inc., Scottsdale, AZ, for Fusus Real-Time Public Safety Operations Solution for a total amount not to exceed $410,000. (Funding Source: Police Grants, Supplemental Law Enforcement Services Fund)
    - Resolution approving the Sole Source Agreement with Axon Enterprise, Inc., Scottsdale, AZ for Fusus Real-Time Public Safety Operations Solution for a three-year Agreement, for a total amount not to exceed $410,000; and authorizing the City Manager, or his designee, to execute the Agreement.

POLICE DEPARTMENT; Cathy McFadon, 209-572-9500, mcfadonc@modestopd.com

ACTION: (Wright/Williams; 7/0) Resolution 2024-348 approving the Sole Source Agreement with Axon Enterprise, Inc., Scottsdale, AZ for Fusus Real-Time Public Safety Operations Solution for a three-year Agreement, for a total amount not to exceed $410,000; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

17. Consider approving the Award of Bid and Agreement for Furnishing of Asphalt and Emulsified Asphalt Materials to George Reed, Inc., Escalon, CA, for a total amount not to exceed $2,987,330 over five years. (Funding Source: Surface Transportation Fund)
    - Resolution approving the Award of Bid for Purchase of Asphalt and Emulsified Asphalt Materials on an as needed basis to George Reed, Inc., Escalon, CA for a one-year Agreement with four one-year extension options, for an annual estimated cost of $597,466 and a total amount not to exceed $2,987,330 over five years, and authorizing the Finance Director, or her designee, to execute the Purchase Agreement.

    PUBLIC WORKS; John Sphar, 209-342-2253, jsphar@modestogov.com

    ACTION: (Wright/Williams; 7/0) Resolution 2024-349 approving the Award of Bid for Purchase of Asphalt and Emulsified Asphalt Materials on an as needed basis to George Reed, Inc., Escalon, CA for a one-year Agreement with four one-year extension options, for an annual estimated cost of $597,466 and a total amount not to exceed $2,987,330 over five years, and authorizing the Finance Director, or her designee, to execute the Purchase Agreement.

Consent

18. Consider approving the Plans and Specifications for the Woodland Lift Station Rehabilitation Project, accepting the Bid and Awarding a Construction Contract to TNT Industrial Contractors Inc., of Sacramento, CA, in the amount of $3,792,937, authorizing 15% in contingency (if needed), for a total payment amount not to exceed $4,361,878 and approving an Agreement with Pezzoni Engineering, Inc., of Modesto, CA, for Engineering Support during Construction Services for a total amount not to exceed $33,000. (Funding Source: Wastewater Fund)
    - Resolution approving the Plans and Specifications for the Woodland Lift Station Rehabilitation Project; accepting the Bid and Awarding a Construction Contract to TNT Industrial Contractors Inc., of Sacramento, CA, in the amount of 3,792,937, authorizing the Director of Engineering Services to approve Change Orders up to the cumulative amount of $568,941, 15% of the original contract price, for a total payment amount not to exceed $4,361,878 and authorizing the City Manager, or his designee, to execute the Contract.
    - Resolution approving an Agreement with Pezzoni Engineering Inc, of Modesto, CA, for Engineering Support during Construction Services for the Woodland Lift Station Rehabilitation Project, in the amount of $30,000, plus $3,000 in additional services, if needed, for an Agreement total amount not to exceed $33,000 and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution amending the Fiscal Year 2024-25 Capital Improvement Program Budget in the amount of $3,505,000 to fund the Construction Phase of the Woodland Lift Station Rehabilitation Project and authorizing the City Manager, or his designee, to implement the provisions of the resolution.

    UTILITIES; Cristian Ciotau, 209-571-5175, cciotau@modestogov.com

ACTION: (Wright/Williams; 7/0) Resolution 2024-350 approving the Plans and Specifications for the Woodland Lift Station Rehabilitation Project; accepting the Bid and Awarding a Construction Contract to TNT Industrial Contractors Inc., of Sacramento, CA, in the amount of 3,792,937, authorizing the Director of Engineering Services to approve Change Orders up to the cumulative amount of $568,941, 15% of the original contract price, for a total payment amount not to exceed $4,361,878 and authorizing the City Manager, or his designee, to execute the Contract.

ACTION: (Wright/Williams; 7/0) Resolution 2024-351 approving an Agreement with Pezzoni Engineering Inc, of Modesto, CA, for Engineering Support during Construction Services for the Woodland Lift Station Rehabilitation Project, in the amount of $30,000, plus $3,000 in additional services, if needed, for an Agreement total amount not to exceed $33,000 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Wright/Williams; 7/0) Resolution 2024-352 amending the Fiscal Year 2024-25 Capital Improvement Program Budget in the amount of $3,505,000 to fund the Construction Phase of the Woodland Lift Station Rehabilitation Project and authorizing the City Manager, or his designee, to implement the provisions of the resolution.

Consent

19. Consider approving a Grant of Permanent Easement and Right-of-Way to Modesto Irrigation District associated with existing irrigation facilities within a portion of APN 004-102-003. (Funding Source: Water Fund)
    - Resolution approving a Grant of Permanent Easement and Right-of-Way to Modesto Irrigation District to cover existing irrigation facilities within a portion of APN 004-102-003, consenting to the recordation thereof and authorizing the City Manager, or his designee, to execute the grant of permanent easement and all related documents.

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

    ACTION: (Wright/Williams; 7/0) Resolution 2024-353 approving a Grant of Permanent Easement and Right-of-Way to Modesto Irrigation District to cover existing irrigation facilities within a portion of APN 004-102-003, consenting to the recordation thereof and authorizing the City Manager, or his designee, to execute the grant of permanent easement and all related documents.

COUNCIL COMMENTS & REPORTS

Councilmember Bavaro shared that, along with Council member Ricci, they attended a forum addressing the impact of illegal activities in smoke shops across Modesto. The forum, facilitated by California Board and Legal Cannabis Regulation Director Zack Javon and hosted by Stanislaus County Supervisor Chance Condit and San Joaquin County Supervisor Tom Patti, revealed troubling findings. Over the past three years, local cannabis stakeholders gathered evidence showing that 54 out of 61 smoke shops in

Modesto were involved in illegal cannabis sales, gambling, weapons violations, and methamphetamine-related activities. This evidence was given to the Modesto Police Department, which, in collaboration with the California Department of Tax and Administration, conducted raids resulting in eight arrests and the seizure of illegal firearms, gambling machines, and other items. Bavaro highlighted that many smoke shops were selling cannabis products disguised as popular food and candy items to appeal to children, and even a 12-year-old was caught selling cannabis products. He emphasized that these shops are a public health and safety concern, as they are only required to have a basic business license to operate.

Councilmember Wright reported that in August, the Downtown Street Team volunteered 412 hours, removing nearly 10,000 pounds of trash from Modesto's streets and parks. Two team members secured housing, and one found employment. The Berberian Center served 151 new individuals, with housing support provided to several. The Gospel Mission assisted 66 women and children through its safe sleeping site. Additionally, 35 affordable housing units, including some for veterans and workforce housing, were opened on Third Street after years of planning.

Councilmember Ricci echoed Councilmember Bavaro's concerns about the out-of-control smoke shops in Modesto, noting that Governor Newsom recently signed an emergency provision banning the sale of cannabis and THC-infused products across the state. Ricci highlighted that most of the 70 smoke shops in Modesto are likely selling cannabis and expressed the need for the City to take action against illegal sales, as well as to protect children from drugs like mushrooms and meth being sold there. He also addressed the tragic accident on Highway 132, which claimed two lives, including a baby, and urged the Council to collaborate with the County and State to address the safety issues on the road. Lastly, Ricci shared excitement about the City's 150th anniversary mural project, inviting local artists to submit bids, with the deadline being November 15.

Councilmember Williams shared updates on recent events. He attended Constitution Day at Sherwood School and Stanford School, where he spoke to students about the possibility of becoming lawmakers. He also highlighted an employee appreciation event in Modesto, where staff enjoyed activities and lunch. Williams noted the completion of seven supportive housing units on California Avenue, facilitated by StanCo, and praised their swift progress. He also announced an upcoming Law Enforcement Appreciation Day, organized by the Modesto Police Department and the clergy, as well as a suicide prevention event at MJC. Lastly, Williams acknowledged recipients of the American Legion Post 74's Citizen of the Year awards, including Christina Kinney, Gareth Marks, and Lou Friedman, with the ceremony set for January.

Mayor Zwahlen announced the Modesto Out of Darkness Walk, taking place at MJC West at 9 AM on Saturday, honoring those who have died by suicide. She expressed her honor in participating in this impactful event each year. The Mayor also mentioned the presence of the City's new CHAT Team at Constitution Day, highlighting its value in providing relief during heat waves. Additionally, she spoke at Sonoma Elementary School's 50th anniversary celebration, noting the excitement of students and retired teachers. She

acknowledged the construction of supportive housing at 835 California Avenue as another step in addressing the needs of the community's most vulnerable residents.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on August 30, 2024. - Item requested to be continued from the September 10, 2024 Council meeting.

20. Hearing to consider establishing City of Modesto Community Facilities District (CFD) No. 2024-1 (Tivoli), authorizing the levy of special taxes therein, and establishing an annual appropriations limit; calling a special election; and declaring the results of the September 24, 2024 special election. (Funding Source: Special Taxes generated by CFD No. 2024-1)
    - Resolution declaring formation of City of Modesto Community Facilities District No. 2024-1 (Tivoli), conditionally authorizing the levy of special taxes therein, and conditionally establishing an annual appropriations limit.
    - Resolution of the City Council of the City of Modesto, California, acting as the legislative body of the City of Modesto Community Facilities District No. 2024-1 (Tivoli), declaring the necessity to incur bonded indebtedness in the aggregate principal amount not to exceed $120,000,000 and calling a special election.
    - Resolution declaring the results of the September 24, 2024, special election and approving certain related actions pertaining to City of Modesto Community Facilities District No. 2024-1 (Tivoli).
    - Motion introducing and waiving the first reading of an Ordinance authorizing the levy of special taxes within the City of Modesto held within City of Modesto Community Facilities District No. 2024-1 (Tivoli).

    CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2024-354 declaring formation of City of Modesto Community Facilities District No. 2024-1 (Tivoli), conditionally authorizing the levy of special taxes therein, and conditionally establishing an annual appropriations limit.

    ACTION: (Williams/Wright; 7/0) Resolution 2024-355 of the City Council of the City of Modesto, California, acting as the legislative body of the City of Modesto Community Facilities District No. 2024-1 (Tivoli), declaring the necessity to incur bonded indebtedness in the aggregate principal amount not to exceed $120,000,000 and calling a special election.

    ACTION: (Wright/Ricci; 7/0) Resolution 2024-356 declaring the results of the September 24, 2024, special election and approving certain related actions pertaining to City of Modesto Community Facilities District No. 2024-1 (Tivoli).

ACTION: (Ricci/Wright; 7/0) Motion introducing and waiving the first reading of an **Ordinance 3784-C.S**. authorizing the levy of special taxes within the City of Modesto held within City of Modesto Community Facilities District No. 2024-1 (Tivoli).

Published in the Modesto Bee on September 8, 2024.

21. Hearing to consider approving the City of Modesto's Consolidated Annual Performance Evaluation Report for Program Year 2023-2024. (Funding Source: Various Funds)
    - Resolution approving the City of Modesto's Consolidated Annual Performance Evaluation Report for Program Year 2023-2024 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; Maribel McCarroll, 209-577-5310, Mmccarroll@modestogov.com

    ACTION: (Ricci/Wright; 7/0) Resolution 2024-357 approving the City of Modesto's Consolidated Annual Performance Evaluation Report for Program Year 2023-2024 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.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:41 P.M.

All Closed Session matters heard prior to the meeting.

CLOSED SESSION

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

Property: 601 Neece Dr., Modesto, CA 95351; APN: 102-012-001 and 102-012-004

Property Owners: City of Modesto

Negotiating Parties:
For City: Joseph P. Lopez, City Manager

For Lessee: The Baseball Club of Modesto, LLC

Under Negotiation: Price and Terms of Lease

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
SPECIAL CANNABIS PROGRAM AND PERMIT REVIEW COMMITTEE / COUNCIL WORKSHOP
2001-40 Del Puerto Room.
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, September 30, 2024 at 4:00 PM

Roll Call: Present: Vice-Chair Zwahlen and Chair Wright
Absent: Committee Member Ricci
Also Present: Alternate Member Williams

PUBLIC COMMENTS IN PERSON

None.

SUBMITTING COMMENTS BY E-MAIL

None.

NEW BUSINESS

1 Consider four Grant Agreements awarding funding to verified City of Modesto Cannabis Program Providing Local Equity Development Grants and Education (PLEDGE) participant owned businesses in an amount of $70,000 each and forwarding the Council for approval. (Funding Source: Cannabis Equity Grant)

- Motion recommending four Grant Agreements to provide funding to verified City of Modesto Cannabis Program Providing Local Equity Development Grants and Education (PLEDGE) participant owned businesses of $70,000 and forwarding the Council for approval.

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

ACTION: (Williams/Zwahlen; 3/0) Motion recommending four Grant Agreements to provide funding to verified City of Modesto Cannabis Program Providing Local Equity Development Grants and Education (PLEDGE) participant owned businesses of $70,000 and forwarding the Council for approval.

ADJOURNMENT

This meeting adjourned at 4:10 p.m.

Attest: _____
Andrea Cook, Deputy City Clerk

MINUTES
City of Modesto
ECONOMIC DEVELOPMENT COMMITTEE
COUNCIL WORKSHOP
2001-40 Del Puerto Room.
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, October 07, 2024 at 4:00 PM

Roll Call: Present: Committee Member Zwahlen, Vice-Chair Alvarez, Chair Ricci

PUBLIC COMMENTS IN PERSON: None

SUBMITTING COMMENTS BY E-MAIL: None

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

CONSENT

Consent

1. Consider an Engineering Services Agreement with O'Dell Engineering, of Modesto, CA, for the Sonoma Sewer Trunk Phase 4b Project in an amount not to exceed $80,300 and forwarding to Council for approval. (Funding Source: Wastewater Fund)
    - Motion recommending an Engineering Services Agreement with O'Dell Engineering, of Modesto, CA, for the Sonoma Sewer Trunk Phase 4b Project in the amount of $73,000, plus $7,300 in additional services, if needed, for a total amount not to exceed $80,300 and forwarding to Council for approval.
    - Motion recommending amending the Fiscal Year 2024-25 Capital Improvement Program Budget in the amount of $2,005,300 to be transferred into the Project from Wastewater Reserves to fund the Sonoma Sewer Trunk Phase 4b Project and forwarding to Council for approval.

    UTILITIES; Cristian Ciotau, 209-571-5175, cciotau@modestogov.com

    ACTION: (Zwahlen/Alvarez; 3/0) Motion recommending an Engineering Services Agreement with O'Dell Engineering, of Modesto, CA, for the Sonoma Sewer Trunk Phase 4b Project in the amount of $73,000, plus $7,300 in additional services, if needed, for a total amount not to exceed $80,300 and forwarding to Council for approval.

    ACTION: (Zwahlen/Alvarez; 3/0) Motion recommending amending the Fiscal Year 2024-25 Capital Improvement Program Budget in the amount of $2,005,300 to be transferred into the Project from Wastewater Reserves to fund the Sonoma Sewer Trunk Phase 4b Project and forwarding to Council for approval.

Consent

2. Consider an Agreement for the Purchase of Variable Frequency Drive Units with Wille Electric Supply Company, Inc. of Modesto, CA, for a total amount not to exceed $796,515 over five years and forwarding to Council for approval. (Funding Source: Water Fund, Sewer Operations Fund)
    - Motion recommending the Award of Bid and Agreement for the Purchase of Variable Frequency Drive Units to Wille Electric Supply Company, Inc. of Modesto, CA, for a two-year Agreement with three one-year extension options, for an estimated annual amount of $150,000 and a total amount not to exceed $796,515 over five years and forwarding to Council for approval.

    UTILITIES; Manuel Martinez, 209-342-4592, mmartinez@modestogov.com

    ACTION: (Zwahlen/Alvarez; 3/0) Motion recommending the Award of Bid and Agreement for the Purchase of Variable Frequency Drive Units to Wille Electric Supply Company, Inc. of Modesto, CA, for a two-year Agreement with three one-year extension options, for an estimated annual amount of $150,000 and a total amount not to exceed $796,515 over five years and forwarding to Council for approval.

Consent

3. Consider the First Amendment with AERC Acquisition Corporation of Hatboro, PA, for the Removal and Recycling of Universal Waste increasing the Agreement amount by $95,000 to a revised total amount of $135,000 over five years and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion recommending the First Amendment with AERC Acquisition Corporation of Hatboro, PA, for the Removal and Recycling of Universal Waste, increasing the Agreement amount by $95,000 from $40,000 to a new total amount of $135,000 over five years and forwarding to Council for approval.

    UTILITIES; Manuel Martinez, 209-342-4592, mmartinez@modestogov.com

    ACTION: (Zwahlen/Alvarez; 3/0) Motion recommending the First Amendment with AERC Acquisition Corporation of Hatboro, PA, for the Removal and Recycling of Universal Waste, increasing the Agreement amount by $95,000 from $40,000 to a new total amount of $135,000 over five years and forwarding to Council for approval.

NEW BUSINESS

4. Consider an Agreement with Eagle Aerial Solutions of Irvine, CA for a WaterView Software as a Service (SaaS) subscription for a total amount not to exceed $495,000 over five years and forwarding to Council for approval. (Funding Source: Water Fund)
    - Motion recommending the Sole Source Agreement with Eagle Aerial Solutions, LLC, of Irvine, CA for the WaterView SaaS for a five-year Agreement, for an initial cost of $134,600 and an estimated annual amount of $90,100, for a total

amount not to exceed $495,000 over five years; and forwarding to Council for approval.

UTILITIES; Manuel Martinez, 209-342-4592, mmartinez@modestogov.com

ACTION: (Zwahlen/Alvarez; 3/0) Motion recommending the Sole Source Agreement with Eagle Aerial Solutions, LLC, of Irvine, CA for the WaterView SaaS for a five-year Agreement, for an initial cost of $134,600 and an estimated annual amount of $90,100, for a total amount not to exceed $495,000 over five years; and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:17 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 08, 2024 at 5:30 PM

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

Pledge of Allegiance to the Flag

Invocation: Dave White, Church of Jesus Christ of Latter-day Saints

City Clerk's Announcements

Declaration of Conflicts of Interest: None.

Reports from Closed Session: No reportable action.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Poet Laureate Reading by Angela Drew. (Funding Source: Not Applicable)
   PRN; Diane Sheatsley, 209-577-5418, dsheatsley@modestogov.com

   ACTION: Poet Laureate Reading by Angela Drew.

2. Proclamation declaring October 6th - 12th as National Fire Prevention Week. (Funding Source: Not Applicable)
   CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

   ACTION: Mayor Zwahlen presented proclamation declaring October 6th - 12th as National Fire Prevention Week.

3. Proclamation declaring October 5th - 13th as California Water Professionals Appreciation Week and October 17th as Imagine a Day Without Water. (Funding Source: Not Applicable)
   CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

   ACTION: Mayor Zwahlen presented a proclamation declaring October 5th - 13th as California Water Professionals Appreciation Week and October 17th as Imagine a Day Without Water.

MISCELLANEOUS

4. Consider approving the appointment of Lynn Dickerson for the vacant District 1 seat of the City of Modesto Measure H Oversight Board beginning October 8, 2024, to serve their respective term. (Funding Source: Not Applicable)

Staff Recommendation:

- Resolution approving the appointment of Lynn Dickerson to the vacant District 1 seat of the City of Modesto Measure H Oversight Board beginning October 8, 2024, to serve their respective term.

BUDGET; Stephan Christensen, 209-577-5390, schristensen@modestgov.com

ACTION: (Escutia-Braaton/Alvarez; 7/0) Resolution 2024-358 approving the appointment of Lynn Dickerson to the vacant District 1 seat of the City of Modesto Measure H Oversight Board beginning October 8, 2024, to serve their respective term.

5. Consider accepting the resignation of Jose Vazquez from the Planning Commission. (Funding Source: Not Applicable)

Staff Recommendation:

- Resolution accepting the resignation of Jose Vazquez from the City of Modesto Planning Commission.

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

ACTION: (Wright/Williams; 7/0) Resolution 2024-359 accepting the resignation of Jose Vazquez from the City of Modesto Planning Commission.

6. Consider approving the appointments of Bonnie Acree to the City of Modesto Landmark Preservation Commission with a partial term expiring December 31, 2024, Mark Farrish to the City of Modesto Landmark Preservation Commission with a partial term expiring December 31, 2025, and Naramsen Goriel to the City of Modesto Landmark Preservation Commission with a term ending December 31, 2027. (Funding Source: Not Applicable)

Staff Recommendation:

- Resolution approving the appointment of Bonnie Acree to the Landmark Preservation Commission, with a term expiration of December 31, 2024.
- Resolution approving the appointment of Mark Farrish to the Landmark Preservation Commission with a partial term expiration of December 31, 2025.
- Resolution approving the appointment of Naramsen Goriel to the Landmark Preservation Commission with a term expiring December 31, 2027.

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

ACTION: (Escutia-Braaton/Alvarez; 7/0) Resolution 2024-360 approving the appointment of Bonnie Acree to the Landmark Preservation Commission, with a term expiration of December 31, 2024.

ACTION: (Escutia-Braaton/Alvarez; 7/0) Resolution 2024-361 approving the appointment of Mark Farrish to the Landmark Preservation Commission with a partial term expiration of December 31, 2025.

ACTION: (Escutia-Braaton/Alvarez; 7/0) Resolution 2024-362 approving the appointment of Naramsen Goriel to the Landmark Preservation Commission with a term expiring December 31, 2027.

7. Consider approving the appointments of Diane Kroeze and Matthew Holbrook to the Measure L Citizen's Transportation Sales Tax Commission for a four-year term from October 8, 2024 to June 30, 2028. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution approving the appointments of Diane Kroeze and Matthew Holbrook to the Measure L Citizen's Transportation Sales Tax Commission for a four-year term from October 8, 2024 to June 30, 2028.

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

ACTION: (Wright/Williams; 7/0) Resolution 2024-363 approving the appointments of Diane Kroeze and Matthew Holbrook to the Measure L Citizen's Transportation Sales Tax Commission for a four-year term from October 8, 2024 to June 30, 2028.

8. Consider approving the appointments of Izzy Altadonna, Myra Belkahla, Julianna Garcia, Gulsan Grewal, Ibrahim Khan, Henry Kinzie, Hasan Modan, Benjamin Parke, Rudra Patel, Neha Prabhakar, and Valentina Zeff to the Modesto Youth Commission for a two-year term from October 9, 2024, to August 31, 2026. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution approving the appointments of Izzy Altadonna, Myra Belkahla, Julianna Garcia, Gulsan Grewal, Ibrahim Khan, Henry Kinzie, Hasan Modan, Benjamin Parke, Rudra Patel, Neha Prabhakar, and Valentina Zeff to the Modesto Youth Commission for a two-year term from October 9, 2024, to August 31, 2026.

PRN; John Skeel, 209-577-5216, jskeel@modestogov.com

ACTION: (Wright/Ricci; 7/0) Resolution 2024-364 approving the appointments of Izzy Altadonna, Myra Belkahla, Julianna Garcia, Gulsan Grewal, Ibrahim Khan, Henry Kinzie, Hasan Modan, Benjamin Parke, Rudra Patel, Neha Prabhakar, and Valentina Zeff to the Modesto Youth Commission for a two-year term from October 9, 2024, to August 31, 2026.

9. Consider approving the appointment of Jeremiah Sasser to the Modesto City-County Airport Advisory Committee for a four-year term with an expiration date of June 30, 2028 (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution approving the appointment of Jeremiah Sasser to the Modesto City-County Airport Advisory Committee for the position of Small Aircraft Owner/General Aviation for a four-year term with an expiration date of June 30, 2028.

PUBLIC WORKS; Marisol Navarro, 209-577-5319, marnavarro@modestogov.com

ACTION: (Wright/Alvarez; 7/0) Resolution 2024-365 approving the appointment of Jeremiah Sasser to the Modesto City-County Airport Advisory Committee for the position of Small Aircraft Owner/General Aviation for a four-year term with an expiration date of June 30, 2028.

PUBLIC COMMENT IN PERSON

- Danielle Morgan, representing Assemblyman Juan Alanis, updated the Council on recent legislative activity. She highlighted that as of September 30th, several of his bills, including AB 1954 on Public Safety and AB 1871 on Financial Literacy, were signed into law. In his first term, Alanis has successfully passed 16 bills. Morgan encouraged the Council to reach out with any questions about legislation or state agencies.

- Diane Kroeze criticized the worsening homelessness situation in Modesto, highlighting the lack of housing and frequent displacement of the homeless. She questioned the effectiveness of City efforts, citing low numbers of people housed and employed over the past five years. Kroeze expressed doubt that real progress has been made.

- Kevin McClarty proposed creating a joint regional airport for Stockton and Modesto to serve larger aircraft, instead of expanding Modesto's airport. He also suggested a flight school in Modesto to address the national pilot shortage, benefiting both cities and improving airline service.

- Emerson Drake raised concerns about a lack of transparency in the City's handling of public records requests and Council meetings. He criticized the City Manager's Office for not providing information on pre-agenda and committee meetings, and for excluding the Mayor from some meetings. Drake also advocated for holding pre-agenda meetings in public, rather than behind closed doors. Additionally, he questioned the hiring of a new aide for the Council, expressing concerns about aides being used for personal errands, which he believes is inappropriate.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: 10-17, 19-23, 25-27 (Wright/Williams; 7/0)

CONSENT

Consent

10. Consider approving the minutes for the September 24, 2024 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes for the September 24, 2024 Council Meeting.

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

ACTION: (Wright/Williams; 7/0) Motion approving the minutes for the September 24, 2024 Council Meeting.

Consent

11. Consider approving Final Adoption of Ordinance 3784-C.S. authorizing the Levy of Special Taxes within the City of Modesto held within City of Modesto Community Facilities District No. 2024-1 (Tivoli) (Funding Source: Not Applicable)
    - Motion approving Final Adoption of Ordinance 3784-C.S. authorizing the Levy of Special Taxes within the City of Modesto held within City of Modesto Community Facilities District No. 2024-1 (Tivoli)

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

    ACTION: (Wright/Williams; 7/0) Motion approving Final Adoption of **Ordinance 3784-C.S.** authorizing the Levy of Special Taxes within the City of Modesto held within City of Modesto Community Facilities District No. 2024-1 (Tivoli)

Consent

12. Consider approving the recommended budget adjustments to Fiscal Year 2023-24 and 2024-25 Annual Operating and Capital Improvement Program Budgets. (Funding Source: Various Funds)
    - Resolution amending Fiscal Year 2023-24 and 2024-25 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@modestogov.com

    ACTION: (Wright/Williams; 7/0) Resolution 2024-366 amending Fiscal Year 2023-24 and 2024-25 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

13. Consider accepting Engineering and Planning Document Reports related to bicyclist, pedestrian, and school zone safety: Systemic Safety Analysis Report (SSAR), Local Roadway Safety Plan (LRSP), Non-Motorized Master Plan Update and School Safety Program Study. (Funding Source: State Systemic Safety Analysis Report (SSAR) Grant, Highway Safety Improvement Program (HSIP) and Local Measure L Funds)
    - Resolution accepting Engineering and Planning Document Reports related to bicyclist, pedestrian, and school zone safety: Systemic Safety Analysis Report (SSAR), Local Roadway Safety Plan (LRSP), Non-Motorized Master Plan Update and School Safety Program Study.

    ENGINEERING SERVICES; Michael Sacuskie, 209-571-5552, msacuskie@modestogov.com

    ACTION: (Wright/Williams; 7/0) Resolution 2024-367 accepting Engineering and Planning Document Reports related to bicyclist, pedestrian, and school zone safety:

Systemic Safety Analysis Report (SSAR), Local Roadway Safety Plan (LRSP), Non-Motorized Master Plan Update and School Safety Program Study.

Consent

14. Consider accepting the new Zeff Road Realignment Public Improvements and approving summary vacation of the old Zeff Road Alignment located adjacent to Crows Landing Road, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder's office, and releasing securities upon expiration of statutory periods. (Funding Source: Developer Funded)
    - Resolution accepting the Public Improvements of the Zeff Road Realignment and approving summary vacation of the old Zeff Road located adjacent to Crows Landing Road, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder's office, and releasing securities upon expiration of statutory periods.

    ENGINEERING SERVICES; Jaspreet Mangat, 209-571-5253, jmangat@modestogov.com

    ACTION: (Wright/Williams; 7/0) Resolution 2024-368 accepting the Public Improvements of the Zeff Road Realignment and approving summary vacation of the old Zeff Road located adjacent to Crows Landing Road, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder's office, and releasing securities upon expiration of statutory periods.

Consent

15. Consider accepting the Monthly Investment Report for July 2024. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for July 2024.

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

    ACTION: (Wright/Williams; 7/0) Motion accepting the Monthly Investment Report for July 2024.

Consent

16. Consider accepting an Informational Report on the July and August 2024 Grant Applications and Awards. (Funding Source: Not Applicable)
    - Motion accepting an Informational Report for July and August 2024 Grant Applications and Awards.

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

    ACTION: (Wright/Williams; 7/0) Motion accepting an Informational Report for July and August 2024 Grant Applications and Awards.

Consent

17. Consider accepting an Informational Report for the August 2024 Accounts Payable Payment Register and Void Report. (Funding Source: Not Applicable)
    - Motion accepting an Informational Report for the August 2024 Accounts Payable Payment Register and Void Report.

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

    ACTION: (Wright/Williams; 7/0) Motion accepting an Informational Report for the August 2024 Accounts Payable Payment Register and Void Report.

Removed from Consent

18. Consider approving the Amendments for Bottled Water Delivery Services for Citywide locations to Blue Triton Brands doing business as (dba) ReadyRefresh, Livermore, CA and DS Services of America Inc. dba Primo Water North America, Manteca, CA increasing the agreement amount by $95,000 over the term of the Agreement. (Funding Source: Various Funds)
    - Resolution approving the Amendments with Blue Triton Brands doing business as (DBA) ReadyRefresh, Livermore, CA and DS Services of America Inc. DBA Primo Water North America, Manteca, CA, for Bottled Water Delivery Services for Citywide locations increasing the Agreement amount by $35,000 for the first year estimated amount for a new revised first year estimated amount of $235,000; and increasing the Agreement amount by $15,000 for the annual estimated amounts for a revised annual estimated amount of $115,000 and increasing the Agreement amount by $95,000 for the total combined revised total amount of $695,000 for the term of the agreement; and authorizing the City Manager or his designee to execute the Amendments.

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

    ACTION: (Bavaro/Escutia-Braaton; 7/0) Resolution 2024-369 approving the Amendments with Blue Triton Brands doing business as (DBA) ReadyRefresh, Livermore, CA and DS Services of America Inc. DBA Primo Water North America, Manteca, CA, for Bottled Water Delivery Services for Citywide locations increasing the Agreement amount by $35,000 for the first year estimated amount for a new revised first year estimated amount of $235,000; and increasing the Agreement amount by $15,000 for the annual estimated amounts for a revised annual estimated amount of $115,000 and increasing the Agreement amount by $95,000 for the total combined revised total amount of $695,000 for the term of the agreement; and authorizing the City Manager or his designee to execute the Amendments.

Consent

19. Consider approving an Agreement with Telcion, Inc. for the Purchase of Cisco Network Communication Equipment and Services for an amount not to exceed $178,806. (Funding Source: Information Technology Fund)
    - Resolution approving an Agreement with Telcion, Inc. for the Purchase of Cisco Network Communication Equipment and Services for an amount not to

exceed $178,806, and authorizing the City Manager, or his designee, to execute the Agreement.

IT; Dameon Booker, 209-571-5229, dbooker@modestogov.com

ACTION: (Wright/Williams; 7/0) Resolution 2024-370 approving an Agreement with Telcion, Inc. for the Purchase of Cisco Network Communication Equipment and Services for an amount not to exceed $178,806, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

20. Consider approving the Amendment of a partner agency related to the Board of State and Community Corrections California Violence Intervention and Prevention Grant. (Funding Source: Police Grants)
    - Resolution approving the Amendment of a partner agency related to the Board of State and Community Corrections California Violence Intervention and Prevention Grant and authorizing the City Manager, or his designee, to execute the necessary documents including a Memorandum of Understanding with Project Blue - The Healthy Room Project and 10k with a Cop.

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

ACTION: (Wright/Williams; 7/0) Resolution 2024-371 approving the Amendment of a partner agency related to the Board of State and Community Corrections California Violence Intervention and Prevention Grant and authorizing the City Manager, or his designee, to execute the necessary documents including a Memorandum of Understanding with Project Blue - The Healthy Room Project and 10k with a Cop.

Consent

21. Consider approving an Agreement with Mather Aviation, LLC, Mather, CA, for Aircraft Maintenance and Repair Services for a total amount not to exceed $159,768 over two years. (Funding Source: General Fund)
    - Resolution approving the Agreement with Mather Aviation, LLC, Mather, California for Aircraft Maintenance and Repair Services for a two-year Agreement, for an estimated annual amount of $87,072, and a total amount not to exceed $159,768 over two years; and authorizing the City Manager, or his designee, to execute the Agreement.

POLICE DEPARTMENT; Kalani Souza, 209-572-9500, souzak@modestopd.com

ACTION: (Wright/Williams; 7/0) Resolution 2024-372 approving the Agreement with Mather Aviation, LLC, Mather, California for Aircraft Maintenance and Repair Services for a two-year Agreement, for an estimated annual amount of $87,072, and a total amount not to exceed $159,768 over two years; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

22. Consider approving the payment for Records Management Software Annual Maintenance to CentralSquare Technologies, Lake Mary, Florida, for a total amount not to exceed $100,408. (Funding Source: Supplemental Law Enforcement Services Fund)
    - Resolution approving the payment for Records Management Software Annual Maintenance to CentralSquare Technologies, Lake Mary, Florida, for a total amount not to exceed $100,408; and authorizing the Finance Director, or her designee, to execute the payment.

    POLICE DEPARTMENT; Jessica Smart, 209-572-9500, smartj@modestopd.com

    ACTION: (Wright/Williams; 7/0) Resolution 2024-373 approving the payment for Records Management Software Annual Maintenance to CentralSquare Technologies, Lake Mary, Florida, for a total amount not to exceed $100,408; and authorizing the Finance Director, or her designee, to execute the payment.

Consent

23. Consider approving the First Amendment with Gallo Center for the Arts, Modesto, CA for Lot 25 employee discounted parking increasing the Agreement amount by five dollars per parking permit per month, and extending the term of the Agreement from July 1, 2024 to June 30, 2025. (Funding Source: Parking Services Enterprise Fund)
    - Resolution approving the First Amendment with Gallo Center for the Arts, Modesto, CA for Lot 25 employee discounted parking, increasing the Agreement amount by five dollars per parking permit per month, and extending the term of the Agreement from July 1, 2024 to June 30, 2025, and authorizing the City Manager, or his designee, to execute the Amendment.

    PUBLIC WORKS; Patrick Crowley, 209-402-6812, pcrowley@modestogov.com

    ACTION: (Wright/Williams; 7/0) Resolution 2024-374 approving the First Amendment with Gallo Center for the Arts, Modesto, CA for Lot 25 employee discounted parking, increasing the Agreement amount by five dollars per parking permit per month, and extending the term of the Agreement from July 1, 2024 to June 30, 2025, and authorizing the City Manager, or his designee, to execute the Amendment.

Removed from Consent

24. Consider approving the First Amendment with Beard Land Improvement Company and Modesto and Empire Traction Company for the Water Well/Right of Way Lease Agreements, increasing the amount by $2,764,332 and extending the term of the Agreement from December 31, 2024 to December 31, 2034. (Funding Source: Water Fund)
    - Resolution approving the First Amendment to the Water Well/Right of Way Lease Agreement with Beard Land Improvement Company for the water well site on Spenker Avenue for City Well 225 (Beard Well 25 Budget Pack) and well site on Farrar Avenue for City Well 279 (Beard Well Farrar Pump Lot), increasing the amount by $1,113,533 over ten years, and extending the term of

the Agreement from December 31, 2024 to December 31, 2034; and authorizing the City Manager, or his designee to execute the Amendment.

- Resolution approving the First Amendment to the Water Well/Right of Way Lease Agreement with Modesto and Empire Traction Company (M&ET) for the water well site on Yosemite Boulevard for City Wells 291 and 292 (M&ET Well 91 and 92 – Mariposa E. & W. Pump Lot) and water well site on S. McClure Road for City Well 308 (M&ET Well 1 – S. McClure Pump Lot), increasing the amount by $1,650,799 over ten years, and extending the term of the Agreement from December 31, 2024 to December 31, 2034; and authorizing the City Manager, or his designee to execute the Amendment.

UTILITIES; Manuel Martinez, 209-342-4592, mmartinez@modestogov.com

ACTION: (Bavaro/Williams; 7/0) Resolution 2024-375 approving the First Amendment to the Water Well/Right of Way Lease Agreement with Beard Land Improvement Company for the water well site on Spenker Avenue for City Well 225 (Beard Well 25 Budget Pack) and well site on Farrar Avenue for City Well 279 (Beard Well Farrar Pump Lot), increasing the amount by $1,113,533 over ten years, and extending the term of the Agreement from December 31, 2024 to December 31, 2034; and authorizing the City Manager, or his designee to execute the Amendment.

ACTION: (Bavaro/Williams; 7/0) Resolution 2024-376 approving the First Amendment to the Water Well/Right of Way Lease Agreement with Modesto and Empire Traction Company (M&ET) for the water well site on Yosemite Boulevard for City Wells 291 and 292 (M&ET Well 91 and 92 – Mariposa E. & W. Pump Lot) and water well site on S. McClure Road for City Well 308 (M&ET Well 1 – S. McClure Pump Lot), increasing the amount by $1,650,799 over ten years, and extending the term of the Agreement from December 31, 2024 to December 31, 2034; and authorizing the City Manager, or his designee to execute the Amendment.

Consent

25. Consider approving an Agreement for Painting of Water Wells and Tank Sites to HB Restoration Inc., of Rio Linda, CA for a total amount not to exceed $669,076 over five years. (Funding Source: Water Fund)

    - Resolution approving the Award of Bid and Agreement for Painting of Water Wells and Tank Sites to HB Restoration Inc., of Rio Linda, CA for a two-year Agreement with three one-year extension options, for an annual estimated amount of $126,000 and a total amount not to exceed $669,076 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/Williams; 7/0) Resolution 2024-377 approving the Award of Bid and Agreement for Painting of Water Wells and Tank Sites to HB Restoration Inc., of Rio Linda, CA for a two-year Agreement with three one-year extension options, for an annual estimated amount of $126,000 and a total amount not to exceed $669,076 over five years; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

26. Consider approving the adoption of the City of Modesto Pyrethroid Management Plan and all associated Appendices. (Funding Source: Storm Drain Fund)
    - Resolution adopting the City of Modesto Pyrethroid Management Plan and all associated Appendices.

    UTILITIES; Jeff Daniels, 209-577-6255, jdaniels@modestogov.com

    ACTION: (Wright/Williams; 7/0) Resolution 2024-378 adopting the City of Modesto Pyrethroid Management Plan and all associated Appendices.

Consent

27. Consider approving the First Amendment with Labworks, LLC, Lehi, Utah, for the Annual Maintenance and Support of Labworks LIMS Software, increasing the Agreement amount by $10,504. (Funding Source: Sewer Operations Fund)
    - Resolution approving the First Amendment with Labworks, LLC, for the Annual Maintenance and Support of Labworks LIMS Software increasing the Agreement amount by $10,504 to a new total amount of $107,368; and authorizing the City Manager, or his designee, to execute the Amendment.

    UTILITIES; Jeff Daniels, 209-577-6255, jdaniels@Modestogov.com

    ACTION: (Wright/Williams; 7/0) Resolution 2024-379 approving the First Amendment with Labworks, LLC, for the Annual Maintenance and Support of Labworks LIMS Software increasing the Agreement amount by $10,504 to a new total amount of $107,368; and authorizing the City Manager, or his designee, to execute the Amendment.

COUNCIL COMMENTS & REPORTS

Councilmember Escutia-Braaton acknowledged two women from District 1 for their contributions to the community andwho were honored for Hispanic Heritage Month: Christine Schwarzenegger for her leadership and volunteer work, and Maggie Mejia for her long-standing community service, including work with United Farm Workers and as a County Commissioner on Aging.

Council Member Williams recognized several community events, including honoring Councilwoman Escutia-Braaton's leadership at the League of Cities, attending a Senior Center open house, and participating in Law Enforcement Day and a suicide prevention event. He also highlighted the opening of a new McDonald's, the International Festival celebrating community unity, and local high school students in a leadership program, emphasizing the positive contributions of youth in the community. Councilmember Williams later also shared details about an upcoming fundraiser for Learning Quest, a local organization in Modesto. On Saturday, 66 participants, including Williams, will be rappelling down a building on McHenry Avenue to raise funds. Williams humorously mentioned that if they don't appear at the next council meeting, it might be due to the rappelling adventure.

Council Member Wright highlighted the opening of a new McDonald's in Modesto, which created 59 jobs and donated $4,000 to a project at Beyer Park. He also thanked the Modesto Police Department for hosting a recent Town Hall meeting that provided updates on economic development and discussed aerial command centers and mosquito abatement efforts to combat West Nile virus. Wright announced a general plan workshop for District 6 on October 29 at Freedom Elementary School, encouraging community participation.

Council Member Ricci reminded residents about the District 3 General Plan meeting scheduled for tomorrow at 5:30 PM at the Boy Scout Clubhouse in Enslen Park. He shared his experience at the first Women's Empowerment Training Camp for aspiring firefighters, praising the effort and coordination of Modesto firefighters and trainers from across California. Ricci also expressed excitement about the ongoing Police Lowrider Project, which involves collaboration with Modesto City Schools and MJC, highlighting the involvement of community members and local organizations.

Vice Mayor Alvarez reported on the ribbon-cutting for the pedestrian safety project in front of Modesto High, enhancing safety for students and including improvements along a half-mile stretch. He recognized the Gatsby's Gala, where Mayor Zwahlen was honored, and discussed notable accomplishments from the first half of his term, such as the $17 million renovation of Cesar Chavez Park, which will feature new recreational facilities, a skate park, and security enhancements. He also highlighted traffic signal optimization in the Paradise corridor, the introduction of the area command division by the Modesto Police Department to address community concerns, and the Southwest Modesto Plan aimed at improving local services and job opportunities. Alvarez expressed his commitment to continue serving the community.

Mayor Zwahlen shared an update about the downtown murals in Modesto, noting that the artists have been working hard despite the heat to complete the paintings. She expressed appreciation for the artists' efforts and encouraged everyone to drive around downtown to enjoy the beautiful murals. The artists were grateful for the community's hospitality and support for the local art scene.

CITY MANAGER COMMENTS & REPORTS

None.

NEW BUSINESS

28. Consider the Adoption of an Urgency Ordinance making findings and establishing a temporary moratorium on the establishment of new and relocation or physical expansion of existing tobacco retailer businesses, also known as smoke shops, within the City of Modesto to become effective immediately. (Funding Source: General Fund)
    - Motion introducing and waiving the First Reading of an Urgency Ordinance making findings and establishing a temporary moratorium on the establishment of new, and relocation or physical expansion of existing tobacco retailer

businesses, also known as smoke shops, within the City of Modesto to become effective immediately.

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

ACTION: (Escutia-Braaton/Wright; 7/0) Motion introducing and waiving the First Reading of an **Urgency Ordinance 3785-C.S.** making findings and establishing a temporary moratorium on the establishment of new, and relocation or physical expansion of existing tobacco retailer businesses, also known as smoke shops, within the City of Modesto to become effective immediately.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:52 P.M.

All Closed Session matters heard prior to the meeting.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Six Cases (Pursuant to Section 54956.9(d)(1) of the Government Code)

Name of Case:

Baljit Athwal, et al. v. Stanislaus County et al.
United States Eastern District
Case No.: 1:15-CV-00311

Georgia DeFilippo, et al. v. Stanislaus County et al.
United States Eastern District
Case No.: 1:18-CV-00496

Frank Carson v. Stanislaus County et al.
United States Eastern District
Case No.: 2:20-AT-00513

Eduardo Quintanar, Jr. v. Stanislaus County et al.
United States Eastern District
Case No.: 1:18-CV-01402

Walter W. Wells & Scott McFarlane v. Stanislaus County et al.
United States Eastern District
Case No.: 1:20-CV-00770

Magda Abraham v. City of Modesto, et al.
Superior Court of California, County of Stanislaus
Case No.: CV-18-003342

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP
2001-40 Del Puerto Room.
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, October 14, 2024 at 4:00 PM

Roll Call: Present: Committee Member Ricci, Vice-Chair Williams, Chair Escutia-Braaton

PUBLIC COMMENTS IN PERSON

None.

SUBMITTING COMMENTS BY E-MAIL

None.

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

CONSENT

Consent
1. Consider an Agreement with the State of California, Office of Emergency Services to temporarily house and maintain a Type 1 HazMat Emergency Response Vehicle and forwarding to Council for approval. (Funding Source: General Fund)
    - Motion recommending an Agreement with the State of California, Office of Emergency Services to temporarily house and maintain a Type 1 HazMat Emergency Response Vehicle and forwarding to Council for approval.

FIRE DEPARTMENT; Kevin Wise, 209-572-9590, kwise@modestofire.com

ACTION: (Ricci /Williams; 3/0) Motion recommending an Agreement with the State of California, Office of Emergency Services to temporarily house and maintain a Type 1 HazMat Emergency Response Vehicle and forwarding to Council for approval.

Consent
2. Consider the Second Amendment with Williams Scotsman, Inc., Fresno, California, for the Modular Building at Dryden Golf Course increasing the Agreement amount by $35,000 and extending the term of the Agreement from December 28, 2024 to June 14, 2026; and forwarding to Council for approval. (Funding Source: Golf Fund)
    - Motion recommending the Second Amendment with Williams Scotsman, Inc., Fresno, California, for the Modular Building at Dryden Golf Course increasing the Agreement amount by $35,000 to a new total amount of $130,000 and extending the term of the Agreement from December 28, 2024, to June 14, 2026; and forwarding to Council for approval.

PRN; Jessica Franco, 209-577-5278, jefranco@modestogov.com

ACTION: (Ricci /Williams; 3/0) Motion recommending the Second Amendment with Williams Scotsman, Inc., Fresno, California, for the Modular Building at Dryden Golf Course increasing the Agreement amount by $35,000 to a new total amount of $130,000 and extending the term of the Agreement from December 28, 2024, to June 14, 2026; and forwarding to Council for approval.

Consent

3. Consider a Second Amendment to the Cell Tower Site Lease Agreement at Downey Park with NCWPCS MPL 26 - Year Sites Tower Holdings LLC, extending the maximum term of the Agreement through June 30, 2056, and forwarding to Council for approval. (Funding Source: Cell Tower Facility Rental Revenue)
    - Motion recommending a Second Amendment to the Cell Tower Site Lease Agreement at Downey Park with NCWPCS MPL 26 - Year Sites Tower Holdings LLC, to extend the maximum term of the Agreement through June 30, 2056, and forwarding to Council for approval.

PRN; Ken Peterson, 209-571-5573, kpeterson@modestogov.com

ACTION: (Ricci /Williams; 3/0) Motion recommending a Second Amendment to the Cell Tower Site Lease Agreement at Downey Park with NCWPCS MPL 26 - Year Sites Tower Holdings LLC, to extend the maximum term of the Agreement through June 30, 2056, and forwarding to Council for approval.

NEW BUSINESS

4. Consider the purchase of five Pierce Velocity 1500 GPM Type 1 Fire Engines and two Pierce 107' Velocity Tractor Drawn Aerial Fire Trucks for a total amount not to exceed $9,246,959 and forwarding to Council for approval. (Funding Source: Measure H)
    - Motion recommending the purchase of five Pierce Velocity 1500 GPM Type 1 Fire Engines and two Pierce 107' Velocity Tractor Drawn Aerial Fire Trucks for a total amount not to exceed $9,246,959 and forwarding to Council for approval.

FIRE DEPARTMENT; Kevin Wise, 209-572-9590, kwise@modestofire.com

ACTION: (Williams/Ricci; 3/0) Motion recommending the purchase of five Pierce Velocity 1500 GPM Type 1 Fire Engines and two Pierce 107' Velocity Tractor Drawn Aerial Fire Trucks for a total amount not to exceed $9,246,959 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
FINANCE COMMITTEE / COUNCIL WORKSHOP
2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, October 21, 2024 at 4:00 PM

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

PUBLIC COMMENTS IN PERSON

None.

SUBMITTING COMMENTS BY E-MAIL

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 1-8 (Wright/Escutia-Braaton; 3/0)

CONSENT

Consent

1. Consider an Agreement for Engineering Design Services for the Downtown Revitalization Project to Westwood Professional Services, Inc., Plano, TX, for a total amount not to exceed $194,315 over five years and forwarding to Council for approval. (Funding Source: California Department of Transportation Clean California Grant)
    - Motion recommending the Award of Proposal and Agreement for Engineering Design Services for the Downtown Revitalization Project to Westwood Professional Services, Inc., Plano, TX, for a total amount not to exceed $194,315, for a two year Agreement with three one-year extension options, for an annual estimated amount of $38,863 and a total amount not to exceed $194,315 over five years and forwarding to Council for approval.

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

ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending the Award of Proposal and Agreement for Engineering Design Services for the Downtown Revitalization Project to Westwood Professional Services, Inc., Plano, TX, for a total amount not to exceed $194,315, for a two year Agreement with three one-year extension options, for an annual estimated amount of $38,863 and a total amount not to exceed $194,315 over five years and forwarding to Council for approval.

Consent

2. Consider an Agreement for Circle Clamps, Gaskets, Pipe Couplings and Tapping Sleeves with Ferguson Waterworks, Modesto, CA and Pace Supply, Stockton, CA, for a combined total amount not to exceed $3,357,737 over five years and forwarding to Council for approval. (Funding Source: Water and Wastewater Funds)
    - Motion recommending the Award of Bid and Agreement for the purchase of Circle Clamps, Gaskets, Pipe Couplings and Tapping Sleeves to Ferguson Waterworks, Modesto, CA and Pace Supply Company, Stockton, CA for a two year Agreement with three one-year extension options, for an annual estimated amount of $640,000 and a total amount not to exceed $3,357,737 over five years and forwarding to Council for approval.

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

   ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending the Award of Bid and Agreement for the purchase of Circle Clamps, Gaskets, Pipe Couplings and Tapping Sleeves to Ferguson Waterworks, Modesto, CA and Pace Supply Company, Stockton, CA for a two year Agreement with three one-year extension options, for an annual estimated amount of $640,000 and a total amount not to exceed $3,357,737 over five years and forwarding to Council for approval.

Consent

3. Consider an Agreement with Gilton Solid Waste Management, Inc. and Bertolotti Modesto Disposal, Inc. to perform Billing and Collection Services for certain solid waste removal provided to single-family residential customers within the City limits of Modesto for a two-year Agreement with three one-year extension options and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending an Agreement with Gilton Solid Waste Management, Inc. and Bertolotti Modesto Disposal, Inc. to perform Billing and Collection Services for certain solid waste removal provided to single-family residential customers within the City limits of Modesto for a two-year Agreement with three one-year extension options and forwarding to Council for approval.

   FINANCE DEPARTMENT; Jeni Martin, 209-571-5892, jmartin@modestogov.com

   ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending an Agreement with Gilton Solid Waste Management, Inc. and Bertolotti Modesto Disposal, Inc. to perform Billing and Collection Services for certain solid waste removal provided to single-family residential customers within the City limits of Modesto for a two-year Agreement with three one-year extension options and forwarding to Council for approval.

Consent

4. Consider an Agreement with First Alarm Wellness, Vista, California for Behavioral Health Services for the Modesto Fire Department for a two-year Agreement with three one-year extension options, for an annual estimated amount of $32,100, and a total amount not to exceed $160,500 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

a two-year Agreement with three one-year extension options, for an annual estimated amount of $32,100, and a total amount not to exceed $160,500 over five years and forwarding to Council for approval.

FIRE DEPARTMENT; Kevin Wise, 209-572-9590, kwise@modestofire.com

ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending an Agreement with First Alarm Wellness, Vista, California for Behavioral Health Services for the Modesto Fire Department for a two-year Agreement with three one-year extension options, for an annual estimated amount of $32,100, and a total amount not to exceed $160,500 over five years and forwarding to Council for approval.

Consent

5. Consider the Second Amendment with West Coast Door and Gate, Ceres, CA, for On-call Commercial Roll-up Door Maintenance and Repair Services increasing the Agreement amount by $50,000 and extending the term of the Agreement from December 2, 2024, to December 2, 2025, and forwarding to Council for approval. (Funding Source: General Fund)
    - Motion recommending the Second Amendment with West Coast Door and Gate, Ceres, CA for the On-call Commercial Roll-up Door Maintenance and Repair Services increasing the Agreement amount by $50,000 to a new total amount of $286,000 and extending the term of the Agreement from December 2, 2024, to December 2, 2025 and forwarding to Council for approval.

FIRE DEPARTMENT; Kevin Wise, 209-572-9590, kwise@modestofire.com

ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending the Second Amendment with West Coast Door and Gate, Ceres, CA for the On-call Commercial Roll-up Door Maintenance and Repair Services increasing the Agreement amount by $50,000 to a new total amount of $286,000 and extending the term of the Agreement from December 2, 2024, to December 2, 2025 and forwarding to Council for approval.

Consent

6. Consider a Fourth Amendment to the Agreement with Employee Relations, Glendale, CA to conduct Pre-Employment Background Checks for a revised Agreement total amount not to exceed $100,000 and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion recommending a Fourth Amendment to the Agreement with Employee Relations, Glendale, CA for conducting Pre-Employment Background Checks to increase the not to exceed amount by $35,100 from $64,900 to a new total amount of $100,000 and forwarding to Council for approval.

HUMAN RESOURCES; Dawn Kelley, 209-577-5490, dkelley@modestogov.com,

ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending a Fourth Amendment to the Agreement with Employee Relations, Glendale, CA for conducting Pre-Employment Background Checks to increase the not to exceed amount by $35,100 from $64,900 to a new total amount of $100,000 and forwarding to Council for approval.

Consent

7. Consider an On-Call Hydraulic Wastewater System Modeling Support Services Agreement with Carollo Engineers, Inc., of Sacramento, CA for a total amount not to exceed $300,000 over three years and forwarding to Council for approval. (Funding Source: Various Capital Improvement Program Projects)
    - Motion recommending an On-Call Hydraulic Wastewater System Modeling Support Services Agreement with Carollo Engineers, Inc., of Sacramento, CA for a one-year Agreement with two one-year extension options, for an annual estimated amount of $100,000, and a total amount not to exceed $300,000 over three years; and forwarding to Council for approval.

    UTILITIES; Tim Barahona, 209-577-5485, tbarahona@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending an On-Call Hydraulic Wastewater System Modeling Support Services Agreement with Carollo Engineers, Inc., of Sacramento, CA for a one-year Agreement with two one-year extension options, for an annual estimated amount of $100,000, and a total amount not to exceed $300,000 over three years; and forwarding to Council for approval.

Consent

8. Consider an On-Call Hydraulic Water System Modeling Support Services Agreement with West Yost & Associates, Inc., of Davis, CA for a total amount not to exceed $300,000 over three years and forwarding to Council for approval. (Funding Source: Various Capital Improvement Program Projects)
    - Motion recommending an On-Call Hydraulic Water System Modeling Support Services Agreement with West Yost & Associates, Inc., of Davis, CA for a one-year Agreement with two one-year extension options, for an annual estimated amount of $100,000, and a total amount not to exceed $300,000 over three years; and forwarding to Council for approval.

    UTILITIES; Tim Barahona, 209-577-5485, tbarahona@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending an On-Call Hydraulic Water System Modeling Support Services Agreement with West Yost & Associates, Inc., of Davis, CA for a one-year Agreement with two one-year extension options, for an annual estimated amount of $100,000, and a total amount not to exceed $300,000 over three years; and forwarding to Council for approval.

NEW BUSINESS

9. Consider an Amendment to the City of Modesto Classification Plan and Position Allocation Plan to allocate one Multimedia Designer to the City Manager's Office, one Quality Management Analyst in the Utilities Department, one Operations Supervisor in the Public Works Department; and reclassify one Operations Crewleader to one Operations Supervisor and two Tree Trimmer Crewleaders to two Senior Tree Trimmers in Public Works; and move the Parks Planning Division from the Parks,

Recreation, and Neighborhoods Department to the Engineering Services Department; and moving the Water and Wastewater Division Managers from range 452 to range 453 within Utilities; and forwarding to Council for approval. (Funding Source: Various Funds)

- Motion recommending an Amendment to the City of Modesto Classification Plan and Position Allocation Plan to allocate one Multimedia Designer to the City Manager's Office, one Quality Management Analyst in the Utilities Department, one Operations Supervisor in the Public Works Department; and reclassify one Operations Crewleader to one Operations Supervisor and two Tree Trimmer Crewleaders to two Senior Tree Trimmers in Public Works; and move the Parks Planning Division from the Parks, Recreation, and Neighborhoods Department to the Engineering Services Department; and moving the Water and Wastewater Division Managers from range 452 to range 453 within Utilities; and forwarding to Council for approval.

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

ACTION: (Escutia-Braaton/Wright; 3/0) Motion recommending an Amendment to the City of Modesto Classification Plan and Position Allocation Plan to allocate one Multimedia Designer to the City Manager's Office, one Quality Management Analyst in the Utilities Department, one Operations Supervisor in the Public Works Department; and reclassify one Operations Crewleader to one Operations Supervisor and two Tree Trimmer Crewleaders to two Senior Tree Trimmers in Public Works; and move the Parks Planning Division from the Parks, Recreation, and Neighborhoods Department to the Engineering Services Department; and moving the Water and Wastewater Division Managers from range 452 to range 453 within Utilities; and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:17 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 22, 2024 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: Pat Nagle, Redeemer

City Clerk's Announcements

Declaration of Conflicts of Interest: Item 6 – Councilmember Williams recused due to possible conflict. Item 7 – Vice-Mayor Alvarez recused due to possible conflict.

Reports from Closed Session: Mayor reported during closed session, the Council conducted a performance evaluation of the City Clerk. The Council unanimously concluded that Diane is performing at an exemplary level. Mayor stated that they look forward to continuing their collaborative efforts to make Modesto the best it can be.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentations of the Certificate of Achievement for Excellence in Financial Reporting and Popular Annual Financial Reporting Award by Government Finance Officers Association (GFOA) for Fiscal Year ending June 30, 2023, and Presentation for the Distinguished Budget Presentation Award by GFOA for Fiscal Year 2024-2025 Budget. (Funding Source: Not Applicable)
   FINANCE; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com

   ACTION: No Action – Presentation by Staff

MISCELLANEOUS

2. Consider the removal of Kathleen Munoz and Mike Kelley from the City of Modesto Blight Abatement Advisory Committee and appointing Tim Ragsdale and Kristina Telo to the Committee for a four-year term with an expiration date of December 31, 2028. (Funding Source: Not Applicable)
   Staff Recommendation:

- Resolution approving the removal of Kathleen Munoz and Mike Kelley from the City of Modesto Blight Abatement Advisory Committee pursuant to Section 4.08(a) of the Committee's bylaws due to unexcused absences, and the appointments of Tim Ragsdale and Kristina Telo to the Committee for a four-year term expiring December 31, 2028.

PUBLIC WORKS; Myriah Hill, 209-577-5495, mhill@modestogov.com

ACTION: (Wright/Alvarez; 6/0; Bavaro absent) Resolution 2024-380 approving the removal of Kathleen Munoz and Mike Kelley from the City of Modesto Blight Abatement Advisory Committee pursuant to Section 4.08(a) of the Committee's bylaws due to unexcused absences, and the appointments of Tim Ragsdale and Kristina Telo to the Committee for a four-year term expiring December 31, 2028.

PUBLIC COMMENT IN PERSON

- Perfecto Munoz, executive director of the West Modesto Community Collaborative, presented the "People's Plan" report to the Council. Developed with UC Davis and community input, the report highlights residents' concerns and offers recommendations for improving West Modesto. Munoz emphasized the report's value for the city's future planning and mentioned upcoming town hall discussions for further transparency and collaboration.

- Sterling Fountain addressed the Council about delays in promised improvements at Martin Luther King Park, despite an $8.6 million grant awarded years ago. She expressed frustration over the lack of transparency and ongoing maintenance issues, such as unaddressed safety hazards and delayed repairs, calling for more accountability from the City.

- Wendy Byrd, representing the NAACP, thanked the Council for progress on the Cannabis Equity Program but expressed concerns about a lack of transparency regarding the King Kennedy Center and MLK Park. She urged the Council to include the community in decisions, particularly around the potential reallocation of $8.6 million to Cesar Chavez Park, to ensure MLK Park isn't neglected.

- Cindy Yoder, a coordinator at Archway Commons, spoke in support of the Vine House, a ministry providing services to the homeless near MLK Park. She acknowledged neighborhood concerns about some clients but emphasized the importance of the services and asked about guidelines for such programs. Yoder believes the ministry benefits the community despite some challenges.

- Sebastian Jones spoke to the Council about his efforts to honor Dr. Martin Luther King Jr. in Modesto, including gathering 8,500 signatures to rename a park. He emphasized that Dr. King's name should stand alone and expressed frustration over unmet promises related to the King Kennedy Center. Jones also mentioned his work on statues of Dr. King and Cesar Chavez, highlighting his passion for ensuring Dr. King is properly honored.

- Noe Paramo, representing the California Rural Legal Assistance Foundation and a Modesto resident, expressed support for the People's Plan in alignment with Dr. Munoz and the West Modesto Community Collaborative. He acknowledged the residents present who support the plan, emphasizing the community's backing for this initiative.

- Rhonda Lewis spoke to the Council about concerns for Martin Luther King Park and the King Kennedy Collaborative, which has been closed for 18 months. She stressed the need for community programs supporting seniors and youth and expressed worries that relocating them would hurt the West Side. Lewis also emphasized the importance of a splash pad for the park to attract children back.

- Laura Plasencia, a community organizer with Valley Improvement Projects, thanked the Council for including community voices in Modesto's planning efforts and endorsed Dr. Munoz's comments on the People's Plan. She urged greater investment in outreach, emphasizing the value of local residents' expertise. Plasencia called for improved engagement strategies, including phone calls and targeted outreach, to ensure marginalized voices are heard.

- Kevin McClarty from District One urged the Mayor and Council to allow public speaking in Zoom meetings again, suggesting a time delay to filter inappropriate comments. He also questioned the ban on applauding speakers, arguing it offers important feedback on community sentiment. McClarty called for a reevaluation of these rules to better reflect public reaction.

- Zafir Solomon spoke to the Mayor and Council about the growing homeless population, emphasizing that pushing them away isn't a solution. He criticized state-funded programs for failing to effectively address homelessness, despite significant spending. Zafir urged the Council to reevaluate their strategies and develop real programs to assist the homeless instead of focusing on awards and media attention.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS: 3-5, 8-13 (Wright/Escutia-Braaton; 6/0; Bavaro absent)

CONSENT

Consent
3. Consider approving the minutes for the October 8, 2024 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes for the October 8, 2024 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 for the October 8, 2024 Council Meeting.

Consent
4. Consider approving the 2025 Calendar of regularly scheduled City Council and Council Standing Committee meetings. (Funding Source: Not Applicable)

- Resolution approving the 2025 City Calendars of regularly scheduled City Council and Council Standing Committee meetings.

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

ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2024-381 approving the 2025 City Calendars of regularly scheduled City Council and Council Standing Committee meetings.

Consent

5. Consider approving a Second Amendment to the Legal Services Agreement with Swingle, Van Egmond & Heitlinger increasing the Agreement amount by $300,000 for continued representation in tort cases and a Fourth Amendment to the Legal Services Agreement with Castillo, Moriarty, Tran & Robinson increasing the Agreement amount by $175,000, for continued representation in police related matters. (Funding Source: General Liability Insurance Fund)
    - Resolution approving a Second Amendment to the Legal Services Agreement with Swingle, Van Egmond & Heitlinger increasing the agreement amount by $300,000, for a new total not to exceed $850,000 for continued representation in tort cases, and authorizing the City Manager or his designee, to execute the Amendment.
    - Resolution approving a Fourth Amendment to the Legal Services Agreement with Castillo, Moriarty, Tran & Robinson increasing the agreement amount by $175,000, for a new total not to exceed $670,000 for continued representation in police litigation matters and authorizing the City Manager or his designee, to execute the Amendment.

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

    ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2024-382 approving a Second Amendment to the Legal Services Agreement with Swingle, Van Egmond & Heitlinger increasing the agreement amount by $300,000, for a new total not to exceed $850,000 for continued representation in tort cases, and authorizing the City Manager or his designee, to execute the Amendment.

    ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2024-383 approving a Fourth Amendment to the Legal Services Agreement with Castillo, Moriarty, Tran & Robinson increasing the agreement amount by $175,000, for a new total not to exceed $670,000 for continued representation in police litigation matters and authorizing the City Manager or his designee, to execute the Amendment.

Removed from Consent

Consent

6. Consider approving a Second Amendment to the Agreement with Downtown Streets Team to continue to administer a Litter Abatement Program for Parks that includes outreach and engagement for individuals experiencing homelessness, increasing the agreement amount by $350,000 for a revised total Agreement amount not to exceed $700,000. (Funding Source: Measure H)

- Resolution approving a Second Amendment to the Agreement with Downtown Streets Team to continue to administer a Litter Abatement Program for Parks that includes outreach and engagement for individuals experiencing homelessness, increasing the agreement amount by $350,000 to a new total amount not to exceed $700,000, and authorizing the City Manager or his designee, to execute the Amendment.

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

ACTION: (Ricci/Escutia-Braaton; 5/0; Williams Recused; Bavaro absent) Resolution 2024-384 approving a Second Amendment to the Agreement with Downtown Streets Team to continue to administer a Litter Abatement Program for Parks that includes outreach and engagement for individuals experiencing homelessness, increasing the agreement amount by $350,000 to a new total amount not to exceed $700,000, and authorizing the City Manager or his designee, to execute the Amendment.

Removed from Consent

Consent

7. Consider approving four Grant Agreements awarding funding to verified City of Modesto Cannabis Program Providing Local Equity Development Grants and Education (PLEDGE) participant owned businesses in an amount of $70,000 each. (Funding Source: Cannabis Equity Grant)
    - Resolution approving four Grant Agreements to provide funding to verified City of Modesto Cannabis Program Providing Local Equity Development Grants and Education (PLEDGE) participant owned businesses in an amount of $70,000 each, and authorizing the City Manager, or his designee, to execute the Agreements.

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

    ACTION: (Ricci/Williams; 5/0; Alvarez Recused; Bavaro absent) Resolution 2024-385 approving four Grant Agreements to provide funding to verified City of Modesto Cannabis Program Providing Local Equity Development Grants and Education (PLEDGE) participant owned businesses in an amount of $70,000 each, and authorizing the City Manager, or his designee, to execute the Agreements.

Consent

8. Consider approving a Will Serve Letter and Outside Service Agreement with Julian Thi Huynh, to connect to the City of Modesto's existing sewer system for the property located at 528 Roselawn Avenue (APN: 037-040-012). (Funding Source: Sewer Fund)
    - Resolution approving a Will Serve Letter and Outside Service Agreement with Julian Thi Huynh to connect to the City of Modesto's existing sewer system for the property located at 528 Roselawn Avenue (APN: 037-040-012), and authorizing the City Manager, or his designee, to sign the Will Serve Letter and execute the Outside Service Agreement.

    ENGINEERING SERVICES; Jaspreet Mangat, 209-577-5253, jmangat@modestogov.com

ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2024-386 approving a Will Serve Letter and Outside Service Agreement with Julian Thi Huynh to connect to the City of Modesto's existing sewer system for the property located at 528 Roselawn Avenue (APN: 037-040-012), and authorizing the City Manager, or his designee, to sign the Will Serve Letter and execute the Outside Service Agreement.

Consent

9. Consider approving the Agreement for Tax Audits, Analysis and Reporting Services to Hinderliter, De Llamas and Associates (HDL) Companies, Brea, CA for a total amount not to exceed $1,200,000 over five years. (Funding Source: General Fund and Measure H)
    - Resolution approving the Award of Proposal and Agreement for Tax Audits, Analysis and Reporting Services to HDL Companies, Brea, CA for a two-year Agreement with three one-year extension options, for an annual estimated amount of $240,000 and a total amount not to exceed $1,200,000 over five years; and authorizing the City Manager or his designee to execute the Agreement.
    - Resolution authorizing examination of sales or transactions and use tax records.

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

ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2024-387 approving the Award of Proposal and Agreement for Tax Audits, Analysis and Reporting Services to HDL Companies, Brea, CA for a two-year Agreement with three one-year extension options, for an annual estimated amount of $240,000 and a total amount not to exceed $1,200,000 over five years; and authorizing the City Manager or his designee to execute the Agreement.

ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2024-388 authorizing examination of sales or transactions and use tax records.

Consent

10. Consider approving the Fifth Amendment with MuniServices, LLC, Fresno, CA, for Tax Audits, Analysis and Reporting Services increasing the Agreement amount by $250,000. (Funding Source: General Fund and Measure H)
    - Resolution approving the Fifth Amendment with MuniServices, LLC, Fresno, CA, for the Tax Audits, Analysis and Reporting Services increasing the Agreement amount by $250,000 to a new total amount of $850,000; 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; 6/0; Bavaro absent) Resolution 2024-389 approving the Fifth Amendment with MuniServices, LLC, Fresno, CA, for the Tax Audits, Analysis and Reporting Services increasing the Agreement amount by $250,000 to a new total amount of $850,000; and authorizing the City Manager or his designee to execute the Amendment.

Consent

11. Consider accepting the Department of Justice, Office of Community Oriented Policing Services Technology and Equipment Program Grant in the amount of $3,530,000. (Funding Source: Police Grants)
    - Resolution accepting the Department of Justice, Office of Community Oriented Policing Services Technology and Equipment Program Grant in an amount of $3,530,000 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 2024-2025 Multi-Year Non-Capital Project Budget to appropriate any necessary transfers, revenue and expenses in the total amount of $3,530,000 related to the Department of Justice, Office of Community Oriented Policing Services Technology and Equipment Program Grant; and authorizing the City Manager, or his designee, to take the necessary steps to implement the required budget adjustments.

    POLICE DEPARTMENT; Brandon Gillespie, 209-572-9500, gillespieb@modestopd.com

    ACTION: ((Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2024-390 accepting the Department of Justice, Office of Community Oriented Policing Services Technology and Equipment Program Grant in an amount of $3,530,000 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 2024-391 amending the Fiscal Year 2024-2025 Multi-Year Non-Capital Project Budget to appropriate any necessary transfers, revenue and expenses in the total amount of $3,530,000 related to the Department of Justice, Office of Community Oriented Policing Services Technology and Equipment Program Grant; and authorizing the City Manager, or his designee, to take the necessary steps to implement the required budget adjustments.

Consent

12. Consider approving an Engineering Services Agreement with West Yost Associates, Sacramento, CA, for the 2025 Water System Risk and Resiliency Assessment and Emergency Response Plan Updates for a total amount not to exceed $146,225. (Funding Source: Water Fund)
    - Resolution approving an Engineering Services Agreement with West Yost Associates, of Sacramento, CA for the 2025 Water System Risk and Resiliency Assessment and Emergency Response Plan updates, in the amount of $132,932, plus $13,293 in additional services, if needed, for a total amount not to exceed $146,225 and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution approving an Amendment to the Fiscal Year 2024-25 Multi-Year Program Budget in the amount of $162,000 from Water Fund Reserves to fund the 2025 Water System Risk and Resiliency Assessment and Emergency

Response Plan updates and authorizing the City Manager, or his designee, to implement the provisions of the Resolution.

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

ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2024-392 approving an Engineering Services Agreement with West Yost Associates, of Sacramento, CA for the 2025 Water System Risk and Resiliency Assessment and Emergency Response Plan updates, in the amount of $132,932, plus $13,293 in additional services, if needed, for a total amount not to exceed $146,225 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2024-393 approving an Amendment to the Fiscal Year 2024-25 Multi-Year Program Budget in the amount of $162,000 from Water Fund Reserves to fund the 2025 Water System Risk and Resiliency Assessment and Emergency Response Plan updates and authorizing the City Manager, or his designee, to implement the provisions of the Resolution.

Consent

13. Consider approving an Engineering Services Agreement with Woodard and Curran, of Sacramento, CA, for the River Trunk, South Trunk, and Santa Rosa Phase II Sewer Trunk Rehabilitation Project, for a total amount not to exceed $811,646. (Funding Source: Wastewater Fund)
    - Resolution approving an Engineering Services Agreement with Woodard and Curran, of Sacramento, CA, for the River Trunk, South Trunk, and Santa Rosa Phase II Sewer Trunk Rehabilitation Project in the amount of $737,860, plus $73,786 in additional services, if needed, for a total amount not to exceed $811,646 and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution approving an amendment to the Fiscal Year 2024-25 Multi-Year Program Budget in the amount of $9,090,315 from Wastewater Reserves to fund the River Trunk, South Trunk, and Santa Rosa Phase II Sewer Trunk Rehabilitation Project and authorizing the City Manager, or his designee, to implement the provisions of the Resolution.

    UTILITIES; Cristian Ciotau, 209-571-5175, cciotau@modestogov.com

ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2024-394 approving an Engineering Services Agreement with Woodard and Curran, of Sacramento, CA, for the River Trunk, South Trunk, and Santa Rosa Phase II Sewer Trunk Rehabilitation Project in the amount of $737,860, plus $73,786 in additional services, if needed, for a total amount not to exceed $811,646 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2024-395 approving an amendment to the Fiscal Year 2024-25 Multi-Year Program Budget in the amount of $9,090,315 from Wastewater Reserves to fund the River Trunk, South Trunk,

and Santa Rosa Phase II Sewer Trunk Rehabilitation Project and authorizing the City Manager, or his designee, to implement the provisions of the Resolution.

COUNCIL COMMENTS & REPORTS

Council Member Escutia-Braaton reported on attending the California League of Cities annual conference in Long Beach with other city officials. They toured new bridge housing units being fabricated by Boss Cubes, which will provide dignified living spaces for the homeless. Escutia-Braaton highlighted that Modesto received three Helen Putnam Awards for excellence, including recognition for the Downtown Streets Team and two police department projects. She praised the Modesto Fire Department for completing autism certification, ensuring quality care for community members. Escutia-Braaton also announced an upcoming development workshop for District One at Prescott Junior High School on October 24th from 5:30, encouraging community participation.

Council Member Ricci praised the City of Modesto for winning three Helen Putnam Awards, highlighting the hard work of city employees. He commended the Modesto Police Department for its inspections of smoke shops, which led to 22 arrests and the confiscation of illegal substances, improving community safety. Ricci also recognized the Modesto Fire Department for achieving autism certification, enhancing their ability to serve all community members and encouraging continued efforts toward inclusivity.

Council Member Williams expressed gratitude to fellow Councilmembers for their insights during their recent trip to Long Beach, where they explored opportunities for improving Modesto. He announced a Veterans Day celebration at 3500 Coffee Road from 10:30 AM to noon, featuring a reverse parade and refreshments. Williams congratulated the Finance Department for their accomplishments and highlighted an upcoming development workshop for District Five at Davis High School on October 28th from 5:30 to 7:30 PM, encouraging community participation.

Vice-Mayor Alvarez thanked community members for their support of updates to Martin Luther King Park, budget clarity for Cesar Chavez Park, and the Southwest Modesto plan. He outlined funding sources for the projects, including an $8.5 million state grant and $2.5 million from Measure H. Alvarez emphasized the importance of using pandemic relief funds before their December 2024 deadline for the park projects. He acknowledged the historical neglect of District Two and committed to ensuring sustained investment and engagement with the community. Alvarez expressed optimism about recent developments and pledged to continue advocating for the needs of all residents.

Council Member Wright announced that a General Plan workshop for District Six, covering the northeast part of Modesto, will be held next Tuesday at Freedom Elementary School from 5:30 to 7:00 PM. He encouraged residents in the area to attend.

Mayor Zwahlen emphasized the importance of community engagement and invited residents to participate in discussions about the General Plan, which serves as the City's blueprint. Zwahlen

encouraged attendance at an upcoming meeting the next evening to share input on these important topics.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on October 13, 2024.

14. Hearing to consider establishing City of Modesto Community Facilities District (CFD) No. 2024-2 (Fairview Village #2), authorizing the levy of special taxes therein, calling a special election; and declaring the results of the October 22, 2024, special election. (Funding Source: Developer Deposit)
    - Resolution declaring the formation of the City of Modesto Community Facilities District No. 2024-2 (Fairview Village #2), conditionally authorizing the levy of special taxes therein, and conditionally establishing an annual appropriations limit of $12,100,000.
    - Resolution of the City Council of the City of Modesto, California, acting as the legislative body of the City of Modesto Community Facilities District No. 2024-2 (Fairview Village #2), calling for a special election.
    - Resolution declaring the results of October 22, 2024, special election and approving certain related actions pertaining to City of Modesto Community Facilities District No. 2024-2 (Fairview Village #2).
    - Motion introducing an ordinance authorizing the levy of special taxes within the City of Modesto held within City of Modesto Community Facilities District No. 2024-2 (Fairview Village #2).

    CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2024-396 declaring the formation of the City of Modesto Community Facilities District No. 2024-2 (Fairview Village #2), conditionally authorizing the levy of special taxes therein, and conditionally establishing an annual appropriations limit of $12,100,000.

ACTION: (Williams/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2024-397 of the City Council of the City of Modesto, California, acting as the legislative body of the City of Modesto Community Facilities District No. 2024-2 (Fairview Village #2), calling for a special election.

ACTION: (Ricci/Wright; 6/0; Bavaro absent) Resolution 2024-398 declaring the results of October 22, 2024, special election and approving certain related actions pertaining to City of Modesto Community Facilities District No. 2024-2 (Fairview Village #2).

ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Motion introducing an ordinance authorizing the levy of special taxes within the City of Modesto held within City of Modesto Community Facilities District No. 2024-2 (Fairview Village #2).

NEW BUSINESS

15. Consider approving the purchase of five Pierce Velocity 1500 GPM Type 1 Fire Engines and two Pierce 107' Velocity Tractor Drawn Aerial Fire Trucks for a total amount not to exceed $9,246,959. (Funding Source: Measure H)
    - Resolution approving the purchase of five Pierce Velocity 1500 GPM Type 1 Fire Engines and two Pierce 107' Velocity Tractor Drawn Aerial Fire Trucks for a total amount not to exceed $9,246,959 and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.
    - Resolution amending the Fiscal Year 2024-25 Annual Operating Budget to appropriate $9,246,959 in the MFD – Measure H – Facilities & Fleet Cost Center (18611) in General Fund – Measure H Fund (0160) for five engines and two trucks and authorizing the City Manager to take the necessary steps to implement the required Budget Adjustments.

    FIRE DEPARTMENT; Kevin Wise, 209-572-9590, kwise@modestofire.com

ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2024-399 approving the purchase of five Pierce Velocity 1500 GPM Type 1 Fire Engines and two Pierce 107' Velocity Tractor Drawn Aerial Fire Trucks for a total amount not to exceed $9,246,959 and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

ACTION: (Wright/Escutia-Braaton; 6/0; Bavaro absent) Resolution 2024-400 amending the Fiscal Year 2024-25 Annual Operating Budget to appropriate $9,246,959 in the MFD – Measure H – Facilities & Fleet Cost Center (18611) in General Fund – Measure H Fund (0160) for five engines and two trucks 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 7:23 P.M.

All 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

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Pursuant to Section 54957 of the Government Code)
Title: City Manager

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – Unrepresented Employee
Negotiator: Christina Alger
Unrepresented Employee: City Clerk

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – Unrepresented Employee
Negotiator: Christina Alger
Unrepresented Employee: City Manager

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
SPECIAL AUDIT COMMITTEE
COUNCIL WORKSHOP
2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California
Wednesday, October 23, 2024 at 4:00 PM

Roll Call Present: Sue Zwahlen, Chair, Nick Bavaro, Vice-Chair, David Wright, Member Camille Garcia, Public Member

Absent: Jennifer Barillas, Public Member (Excused Absence)

ACTION: (Wright/Garcia; 4/0; Barillas absent) Motion granting Committee Member Barillas an excused absence.

PUBLIC COMMENTS

None.

COMMENTS BY E-MAIL

None.

NEW BUSINESS

1. Consider approving the FY Internal Audit Status Report dated 10-15-24. (Funding Source: Not Applicable)
   - Motion to receive and file the Internal Audit Status Report dated 10-15-24.

   CITY AUDITOR; Colleen Rozillis, 206-302-6795, colleen.rozillis@mossadams.com

ACTION: (Wright/Garcia; 4/0; Barillas absent) Motion to receive and file the Internal Audit Status Report dated 10-15-24.

2. Consider approving the Property Management Review report. (Funding Source: Not Applicable)
   - Motion to approve the Property Management Review report and forward to Council for acceptance.

   CITY AUDITOR; Colleen Rozillis, 206-302-6795, colleen.rozillis@mossadams.com

ACTION: Wright/Garcia; 4/0; Barillas absent) Motion to approve the Property Management Review report and forward to Council for acceptance.

3. Consider approving the Fleet Operations Internal Controls Review report. (Funding Source: Not Applicable)
    - Motion to approve the Fleet Operations Internal Controls Review report and forward to Council for acceptance.

CITY AUDITOR; Colleen Rozillis, 206-302-6795, colleen.rozillis@mossadams.com

ACTION: Garcia/Wright; 4/0; Barillas absent) Motion to approve the Fleet Operations Internal Controls Review report and forward to Council for acceptance.

4. Consider approving the Solid Waste and Forestry Efficiency Study Update report. (Funding Source: Not Applicable)
    - Motion to approve the Solid Waste and Forestry Efficiency Study Update report and forward to Council for acceptance.

CITY AUDITOR; Colleen Rozillis, 206-302-6795, colleen.rozillis@mossadams.com

ACTION: (Garcia/Wright; 4/0; Barillas absent) Motion to approve the Solid Waste and Forestry Efficiency Study Update report and forward to Council for acceptance.

ADJOURNMENT

This meeting adjourned at 5:15 p.m.

Attest: _____
Diane Nayares-Perez, CMC
City Clerk

MINUTES
City of Modesto
ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL
2001-40 Del Puerto Room.
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, November 04, 2024 at 4:00 PM

Roll Call: Present: Chair Ricci, Committee Member Zwahlen
Absent: Vice-Chair Alvarez

PUBLIC COMMENTS IN PERSON

None.

SUBMITTING COMMENTS BY E-MAIL

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEMS 1-2 (Zwahlen/Ricci; 2/0; Alvarez absent)

CONSENT

Consent
1. Consider the summary vacation of Wagner Way (approximately 39,451 square feet) right-of-way, public utility easement, planting easement, and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending the summary vacation of Wagner Way (approximately 39,451 square feet) right-of-way, public utility easement, planting easement, and forwarding to Council for approval.

   ENGINEERING SERVICES; Jaspreet Mangat, 209-577-5253, jmangat@modestogov.com

   ACTION: (Zwahlen/Ricci; 2/0; Alvarez absent) Motion recommending the summary vacation of Wagner Way (approximately 39,451 square feet) right-of-way, public utility easement, planting easement, and forwarding to Council for approval.

Consent
2. Consider a Final Initial Study/Mitigated Negative Declaration for the Municipal Groundwater Improvement Project in accordance with the California Environmental Quality Act and forwarding to Council for approval. (Funding Source: Water Fund)
    - Motion recommending a Final Initial Study/Mitigated Negative Declaration for the Municipal Groundwater Improvement Project in accordance with the California Environmental Quality Act and forwarding to Council for approval.

   UTILITIES; Jim Alves, 209-571-5557, jalves@modestogov.com

ACTION: (Zwahlen/Ricci; 2/0; Alvarez absent) Motion recommending a Final Initial Study/Mitigated Negative Declaration for the Municipal Groundwater Improvement Project in accordance with the California Environmental Quality Act and forwarding to Council for approval.

NEW BUSINESS

3. Consider accepting applications for the future development of comprehensive planning districts referred to as Kiernan Business Park, Kiernan/McHenry, Kieran/Carver Corridor, College West, Hetch-Hetch Comprehensive Planning District Regional Commercial, and Hetch-Hetchy Comprehensive Planning District Village Residential and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending acceptance of applications for the future development of comprehensive planning districts referred to as Kiernan Business Park, Kiernan/McHenry, Kieran/Carver Corridor, College West, Hetch-Hetch Comprehensive Planning District Regional Commercial, and Hetch-Hetchy Comprehensive Planning District Village Residential and forwarding to Council for approval.

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

ACTION: (Zwahlen/Ricci; 2/0; Alvarez absent) Motion recommending acceptance of applications for the future development of comprehensive planning districts referred to as Kiernan Business Park, Kiernan/McHenry, Kieran/Carver Corridor, College West, Hetch-Hetch Comprehensive Planning District Regional Commercial, and Hetch-Hetchy Comprehensive Planning District Village Residential and forwarding to Council for approval.

4. Consider a Modesto Forward Grant Agreement with the Modesto Improvement Partnership, Inc, (MIP) for Downtown Beautification not to exceed $700,000 and forwarding to Council for approval. (Funding Source: American Rescue Plan Act Funds)
    - Motion recommending a Modesto Forward Grant Agreement with Modesto Improvement Partnership (DoMo) for Downtown Beautification not to exceed $700,000 in ARPA funding and forwarding to Council for approval.

CED; Trevin Barber, 209-571-5566, tbarber@modestogov.com

ACTION: (Zwahlen/Ricci; 2/0; Alvarez absent) Motion recommending a Modesto Forward Grant Agreement with Modesto Improvement Partnership (DoMo) for Downtown Beautification not to exceed $700,000 in ARPA funding and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:26 P.M.

Attest: _____
Dana Sanchez, Assistant City Clerk

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, November 05, 2024 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: None.

Declaration of Conflicts of Interest: None.

Reports from Closed Session: City Attorney Jose Sanchez reported at todays Closed session under anticipated litigation, the City Council unanimously authorized entering into a Service Termination Agreement and Release Agreement with Reworld, formerly known as "Covanta Stanislaus", for the early closure of the Waste to Energy Facility located at the Fink Road Landfill. The Agreement requires Reworld to pay a total of $4 Million to the City and the County for the early closure of the Facility.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation declaring November 11th as Veteran's Day. (Funding Source: Not Applicable)
   CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

ACTION: Mayor Zwahlen presented proclamation declaring November 11th as Veteran's Day.

PUBLIC COMMENT IN PERSON

- Natasha Leyva spoke regarding Protecting Health and Slamming Tobacco (PHAST) which is a youth coalition of about 936 students from 65 schools across Stanislaus County. The group educates peers about the health risks of tobacco, nicotine, and marijuana, aiming to help students make healthier choices through prevention and

education. Natasha shared her personal experience witnessing peers in middle and high school increasingly using nicotine products. She noted that many students in the area start smoking or vaping as early as age 14. Natasha joined PHAST to support her peers in avoiding nicotine addiction and urged local leaders to consider youth experiences when making policy decisions.

- Nathan Cabrera, a Grayson Davis High School student, and member of the PHAST coalition, shared his personal experience with tobacco, noting his father's long struggle with smoking since a young age. Concerned about his father's health, Nathan joined PHAST to support him and others dealing with tobacco addiction. He urged local leaders to consider the impact of tobacco use when making policy decisions.

- Lavanya Bansal, a junior at Modesto High School and PHAST coalition member, shared her concerns about the prevalence of vaping among youth in Stanislaus County. She described frequent encounters with smoke in school bathrooms and noted peer pressure's role in tobacco use. Lavanya cited statistics showing that 87% of tobacco retailers are within half a mile of schools, with 35% selling illegal flavored products, making it easier for youth to start using. She urged local leaders to consider youth perspectives when shaping policies on tobacco regulation.

- Sabrina Toor, a junior at Modesto High School and PHAST coalition member, addressed the Council to advocate for a tobacco retail license policy to reduce youth access to tobacco in Modesto. She expressed gratitude for the recently adopted moratorium on flavored tobacco and urged continued efforts to protect youth from addiction. Sabrina highlighted PHAST's commitment to supporting healthier communities through education and local data, calling on the Council to prioritize youth health in future policies.

- Derek Castle expressed both appreciation and concern regarding the City’s efforts to address homelessness. He commended the success of the Family Bridge Housing Program, where families recently moved in, but expressed disappointment over the lack of progress in establishing a location for cabins funded a year ago. Derek noted that if a small church could overcome challenges to set up housing, the City should be able to secure land for these cabins. He and others identified a potential property and urged the City to act promptly.

- Kevin McClarty from Modesto’s District 1 thanked Councilmember Escutia-Braaton and candidate John Gunderson for signing the Code of Fair Campaign Practices Form, which is a commitment to run a fair and clean campaign. He expressed disappointment over another candidate, who did not sign the form and was complicit in the distribution of a negative flyer. Kevin condemned the introduction of "dirty politics" into Modesto’s City Council races and encouraged all candidates to maintain ethical campaign practices.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: (2-9 Wright/Alvarez; 7/0)

CONSENT

Consent

2. Consider approving the minutes for the October 22, 2024 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes for the October 22, 2024 Council Meeting.

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

    ACTION: (Wright/Alvarez; 7/0) Motion approving the minutes for the October 22, 2024 Council Meeting.

Consent

3. Consider approving Final Adoption of Ordinance 3786-C.S. authorizing the levy of special taxes within the City Of Modesto held within City Of Modesto Community Facilities District No. 2024-2 (Fairview Village #2). (Funding Source: Not Applicable)
    - Motion approving Final Adoption of Ordinance 3786-C.S. authorizing the levy of special taxes within the City Of Modesto held within City Of Modesto Community Facilities District No. 2024-2 (Fairview Village #2).

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

    ACTION: (Wright/Alvarez; 7/0) Motion approving Final Adoption of **Ordinance 3786-C.S.** authorizing the levy of special taxes within the City Of Modesto held within City Of Modesto Community Facilities District No. 2024-2 (Fairview Village #2).

Consent

4. Consider accepting an Informational Report for the September 2024 Accounts Payable Payment Register and Void Report. (Funding Source: Not Applicable)
    - Motion accepting an Informational Report for the September 2024 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 September 2024 Accounts Payable Payment Register and Void Report.

Consent

5. Consider accepting the Monthly Investment Report for August 2024. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for August 2024.

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

ACTION: (Wright/Alvarez; 7/0) Motion accepting the Monthly Investment Report for August 2024.

Consent

6. Consider approving a Second Amendment to the Cell Tower Site Lease Agreement at Downey Park with NCWPCS MPL 26 - Year Sites Tower Holdings LLC, extending the maximum term of the Agreement through June 30, 2056. (Funding Source: Cell Tower Facility Rental Revenue)
    - Resolution approving a Second Amendment to the Cell Tower Site Lease Agreement at Downey Park with NCWPCS MPL 26 - Year Sites Tower Holdings LLC, extending the maximum term of the Agreement through June 30, 2056, and authorizing the City Manager, or his designee, to execute the Amendment.

    PRN; Ken Peterson, 209-571-5573, kpeterson@modestogov.com

    ACTION: (Wright/Alvarez; 7/0) Resolution 2024-401 approving a Second Amendment to the Cell Tower Site Lease Agreement at Downey Park with NCWPCS MPL 26 - Year Sites Tower Holdings LLC, extending the maximum term of the Agreement through June 30, 2056, and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

7. Consider approving a First Amendment to the Parking Lease with Tesla, Inc., of Austin, TX extending the term of the Agreement from October 31, 2024, to October 31, 2025, with two one-year extension options. (Funding Source: Airport Fund)
    - Resolution approving a First Amendment to the Parking Lease with Telsa Inc., a Texas Corporation (formally a Delaware Corporation) extending the term of the Agreement from October 31, 2024, to October 31, 2025, with two one-year extension options and authorizing the City Manager, or his designee, to execute the Amendment.

    PUBLIC WORKS; Marisol Navarro, 209-577-5319, marnavarro@modestogov.com

    ACTION: (Wright/Alvarez; 7/0) Resolution 2024-402 approving a First Amendment to the Parking Lease with Telsa Inc., a Texas Corporation (formally a Delaware Corporation) extending the term of the Agreement from October 31, 2024, to October 31, 2025, with two one-year extension options and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

8. Consider approving an Agreement with Eagle Aerial Solutions, of Irvine, CA for a WaterView Software as a Service (Saas) subscription for a total amount not to exceed $495,000 over five years. (Funding Source: Water Fund)
    - Resolution approving the Agreement with Eagle Aerial Solutions, of Irvine, CA for the WaterView SaaS for a five-year Agreement, for an initial cost of $134,600 and an estimated annual amount of $90,100, for a total amount not to

exceed $495,000 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/Alvarez; 7/0) Resolution 2024-403 approving the Agreement with Eagle Aerial Solutions, of Irvine, CA for the WaterView SaaS for a five-year Agreement, for an initial cost of $134,600 and an estimated annual amount of $90,100, for a total amount not to exceed $495,000 over five years; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

9. Consider approving an Agreement for the Purchase of Variable Frequency Drive Units to Wille Electric Supply Company, Inc. of Modesto, CA, for a total amount not to exceed $796,515 over five years. (Funding Source: Water Fund, Sewer Operations Fund)
    - Resolution approving the Award of Bid and Agreement for the Purchase of Variable Frequency Drive Units to Wille Electric Supply Company, Inc., Modesto, CA, for a two year Agreement with three one-year extension options, for an estimated annual amount of $150,000 and a total amount not to exceed $796,515 over five years and authorizing the Director of Finance, or her designee to execute the Agreement.

UTILITIES; Manuel Martinez, 209-342-4592, mmartinez@modestogov.com

ACTION: (Wright/Alvarez; 7/0) Resolution 2024-404 approving the Award of Bid and Agreement for the Purchase of Variable Frequency Drive Units to Wille Electric Supply Company, Inc., Modesto, CA, for a two year Agreement with three one-year extension options, for an estimated annual amount of $150,000 and a total amount not to exceed $796,515 over five years and authorizing the Director of Finance, or her designee to execute the Agreement.

COUNCIL COMMENTS & REPORTS

Councilmember Ricci expressed appreciation for the Modesto CED Department's efforts to address the City's housing crisis, highlighting the development of 5,000 new units, nearly half of which are multifamily or affordable housing. He acknowledged that while progress takes time, Modesto is making strides in tackling the issue. Ricci also agreed with Derek Castle's call for more aggressive action on homelessness and emphasized the need for faster progress. He concluded by wishing everyone well on election night.

Councilmember Williams thanked City staff and consultants for their efforts in organizing the 2050 workshops across all six districts, including downtown. He expressed appreciation for the citizens who participated and shared their thoughts on expanding Modesto's sphere of influence. Councilmember Williams also thanked the staff for their consistent involvement in the workshops, noting he attended at least four himself to gain a better understanding of the community's views on the city's future.

Councilmember Escutia-Braaton expressed gratitude for the staff and community members who participated in the district workshops for the general plan. She emphasized the value of community engagement in shaping policies that affect housing, jobs, and businesses. Councilmember Escutia-Braaton shared her positive experiences attending two school events: Mark Twain's Career Day, where students asked insightful questions, and the ribbon-cutting at Agnes Baptist, which celebrated new classrooms and resources for students. She highlighted the importance of providing better educational resources to ensure a positive future for students.

Mayor Zwahlen announced the San Joaquin Regional Rail Commission is applying for a $25 million grant for the Modesto and Ceres Station trackwork project, which includes improvements like platforms, pedestrian pathways, and public infrastructure. This project aims to enhance mobility, connectivity, and air quality, while connecting Stanislaus County to the expanded ACE network. StanCOG has secured funding for the initiative. Additionally, the Mayor attended school events, police promotions, and the Impala Club event, and encouraged citizens to vote on Election Day.

CITY MANAGER COMMENTS & REPORTS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:11 P.M.

All Closed Session matters heard prior to the meeting.

CLOSED SESSION

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

CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION
One Case (Pursuant to Section 54956.9(d)(4) of the Government Code)

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
One Case (Pursuant to Section 54956.9(d)(1) of the Government Code)

Name of Case: City of Modesto v. Shell Oil Company, et al.
Superior Court of California- County of San Bernadino
Case No.: SCVSS120627

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

Property: 601 Neece Dr., Modesto, CA 95351; APN: 102-012-001 and 102-012-004

Property Owners: City of Modesto

Negotiating Parties:

For City: Joseph P. Lopez, City Manager

For Lessee: The Baseball Club of Modesto, LLC

Under Negotiation: Price and Terms of Lease

ACTION: City Attorney Jose Sanchez reported at todays Closed session under anticipated litigation, the City Council unanimously authorized entering into a Service Termination Agreement and Release Agreement with Reworld, formerly known as "Covanta Stanislaus", for the early closure of the Waste to Energy Facility located at the Fink Road Landfill. The Agreement requires Reworld to pay a total of $4 Million to the City and the County for the early closure of the Facility.

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, November 12, 2024 at 5:30 PM

Roll Call – Present: Councilmembers Alvarez (5:34 p.m.), 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: No reportable action.

OATH OF OFFICE

1. Administer the Oath of Office to reelected Mayor Sue Zwahlen (Funding Source: Not Applicable)
   CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

   ACTION: City Clerk Diane Nayares-Perez administered Oath of Office pursuant to the Section 600 of the City Charter. The Mayor shall hold office for a term of four-years from and after the first Tuesday following the November Council election.

ACKNOWLEDGEMENTS AND PRESENTATIONS

2. Proclamation declaring November 30th as Small Business Saturday. (Funding Source: Not Applicable)
   CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

   ACTION: Mayor Zwahlen presented proclamation declaring November 30th as Small Business Saturday.

MISCELLANEOUS

3. Consider approving the appointment of Edward Rubalcaba to the Downtown Improvement District Board of Directors for a four-year term ending December 31, 2028. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution approving the appointment of Edward Rubalcaba to the Downtown Improvement District Advisory Board for a four-year term ending December 31, 2028.

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

ACTION: (Wright/Ricci; 7/0) Resolution 2024-405 approving the appointment of Edward Rubalcaba to the Downtown Improvement District Advisory Board for a four-year term ending December 31, 2028.

PUBLIC COMMENT IN PERSON

- Danielle Morgan, on behalf of Assemblyman Juan Alaniz, congratulated Mayor Zwahlen on her new term. She highlighted the Assemblyman's District office services for assistance with state agencies and encouraged constituents to reach out.

- Nancy Robinson, President of the Modesto Garden Club invited the community to a Holiday Table Viewing on December 11 and a Holiday Home Tour on December 14. Proceeds will fund local beautification projects, including downtown plantings and a memorial at the Commemorative Air Force hangar.

- A member of the public expressed concern about the lack of inclusivity in public meeting invocations, noting that non-Christian groups and humanists are often excluded. He suggested ending the invocation practice or having the City Clerk oversee it to ensure fairness.

- Kevin McClarty congratulated the Mayor and Councilmembers on their reelections and suggested the Council consider eliminating term limits, arguing that they can prevent experienced leaders from serving again later in life. He cited examples like Governor Brown and Supervisor Monteith, who returned to public office after long breaks.

- Zeff congratulated the Mayor on her reelection and expressed his hopes for the next four years, particularly in addressing homelessness in Modesto. He recalled attending a Planning Committee Workshop about the City's future and contrasts it with a previous workshop on homelessness, feeling that the latter lacked genuine, productive discussion. Zeff believes homelessness can be solved within a few years, advocating for a real, actionable plan to get people off the streets and into housing, including support for those with mental health needs. He expressed confidence that the Mayor and Council can make significant progress in addressing homelessness and offered his help in any way he can.

- Jerry Thompson announced the Police Lowrider Project's progress, funded with $15,000 raised with the help of Marion Cannon from the Stanislaus Community Foundation. Modesto High students and Modesto Junior College would collaborate to modify a police car donated by the Modesto Police Department, aiming to start by fall 2024 or spring 2025. The speaker thanked community partners and the Foundation for their support.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS: 4-20 (Wright/Alvarez; 7/0)

CONSENT

Consent
4. Consider approving the minutes for the November 5, 2024 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes for the November 5, 2024 Council Meeting.

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

    ACTION: (Wright/Alvarez; 7/0) Motion approving the minutes for the November 5, 2024 Council Meeting.

Consent
5. Consider approving an Agreement for Engineering Design Services for the Downtown Revitalization Project to Westwood Professional Services, Inc., Plano, TX, for a total amount not to exceed $194,315. (Funding Source: California Department of Transportation Clean California Grant)
    - Resolution approving the Award of Proposal and Agreement for Engineering Design Services for the Downtown Revitalization Project to Westwood Professional Services, Inc., Plano, TX, for a total amount not to exceed $194,315, and authorizing the City Manager, or his designee, to execute the Agreement.

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

    ACTION: (Wright/Alvarez; 7/0) Resolution 2024-406 approving the Award of Proposal and Agreement for Engineering Design Services for the Downtown Revitalization Project to Westwood Professional Services, Inc., Plano, TX, for a total amount not to exceed $194,315, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent
6. Consider approving an Agreement with Stanislaus Equity Partners from Modesto, California for an Affordable Housing Trust Fund Program that supports the production and preservation of affordable housing for a total amount not to exceed $500,000. (Funding Source: American Rescue Plan Act)

- Resolution approving an Agreement with Stanislaus Equity Partners from Modesto, California for an Affordable Housing Trust Fund Program that supports the production and preservation of affordable housing for a total amount not to exceed $500,000; and authorizing the City Manager, or his designee, to negotiate and execute the Agreement.

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

ACTION: (Wright/Alvarez; 7/0) Resolution 2024-407 approving an Agreement with Stanislaus Equity Partners from Modesto, California for an Affordable Housing Trust Fund Program that supports the production and preservation of affordable housing for a total amount not to exceed $500,000; and authorizing the City Manager, or his designee, to negotiate and execute the Agreement.

Consent

7. Consider approving a First Amendment to the Residential Rehabilitation Loan Agreement with Charles Mark Matteri for health and safety repairs to the residential property located at 1710 Idylwood Court, Modesto, CA 95350 for an additional $11,564 for a total project cost of $110,068. (Funding Source: Community Development Block Grant Funds)
    - Resolution approving a First Amendment to the Residential Rehabilitation Loan Agreement with Charles Mark Matteri for health and safety repairs to the residential property located at 1710 Idylwood Court, Modesto, CA 95350 for an additional $11,564, for a total project cost of $110,068, and authorizing the City Manager to execute the Agreements.

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

    ACTION: (Wright/Alvarez; 7/0) Resolution 2024-408 approving a First Amendment to the Residential Rehabilitation Loan Agreement with Charles Mark Matteri for health and safety repairs to the residential property located at 1710 Idylwood Court, Modesto, CA 95350 for an additional $11,564, for a total project cost of $110,068, and authorizing the City Manager to execute the Agreements.

Consent

8. Consider approving the First Amendment to the Modesto Forward Agreement for the continued operations of a low-barrier Safe Sleeping Program with the Modesto Gospel Mission, Modesto, California increasing the Agreement amount by $100,000 for a total amount not to exceed $200,000. (Funding Source: American Rescue Plan Act)
    - Resolution approving a First Amendment to the Modesto Forward Agreement for the continued operations of a low-barrier Safe Sleeping Program with the Modesto Gospel Mission, Modesto, California increasing the Agreement amount by $100,000 for a total amount not to exceed $200,000 until program funds are fully expended and authorizing the City Manager, or his designee, to execute the Amendment.

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

ACTION: (Wright/Alvarez; 7/0) Resolution 2024-409 approving a First Amendment to the Modesto Forward Agreement for the continued operations of a low-barrier Safe Sleeping Program with the Modesto Gospel Mission, Modesto, California increasing the Agreement amount by $100,000 for a total amount not to exceed $200,000 until program funds are fully expended and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

9. Consider approving the summary vacation of Wagner Way (approximately 39,451 square feet) right-of-way, public utility easement, and planting easement. (Funding Source: Not Applicable)
    - Resolution approving the summary vacation of Wagner Way (approximately 39,451 square feet) right-of-way, public utility easement, and planting easement.

ENGINEERING SERVICES; Jaspreet Mangat, 209-577-5253, jmangat@modestogov.com

ACTION: (Wright/Alvarez; 7/0) Resolution 2024-410 approving the summary vacation of Wagner Way (approximately 39,451 square feet) right-of-way, public utility easement, and planting easement.

Consent

10. Consider approving an Agreement for Circle Clamps, Gaskets, Pipe Couplings and Tapping Sleeves with Ferguson Waterworks, Modesto, CA and Pace Supply, Stockton, CA, for a combined total amount not to exceed $3,357,737 over five years. (Funding Source: Water and Wastewater Funds)
    - Resolution approving the Award of Bid and Agreement for the purchase of Circle Clamps, Gaskets, Pipe Couplings and Tapping Sleeves to Ferguson Waterworks, Modesto, CA and Pace Supply Company, Stockton, CA for a two-year Agreement with three one-year extension options, for an annual estimated amount of $640,000 and authorizing the Director of Finance, or her designee, to adjust financial amounts between both providers for a total amount not to exceed $3,357,737 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/Alvarez; 7/0) Resolution 2024-411 approving the Award of Bid and Agreement for the purchase of Circle Clamps, Gaskets, Pipe Couplings and Tapping Sleeves to Ferguson Waterworks, Modesto, CA and Pace Supply Company, Stockton, CA for a two-year Agreement with three one-year extension options, for an annual estimated amount of $640,000 and authorizing the Director of Finance, or her designee, to adjust financial amounts between both providers for a total amount not to exceed $3,357,737 over five years; and authorizing the City Manager, or his designee to execute the Agreements.

Consent

11. Consider accepting the Fiscal Year 2024-2025 Cal Fire Volunteer Fire Capacity (VFC) Program Grant Award in the amount of $20,000, with a 50% Local Match, for the Procurement of Wildland Personal Protective Equipment. (Funding Source: General Fund)
    - Resolution accepting the Fiscal Year 2024-2025 Cal Fire Volunteer Fire Capacity (VFC) Program Grant Award in the amount of $20,000, with a 50% Local Match, for the Procurement of Wildland Personal Protective 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/Alvarez; 7/0) Resolution 2024-412 accepting the Fiscal Year 2024-2025 Cal Fire Volunteer Fire Capacity (VFC) Program Grant Award in the amount of $20,000, with a 50% Local Match, for the Procurement of Wildland Personal Protective Equipment and authorizing the City Manager, or his designee, to execute the Grant Agreement.

Consent

12. Consider approving an Amendment to the City of Modesto Classification Plan and Position Allocation Plan to allocate one Multimedia Designer to the City Manager's Office, one Laboratory Quality Control Analyst in the Utilities Department, one Operations Supervisor in the Public Works Department; and reclassify one Operations Crewleader to one Operations Supervisor and two Tree Trimmer Crewleaders to two Senior Tree Trimmers in Public Works; and move the Parks Planning Division from the Parks, Recreation, and Neighborhoods Department to the Engineering Services Department; and moving the Water and Wastewater Division Managers from range 452 to range 453 within Utilities. (Funding Source: Various Funds)
    - 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 2024-25 as adopted in the Operating Budget.
    - Resolution amending the Fiscal Year 2024-25 Annual Operating Fund budgets in the amount of $251,544 to appropriate the funds for the approved Classification and Position Allocation amendments and authorizing the City Manager, to take the necessary steps to implement the provisions of this resolution.

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

    ACTION: (Wright/Alvarez; 7/0) Resolution 2024-413 amending the Classification Plan for the City of Modesto to create new classifications and amend existing classifications.

    ACTION: (Wright/Alvarez; 7/0) Resolution 2024-414 amending the Position Allocation for Fiscal Year 2024-25 as adopted in the Operating Budget.

ACTION: (Wright/Alvarez; 7/0) Resolution 2024-415 amending the Fiscal Year 2024-25 Annual Operating Fund budgets in the amount of $251,544 to appropriate the funds for the approved Classification and Position Allocation amendments and authorizing the City Manager, to take the necessary steps to implement the provisions of this resolution.

Consent

13. Consider approving a Fourth Amendment to the Agreement with Employee Relations, Glendale, CA to conduct Pre-Employment Background Checks for a revised Agreement total amount not to exceed $100,000. (Funding Source: Various Funds)
    - Resolution approving the Fourth Amendment to the Agreement with Employee Relations, Glendale, CA for conducting pre-employment background checks to increase amount by $35,100 from $64,900 to a new total amount not to exceed $100,000 and authorizing the City Manager, or his designee, to execute the Amendment.

    HUMAN RESOURCES; Dawn Kelley, 209-577-5490, dkelley@modestogov.com

    ACTION: (Wright/Alvarez; 7/0) Resolution 2024-416 approving the Fourth Amendment to the Agreement with Employee Relations, Glendale, CA for conducting pre-employment background checks to increase amount by $35,100 from $64,900 to a new total amount not to exceed $100,000 and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

14. Consider approving the Plans and Specifications for Downey Shade Structure and Parking Lot Replacement Project, accepting the Bid and Awarding a Construction Contract to Westside Landscape & Concrete, Inc. of Newman, CA., in the amount of $572,393, plus $45,791 for contingency (if needed), for a total payment amount not to exceed $618,184. (Funding Source: Various Funds)
    - Resolution approving the Plans and Specifications for Downey Shade Structure and Parking Lot Replacement Project, accepting the Bid and Awarding a Construction Contract to Westside Landscape & Concrete, Inc. of Newman, CA., in the amount of $572,393 authorizing $45,791 for contingency (if needed), for a total payment amount not to exceed $618,184, and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution approving the City's Pandemic Recovery Strategy, Modesto Forward, for the reallocation of American Rescue Plan Act Funds for the Downey Shade Structure and Parking Lot Replacement Project and authorizing the City Manager, or his designee, to carry out the necessary steps to implement the programs and funding allocation.
    - Resolution amending the Fiscal Year 2024-25 Capital Improvement Program budget to fund Project #100922 (Downey Shade Structure) in an amount not to exceed $141,802 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; Ken Peterson, 209-571-5573, kpeterson@modestogov.com

ACTION: (Wright/Alvarez; 7/0) Resolution 2024-417 approving the Plans and Specifications for Downey Shade Structure and Parking Lot Replacement Project, accepting the Bid and Awarding a Construction Contract to Westside Landscape & Concrete, Inc. of Newman, CA., in the amount of $572,393 authorizing $45,791 for contingency (if needed), for a total payment amount not to exceed $618,184, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Wright/Alvarez; 7/0) Resolution 2024-418 approving the City's Pandemic Recovery Strategy, Modesto Forward, for the reallocation of American Rescue Plan Act Funds for the Downey Shade Structure and Parking Lot Replacement Project and authorizing the City Manager, or his designee, to carry out the necessary steps to implement the programs and funding allocation.

ACTION: (Wright/Alvarez; 7/0) Resolution 2024-419 amending the Fiscal Year 2024-25 Capital Improvement Program budget to fund Project #100922 (Downey Shade Structure) in an amount not to exceed $141,802 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 rejecting all bids received for the Virginia Corridor Phase 7 Project and authorizing staff to readvertise the project for bids at a future date. (Funding Source: Non-Motorized Local Transportation Funds, Parks & Air Qualify CFF, and Various Grants)
    - Resolution rejecting all bids for the Virginia Corridor Phase 7 Project, and authorizing staff to re-advertise the project for bids at a future date.

    PRN; Ken Peterson, 209-571-5573, kpeterson@modestogov.com

    ACTION: (Wright/Alvarez; 7/0) Resolution 2024-420 rejecting all bids for the Virginia Corridor Phase 7 Project, and authorizing staff to re-advertise the project for bids at a future date.

Consent

16. Consider approving a Second Amendment with Williams Scotsman, Inc., Fresno, California, for the Modular Building at Dryden Golf Course increasing the Agreement amount by $35,000 and extending the term of the Agreement from December 28, 2024 to June 14, 2026. (Funding Source: Golf Fund)
    - Resolution approving the Second Amendment with Williams Scotsman, Inc., Fresno, California, for the Modular Building at Dryden Golf Course increasing the Agreement amount by $35,000 to a new total amount of $130,000 and extending the term of the Agreement from December 28, 2024 to June 14,

2026; and authorizing the City Manager or his designee to execute the Amendment.

Consent

17. Consider approving an Engineering Services Agreement with Westwood Professional Services (formerly O'Dell Engineering), of Modesto, CA, for the Sonoma Sewer Trunk Phase 4b Project in an amount not to exceed $80,300. (Funding Source: Wastewater Fund)
    - Resolution approving an Engineering Services Agreement with Westwood Professional Services (formerly O'Dell Engineering), of Modesto, CA, for the Sonoma Sewer Trunk Phase 4b Project in the amount of $73,000, plus $7,300 in additional services, if needed, for a total amount not to exceed $80,300 and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution approving an amendment to the Fiscal Year 2024-25 Capital Improvement Program Budget in the amount of $2,005,300 to be transferred into the Project from Wastewater Reserves to fund the Sonoma Sewer Trunk Phase 4b Project and authorizing the City Manager to take the necessary steps to implement the provisions of this Resolution.

    UTILITIES; Cristian Ciotau, 209-571-5175, cciotau@modestogov.com

    ACTION: (Wright/Alvarez; 7/0) Resolution 2024-422 approving an Engineering Services Agreement with Westwood Professional Services (formerly O'Dell Engineering), of Modesto, CA, for the Sonoma Sewer Trunk Phase 4b Project in the amount of $73,000, plus $7,300 in additional services, if needed, for a total amount not to exceed $80,300 and authorizing the City Manager, or his designee, to execute the Agreement.

    ACTION: (Wright/Alvarez; 7/0) Resolution 2024-423 approving an amendment to the Fiscal Year 2024-25 Capital Improvement Program Budget in the amount of $2,005,300 to be transferred into the Project from Wastewater Reserves to fund the Sonoma Sewer Trunk Phase 4b Project and authorizing the City Manager to take the necessary steps to implement the provisions of this Resolution.

Consent

18. Consider approving the First Amendment with AERC Acquisition Corporation, Hatboro, PA, for the Removal and Recycling of Universal Waste increasing the Agreement amount by $95,000 to a revised total amount of $135,000 over five years. (Funding Source: Various Funds)
    - Resolution approving the First Amendment to the Agreement with AERC Acquisition Corporation, Hatboro, PA, for the Removal and Recycling of Universal Waste, increasing the Agreement amount by $95,000 to a new total amount of $135,000 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/Alvarez; 7/0) Resolution 2024-424 approving the First Amendment to the Agreement with AERC Acquisition Corporation, Hatboro, PA, for the Removal and Recycling of Universal Waste, increasing the Agreement amount by $95,000 to a new total amount of $135,000 over five years and authorizing the City Manager, or his designee to execute the Amendment.

Consent

19. Consider approving a Third Amendment to the City Clerk Employment Agreement with Diane Nayares-Perez adjusting terms of the contract regarding compensation as a result of the 2023 City-wide Labor Market Study. (Funding Source: General Fund)
    - Resolution approving a Third Amendment to the City Clerk Employment Agreement with Diane Nayares-Perez adjusting terms of the contract regarding compensation as a result of the 2023 City-wide Labor Market Study.

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

    ACTION: (Wright/Alvarez; 7/0) Resolution 2024-425 approving a Third Amendment to the City Clerk Employment Agreement with Diane Nayares-Perez adjusting terms of the contract regarding compensation as a result of the 2023 City-wide Labor Market Study.

Consent

20. Consider approving a Third Amendment to the City Manager Employment Agreement with Joseph P. ("Joe") Lopez adjusting terms of the contract regarding Management Leave and Severance as a result of the delivery of a positive performance evaluation. (Funding Source: General Fund)
    - Resolution approving a Third Amendment to the City Manager Employment Agreement with Joseph P. ("Joe") Lopez adjusting terms of the contract regarding Management Leave and Severance.

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

    ACTION: (Wright/Alvarez; 7/0) Resolution 2024-426 approving a Third Amendment to the City Manager Employment Agreement with Joseph P. ("Joe") Lopez adjusting terms of the contract regarding Management Leave and Severance.

COUNCIL COMMENTS & REPORTS

Councilmember Escutia-Braaton honored Mrs. Clotilde Duarte on her 99th birthday, noting her birth in the Azores, Portugal, in 1925. Mrs. Duarte immigrated to the U.S. in 1959, settled in Modesto, and, with her husband Luis, raised six children and 15 grandchildren. She worked as a seamstress, donating over 2,500 dresses to orphanages worldwide. She also expressed thanks and gratitude to the Veteran's for their service to the nation.

Councilmember Ricci voiced concerns about Modesto's homelessness crisis, calling for stronger solutions amid limited shelter beds and rising rents for seniors. He also commended the Modesto Police Department for quickly recovering stolen items and arresting a suspect after a burglary at Queen Bean Coffee House. He also reminded everyone to attend the Christmas Parade.

Councilmember Williams reflected on recent community events, including the well-attended groundbreaking at Cesar Chavez Park and his participation in a Veterans Day celebration, where the Fire Department cooked 300 hot dogs for attendees. About 300 people gathered to honor veterans, including 110-year-old Korean War veteran Hal Conkey. He announced plans for a significant Veterans Day celebration in 2025 for the 80th anniversary of World War II and thanked event co-chairs Carlos and Autumn, as well as committee members. He expressed gratitude for the chance to honor veterans and acknowledged their sacrifices.

Councilmember Bavaro echoed concerns about homelessness in Modesto, particularly in District 4, where encampments have increased along Yosemite Boulevard and Perry Avenue. While acknowledging the City's efforts, he stressed the need to revisit street camping policies and find better ways to manage those who refuse shelter or treatment. He noted that three districts are heavily impacted, and linked the issue to economic development, emphasizing the need to address homelessness as more jobs are introduced. He expressed hope for productive Council discussions on solutions.

Vice Mayor Alvarez thanked military veterans, mentioning his personal connection through cousins who are career Marines. He reflected on attending the Cesar Chavez Park groundbreaking, a project funded by state ARPA and Measure H that will add a skate park, renovated youth center, and new sports facilities to benefit District 2 youth. Vice Mayor Alvarez also discussed the rental housing safety program, highlighting issues at the Kansas House, which has faced crime, vandalism, and poor conditions. To improve safety, staff are enhancing fencing, cameras, and pest control. He expressed hope for continued funding for these efforts in the next fiscal year.

The Mayor attended the first graduation ceremony for the Downtown Streets Team's Living Well Program, which supports formerly unhoused individuals in building stable lives. Program coordinator Alana Scott celebrated four graduates who overcame challenges to become leaders. Councilmembers Wright and Williams were present, and the speaker expressed admiration for the six women's progress, noting the impact of their weekly meetings and mentorship. The event was inspiring, honoring the graduates' hard work and achievements.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on November 1, 2024.

21. Hearing to consider adopting an Ordinance amending various Sections and Tables within Title 10 of the Modesto Municipal Code relating to Accessory Dwelling Units and approving an Agreement with Valley First Credit Union Modesto, California for Accessory Dwelling Units (ADU) Revolving Loan Fund to increase the development of ADUs in the community for a total amount not to exceed $450,000. (Funding Source: Measure H Fund)
    - Motion introducing and waiving the first reading of the Ordinance amending various Sections and Tables within Title 10 of the Modesto Municipal Code relating to Accessory Dwelling Units.
    - Resolution approving an Agreement with Valley First Credit Union Modesto, California for Accessory Dwelling Unit (ADU) Revolving Loan Fund to increase the development of ADUs in the community for a total amount not to exceed $450,000 and authorizing the City Manager, or his designee, to negotiate and execute the Agreement.

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

    ACTION: (Bavaro/Alvarez; 7/0) Motion introducing and waiving the first reading of the **Ordinance 3787-C.S.** amending various Sections and Tables within Title 10 of the Modesto Municipal Code relating to Accessory Dwelling Units.

    ACTION: (Ricci/Williams; 7/0) Resolution 2024-427 approving an Agreement with Valley First Credit Union Modesto, California for Accessory Dwelling Unit (ADU) Revolving Loan Fund to increase the development of ADUs in the community for a total amount not to exceed $450,000 and authorizing the City Manager, or his designee, to negotiate and execute the Agreement.

Published in the Modesto Bee on November 1, 2024.

22. Hearing to consider the adoption of an Urgency Ordinance, extending the temporary moratorium on the establishment of new and relocation or physical expansion of existing tobacco retailer businesses, also known as smoke shops, within the City of Modesto, for a period of ten (10) months and fifteen (15) days, to become effective immediately. (Funding Source: Not Applicable)
    - Motion adopting an Urgency Ordinance of the City of Modesto making findings and extending the temporary moratorium on the establishment of new and relocation or physical expansion of existing tobacco retailer businesses, also known as smoke shops, within the City of Modesto for a period of ten (10) months and fifteen (15) days, to become effective immediately.

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

    ACTION: (Wright/Escutia-Braaton; 7/0) Motion adopting an **Urgency Ordinance 3788-C.S.** of the City of Modesto making findings and extending the temporary moratorium on the establishment of new and relocation or physical expansion of existing tobacco retailer businesses, also known as smoke shops, within the City of

Modesto for a period of ten (10) months and fifteen (15) days, to become effective immediately.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:05 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: Bay Cities Paving & Grading v. City of Modesto
Arbitration Case No.: A-0012-2024, BCP Job 4030

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

Property: 601 Neece Dr., Modesto, CA 95351; APN: 102-012-001 and 102-012-004

Property Owners: City of Modesto

Negotiating Parties:
For City: Joseph P. Lopez, City Manager

For Lessee: The Baseball Club of Modesto, LLC

Under Negotiation: Price and Terms of Lease

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California
Wednesday, November 13, 2024 at 4:00 PM

Roll Call: Present: Committee Member Wright and Chair Bavaro
Absent: Vice-Chair Escutia-Braaton
Also Present: Alternate Member Ricci (Arrived at 4:04pm)

PUBLIC COMMENTS IN PERSON

None.

SUBMITTING COMMENTS BY E-MAIL

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 1-5 (Wright/Bavaro; 2/0)

CONSENT

Consent
1. Consider the recommended budget adjustments to Fiscal Year 2024-25 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion recommending the budget adjustments to 2024-25 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval.

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

ACTION: (Wright/Bavaro; 2/0) Motion recommending the budget adjustments to 2024-25 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval.

Consent
2. Consider a Change Order to the Agreement with OpenGov Inc., San Francisco, CA for the Public Bidding Solution Subscription increasing the Agreement amount by $13,975 and forwarding to Council for approval. (Funding Source: General Fund, Capital Improvement Fund, and Utility Funds)

- Motion recommending a Change Order to the Agreement with OpenGov Inc., San Francisco, CA for the Public Bidding Solution Subscription increasing the amount by $13,975 for a new total amount not to exceed $290,111 and forwarding to Council for approval.

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

ACTION: (Wright/Bavaro; 2/0) Motion recommending a Change Order to the Agreement with OpenGov Inc., San Francisco, CA for the Public Bidding Solution Subscription increasing the amount by $13,975 for a new total amount not to exceed $290,111 and forwarding to Council for approval.

Consent

3. Consider the First Amendment with Public Group, aka Public Surplus, Provo, UT for Online Auction Services increasing the Agreement amount by $400,000 and forwarding to Council for approval. (Funding Source: Various Fleet Replacement Funds)
    - Motion recommending the First Amendment with Public Group, aka Public Surplus, Provo, UT for Online Auction Services increasing the Agreement annual estimated amount by $50,000 to a revised annual estimated amount of $80,000 and increase the Agreement amount by $250,000 to a new total amount not to exceed $400,000 for the five-year term Agreement; and forwarding to Council for approval.

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

ACTION: (Wright/Bavaro; 2/0) Motion recommending the First Amendment with Public Group, aka Public Surplus, Provo, UT for Online Auction Services increasing the Agreement annual estimated amount by $50,000 to a revised annual estimated amount of $80,000 and increase the Agreement amount by $250,000 to a new total amount not to exceed $400,000 for the five-year term Agreement; and forwarding to Council for approval.

Consent

4. Consider a Purchase Agreement with Telcion Communications Group, Turlock, CA to enhance cybersecurity infrastructure for a total amount not to exceed $240,000 over three years and forwarding to Council for approval. (Funding Source: American Rescue Plan Act (ARPA) Funds and Information Technology Fund)
    - Motion recommending a Purchase Agreement with Telcion Communications Group, Turlock, CA, by utilizing the Competitive Bid Process through Merced County FOCUS Agreement for a 3-year Agreement, and a total amount not to exceed $240,000, over three years; and forwarding to Council for approval.

IT; Dameon Booker, 209-577-5229, dbooker@modestogov.com

ACTION: (Wright/Bavaro; 2/0) Motion recommending a Purchase Agreement with Telcion Communications Group, Turlock, CA, by utilizing the Competitive Bid Process

through Merced County FOCUS Agreement for a 3-year Agreement, and a total amount not to exceed $240,000, over three years; and forwarding to Council for approval.

Consent

5. Consider the price increase of Purchase Order 216608 for Napa Ford, Napa, CA by $50,404 for three Ford Police Responder Pickups for a revised total amount not to exceed $175,327 and forwarding to Council for approval. (Funding Source: Fleet Replacement Fund)
    - Motion recommending the price increase of Purchase Order 216608 for Napa Ford, Napa, CA by $50,404 for three Ford Police Responder Pickups for a revised total amount not to exceed $175,327 and forwarding to Council for approval.

    PUBLIC WORKS; Larry Devereaux, 209-342-2214, ldevereaux@modestogov.com

    ACTION: (Wright/Bavaro; 2/0) Motion recommending the price increase of Purchase Order 216608 for Napa Ford, Napa, CA by $50,404 for three Ford Police Responder Pickups for a revised total amount not to exceed $175,327 and forwarding to Council for approval.

NEW BUSINESS

6. Consider an informational update on the American Rescue Plan Act spending plan, a Memorandum of Understanding between the City of Modesto and Modesto Fire Department to implement the Fire Station 1 enhancement program and forwarding to Council for approval. (Funding Source: American Rescue Plan Act)
    - Motion accepting an informational report update on the American Rescue Plan Act spending plan and forwarding to Council for approval.
    - Motion recommending a Memorandum of Understanding between the City of Modesto and Modesto Fire Department to implement the Fire Station 1 enhancement program and forwarding to Council for approval.

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

    ACTION: (Wright/Bavaro; 2/0) Motion accepting an informational report update on the American Rescue Plan Act spending plan and forwarding to Council for approval.

    ACTION: (Wright/Bavaro; 2/0) Motion recommending a Memorandum of Understanding between the City of Modesto and Modesto Fire Department to implement the Fire Station 1 enhancement program and forwarding to Council for approval.

7. Consider an Agreement with Amano-McGann, Inc., Roseville, MN for Parking Access Control Revenue System Upgrade, Field Devices and Software for a total amount not to exceed $963,172 over five years and forwarding to Council for approval. (Funding Source: Measure H Funds)

- Motion recommending the Agreement with Amano McGann, Inc., Roseville, MN for Parking Access Control Revenue System Upgrade, Field Devices and Software for a five-year Agreement, for a total amount not to exceed $963,172 over five years; and forwarding to Council for approval.

PUBLIC WORKS; Patrick Crowley, 209-402-6812, pcrowley@modestogov.com

ACTION: (Wright/Bavaro; 2/0) Motion recommending the Agreement with Amano McGann, Inc., Roseville, MN for Parking Access Control Revenue System Upgrade, Field Devices and Software for a five-year Agreement, for a total amount not to exceed $963,172 over five years; 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
SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP
2001-40 Del Puerto Room.
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, November 18, 2024 at 4:00 PM

Roll Call: Present: Committee Member Ricci, Vice-Chair Williams, Chair Escutia-Braaton

PUBLIC COMMENTS IN PERSON

None.

SUBMITTING COMMENTS BY E-MAIL

None.

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

CONSENT

Consent

1. Consider a Lease Agreement with William Brent Burnside, DBA Burnside Management Team, Modesto, CA, for use of Fenced Parking Lot for a total amount not to exceed $188,016 over four years and forwarding to Council for approval. (Funding Source: General Fund)
    - Motion recommending a Lease Agreement with William Brent Burnside, DBA Burnside Management Team, Modesto, CA, for use of Fenced Parking Lot for a four-year Agreement, for an annual estimated amount of $47,004, and a total amount not to exceed $188,016 over four years; and forwarding to Council for approval.

    POLICE DEPARTMENT; Jessica Smart, 209-572-9500, smartj@modestopd.com

    ACTION: (Ricci/Williams; 3/0) Motion recommending a Lease Agreement with William Brent Burnside, DBA Burnside Management Team, Modesto, CA, for use of Fenced Parking Lot for a four-year Agreement, for an annual estimated amount of $47,004, and a total amount not to exceed $188,016 over four years.

Removed from Consent

2. Consider the Plans and Specifications for Tuolumne River Regional Park River (TRRP) Pavilion & Learning Theater Project, accepting the Bid and Awarding a

Construction Contract to Westside Landscape & Concrete, Inc. of Newman, CA., in the amount of $552,925 authorizing $44,234 for contingency (if needed), for a total payment amount not to exceed $597,159 and forwarding to Council for approval. (Funding Source: Various Funds)

- Motion recommending approval of the Plans and Specifications for the Tuolumne River Regional Park (TRRP) Pavilion & Learning Theater Project, accepting the Bid and Awarding a Construction Contract to Westside Landscape & Concrete, Inc. of Newman, CA., in the amount of $552,925 authorizing $44,234 for contingency (if needed), for a total payment amount not to exceed $597,159, and authorizing the City Manager, or his designee, to execute the Agreement, and forwarding to Council for approval.
- Motion recommending amending the Fiscal Year 2024-25 Capital Improvement Program budget to fund Project #101135 (TRRP River Pavilion) in an amount not to exceed $64,002 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 Agreement and forwarding to Council for approval.

PRN; Ken Peterson, 209-571-5573, kpeterson@modestogov.com

ACTION: (Williams/Ricci; 3/0) Motion recommending approval of the Plans and Specifications for the Tuolumne River Regional Park (TRRP) Pavilion & Learning Theater Project, accepting the Bid and Awarding a Construction Contract to Westside Landscape & Concrete, Inc. of Newman, CA., in the amount of $552,925 authorizing $44,234 for contingency (if needed), for a total payment amount not to exceed $597,159, and authorizing the City Manager, or his designee, to execute the Agreement, and forwarding to Council for approval.

ACTION: (Williams/Ricci; 3/0) Motion recommending amending the Fiscal Year 2024-25 Capital Improvement Program budget to fund Project #101135 (TRRP River Pavilion) in an amount not to exceed $64,002 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 Agreement and forwarding to Council for approval.

NEW BUSINESS

3. Consider an Agreement with Berry, Dunn, McNeil, & Parker LLC, Portland, ME, to prepare the Parks and Recreation Master Plan for an amount of $383,350, plus $38,335 for additional services, if needed, for an Agreement total not to exceed $421,685 and forwarding to Council for approval. (Funding Source: Measure H)

- Motion recommending an Agreement with Berry, Dunn, McNeil, & Parker LLC, Portland, ME to prepare the Parks and Recreation Master Plan for an amount of $383,350, plus $38,335 for additional services, if needed, for an Agreement total not to exceed $421,685 and forwarding to Council for approval.

PRN; Diane Sheatsley, 209-577-5418, dsheatsley@modestogov.com

ACTION: (Ricci/Williams; 3/0) Motion recommending an Agreement with Berry, Dunn, McNeil, & Parker LLC, Portland, ME to prepare the Parks and Recreation Master Plan for an amount of $383,350, plus $38,335 for additional services, if needed, for an Agreement total not to exceed $421,685 and forwarding to Council for approval.

4. Consider the Plans and Specifications for The Awesome Spot Playground, Phase 1A, accepting the Bid and Awarding a Construction Contract to Westside Landscape & Concrete, Inc. of Newman, CA., in the amount of $738,868 authorizing $73,887 for contingency (if needed), for a total payment amount not to exceed $812,755, and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion recommending the Plans and Specifications for The Awesome Spot Playground, Phase 1A, accepting the Bid and Awarding a Construction Contract to Westside Landscape & Concrete, Inc. of Newman, CA., in the amount of $738,868 authorizing $73,887 for contingency (if needed) for a total payment amount not to exceed $812,755, and forwarding to Council for approval.

PRN; Ken Peterson, 209-571-5573, kpeterson@modestogov.com

ACTION: (Ricci/Williams; 3/0) Motion recommending the Plans and Specifications for The Awesome Spot Playground, Phase 1A, accepting the Bid and Awarding a Construction Contract to Westside Landscape & Concrete, Inc. of Newman, CA., in the amount of $738,868 authorizing $73,887 for contingency (if needed) for a total payment amount not to exceed $812,755, and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:34 p.m.

Attest: _____
Dana Sanchez, Assistant City Clerk

MINUTES
City of Modesto
CANNABIS PROGRAM AND PERMIT REVIEW COMMITTEE / COUNCIL WORKSHOP
2001-40 Del Puerto Room.
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, November 19, 2024 at 4:00 PM

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

PUBLIC COMMENTS IN PERSON

None.

SUBMITTING COMMENTS BY E-MAIL

None.

HEARINGS

Published in the Modesto Bee on November 8, 2024.

1 Consider approving four commercial cannabis permit applications for non-retail operations at various locations in the City of Modesto with appropriate conditions. (Funding Source: Cannabis Business Permit Application Fee)

- Resolution approving a commercial cannabis distribution Type 11 permit for Que Tees, LLC, located at 1127 Kansas Ave, Suite 47 for a two year period ending June 30, 2026, with appropriate conditions.
- Resolution approving a commercial cannabis cultivation Type 1-C permit for Power High 99, LLC located at 1127 Kansas Ave, Suite 52 for a two year period ending June 30, 2026, with appropriate conditions.
- Resolution approving a commercial cannabis microbusiness Type 12 permit for Modesto's Finest, LLC, located at 1006 Lone Palm Ave for a two year period ending June 30, 2026, with appropriate conditions.
- Resolution approving a commercial cannabis distribution Type 11 permit for CLD, LLC located at 903 Kansas Ave, Unit P, for a two year period ending June 30, 2026, with appropriate conditions.

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

ACTION: (Zwahlen/Wright; 3/0) Resolution 02-2024 approving a commercial cannabis distribution Type 11 permit for Que Tees, LLC, located at 1127 Kansas Ave, Suite 47 for a two year period ending June 30, 2026, with appropriate conditions.

ACTION: (Wright/Zwahlen; 3/0) Resolution 03-2024 approving a commercial cannabis cultivation Type 1-C permit for Power High 99, LLC located at 1127 Kansas Ave, Suite 52 for a two year period ending June 30, 2026, with appropriate conditions.

ACTION: (Wright/Zwahlen; 3/0) Resolution 04-2024 approving a commercial cannabis microbusiness Type 12 permit for Modesto's Finest, LLC, located at 1006 Lone Palm Ave for a two year period ending June 30, 2026, with appropriate conditions.

ACTION: (Wright/Ricci; 3/0) Resolution 05-2024 approving a commercial cannabis distribution Type 11 permit for CLD, LLC located at 903 Kansas Ave, Unit P, for a two year period ending June 30, 2026, with appropriate conditions.

NEW BUSINESS

2 Consider providing a recommendation regarding the submission of a Grant Application for the Governor's Office of Business and Economic Development (GO-Biz) Cannabis Equity Grants Program for Local Jurisdictions for an amount up to $250,000 without a local match requirement and forwarding to Council for consideration. (Funding Source: Not Applicable)

- Motion providing a recommendation regarding the submission of a Grant Application for the Governor's Office of Business and Economic Development (GO-Biz) Cannabis Equity Grants Program for Local Jurisdictions for an amount up to $250,000 without a local match requirement and forwarding to Council for consideration.

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

ACTION: (Zwahlen/Ricci; 2/1; Noes Wright) Motion providing a recommendation regarding the submission of a Grant Application for the Governor's Office of Business and Economic Development (GO-Biz) Cannabis Equity Grants Program for Local Jurisdictions for an amount up to $250,000 without a local match requirement and forwarding to Council for consideration.

ADJOURNMENT

This meeting adjourned at 4:36 p.m.

Attest: _____
Andrea Cook, Deputy City Clerk

MINUTES
City of Modesto
ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL
2001-40 Del Puerto Room.
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, December 02, 2024 at 4:00 PM

Roll Call: Present: Vice-Chair Alvarez, Committee Member Zwahlen, Alternate Member Wright

Absent: Chair Ricci

PUBLIC COMMENTS IN PERSON

None.

SUBMITTING COMMENTS BY E-MAIL

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEMS 1-2 (Zwahlen/Wright; 3/0)

CONSENT

Consent

1. Consider a Grant of Permanent Easement to Modesto Irrigation District associated with existing irrigation facilities within a 5-foot-wide uniform strip of APN 084-002-046, consenting to the recordation thereof and forwarding to Council for approval. (Funding Source: Water Fund)
    - Motion recommending a Grant of Permanent Easement to Modesto Irrigation District to cover existing irrigation facilities within a 5-foot-wide uniform strip of APN 084-002-046, consenting to the recordation thereof and forwarding to Council for approval.

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

    ACTION: (Zwahlen/Wright; 3/0) Motion recommending a Grant of Permanent Easement to Modesto Irrigation District to cover existing irrigation facilities within a 5-foot-wide uniform strip of APN 084-002-046, consenting to the recordation thereof and forwarding to Council for approval.

Consent

2. Consider the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency 2024 Memorandum of Understanding for undertaking groundwater sustainability planning, reporting, studies, mutual aid and support services within the Modesto Sub-basin and forwarding to Council for approval. (Funding Source: Water Fund)
    - Motion recommending entering into a Memorandum of Understanding with the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency for undertaking groundwater sustainability planning, reporting, studies, mutual aid and support services within the Modesto Sub-basin and forwarding to Council for approval.
    - Motion recommending an Amendment to the Fiscal Year 2024-25 Operating Budget in the amount of $150,000 from Water Fund Reserves to fund the City of Modesto's share of the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency's activities within the Modesto Sub-basin and forwarding to Council for approval.

UTILITIES; Tim Barahona, 209-577-5485, tbarahona@modestogov.com

ACTION: (Zwahlen/Wright; 3/0) Motion recommending entering into a Memorandum of Understanding with the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency for undertaking groundwater sustainability planning, reporting, studies, mutual aid and support services within the Modesto Sub-basin and forwarding to Council for approval.

ACTION: (Zwahlen/Wright; 3/0) Motion recommending an Amendment to the Fiscal Year 2024-25 Operating Budget in the amount of $150,000 from Water Fund Reserves to fund the City of Modesto's share of the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency's activities within the Modesto Sub-basin and forwarding to Council for approval.

NEW BUSINESS

3. Consider a Resolution of Intention to form City of Modesto Community Facilities District (CFD) No. 2024-3 (Kiernan Business Park #2) and replacing City of Modesto Community Facilities District No. 2012-1 (Kiernan Business Park South) and designate a future annexation area and forwarding to Council for approval. (Funding Source: Developer Deposits)
    - Motion recommending a Resolution of Intention to form City of Modesto Community Facilities District (CFD) No. 2024-3 (Kiernan Business Park #2) replacing CFD No. 2012-1 and designate a future annexation area and forwarding to Council for approval.

CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

ACTION: (Zwahlen/Wright; 3/0) Motion recommending a Resolution of Intention to form City of Modesto Community Facilities District (CFD) No. 2024-3 (Kiernan

Business Park #2) replacing CFD No. 2012-1 and designate a future annexation area and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:10 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 03, 2024 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: Bill Kenoyer, Redeemer Church

City Clerk's Announcements: None

Declaration of Conflicts of Interest: Item 26 - Vice-Mayor Alvarez recused.

Reports from Closed Session: No reportable action.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Helen Putnam Award for Excellence to the City of Modesto in recognition for the partnership of Community Economic Development with Downtown Streets Team; Modesto Police Department for their Student Engagement Officer and 10K with a Cop; and Modesto Police Department for their Healthy Rooms Project. (Funding Source: Not Applicable)
   CITY MANAGER; Joe Lopez, 209-577-5223, joelopez@modestogov.com

   ACTION: Stephen Qualls and Desiree Haus presented Helen Putnam Award for Excellence to the City of Modesto in recognition for the partnership of Community Economic Development with Downtown Streets Team; Modesto Police Department for their Student Engagement Officer and 10K with a Cop; and Modesto Police Department for their Healthy Rooms Project.

2. 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; Jeremy Rogers, 209-577-5347, jrogers@modestogov.com

ACTION: Jennifer Mullin presented a check for $10,000 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.

PUBLIC COMMENT IN PERSON

- Dan Nichols raised concerns about dangerous speeding near his home, especially between Kodiak and Sylvan roundabouts. He warned of accidents and risks to students from a nearby high school, urging increased police enforcement and safety measures to prevent further tragedies.

- Kevin McClarty raised concerns about city buses creating traffic hazards when stopping to pick up or drop off passengers, particularly on streets like McHenry, Stanford, and Briggsmore. He highlighted issues like buses blocking the right lane, forcing vehicles to merge and obstructing pedestrian visibility, raising accident risks. McClarty proposed solutions like bus stop cutouts, as seen on Sisk Road, to enhance safety for motorists and pedestrians.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: (3-6, 8-22; Bavaro/Williams; 7/0)

CONSENT

Consent

3. Consider approving the minutes for the November 12, 2024 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes for the November 12, 2024 Council Meeting.

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

    ACTION: (Bavaro/Williams; 7/0) Motion approving the minutes for the November 12, 2024 Council Meeting.

Consent

4. Consider approving Final Adoption of Ordinance 3787-C.S. amending various sections and tables within Title 10 of the Modesto Municipal Code relating to Accessory Dwelling Units. (Funding Source: Not Applicable)
    - Motion approving Final Adoption of Ordinance 3787-C.S. amending various sections and tables within Title 10 of the Modesto Municipal Code relating to Accessory Dwelling Units.

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

ACTION: (Bavaro/Williams; 7/0) Motion approving Final Adoption of **Ordinance 3787-C.S.** amending various sections and tables within Title 10 of the Modesto Municipal Code relating to Accessory Dwelling Units.

Consent

5. Consider amending the 2025 Calendar of regularly scheduled City Council and Council Standing Committee meetings, and Rescinding Resolution 2024-381. (Funding Source: Not Applicable)
    - Resolution approving the amended 2025 City Calendars of regularly scheduled City Council and Council Standing Committee meetings and Rescinding Resolution 2024-381.

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

    ACTION: (Bavaro/Williams; 7/0) Resolution 2024-428 approving the amended 2025 City Calendars of regularly scheduled City Council and Council Standing Committee meetings and Rescinding Resolution 2024-381.

Consent

6. Consider accepting the Procurement Performance Audit report. (Funding Source: Not Applicable)
    - Motion accepting the Procurement Performance Audit report.

    CITY AUDITOR; Colleen Rozillis, 206-302-6795, colleen.rozillis@mossadams.com

    ACTION: (Bavaro/Williams; 7/0) Motion accepting the Procurement Performance Audit report.

Removed from Consent

7. Consider accepting the Solid Waste and Forestry Efficiency Study Update report. (Funding Source: Not Applicable)
    - Motion accepting the Solid Waste and Forestry Efficiency Study Update report.

    CITY AUDITOR; Colleen Rozillis, 206-302-6795, colleen.rozillis@mossadams.com

    ACTION: (Wright/Ricci; 7/0) Motion accepting the Solid Waste and Forestry Efficiency Study Update report.

Consent

8. Consider accepting the Property Management Review report. (Funding Source: Not Applicable)
    - Motion accepting the Property Management Review report.

    CITY AUDITOR; Colleen Rozillis, 206-302-6795, colleen.rozillis@mossadams.com

    ACTION: (Bavaro/Williams; 7/0) Motion accepting the Property Management Review report.

Consent

9. Consider accepting the Fleet Internal Controls Review report. (Funding Source: Not Applicable)
    - Motion accepting the Fleet Internal Controls Review report.

CITY AUDITOR; Colleen Rozillis, 206-302-6795, colleen.rozillis@mossadams.com

ACTION: (Bavaro/Williams; 7/0) Motion accepting the Fleet Internal Controls Review report.

Consent

10. Consider approving the recommended budget adjustments to Fiscal Year 2024-25 Annual Operating and Capital Improvement Program Budgets and amending the Fiscal Year 2024-25 Position Allocation. (Funding Source: Various Funds)
    - Resolution amending Fiscal Year 2024-25 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 Position Allocation for Fiscal Year 2024-25 as adopted in the operating budget.

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

ACTION: (Bavaro/Williams; 7/0) Resolution 2024-429 amending Fiscal Year 2024-25 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/Williams; 7/0) Resolution 2024-430 amending the Position Allocation for Fiscal Year 2024-25 as adopted in the operating budget.

Consent

11. Consider removing the original HOME Investment Partnership award in the amount of $1,786,971 and approving a First Amendment to the Permanent Local Housing Allocation Loan Agreement with Stanislaus Regional Housing Authority to increase the loan by $1,786,971 for a new total amount of $2,745,694 for the development of the Vine Street Affordable Housing Project. (Funding Source: Permanent Local Housing Allocation)
    - Resolution removing the original HOME Investment Partnership award in the amount of $1,786,971 and approving a First Amendment to the Permanent Local Housing Allocation Loan Agreement with Stanislaus Regional Housing Authority to increase the loan by $1,786,971 for a new total amount of $2,745,694 for the development of the Vine Street Affordable Housing Project; and authorizing the City Manager, or his designee, to negotiate and execute the Agreement.
    - Resolution amending the fiscal year 2024-2025 multi-year fund budget to increase the transfer of Permanent Local Housing Allocation (PLHA) funds for the development of the affordable housing Vine Street project (101185) in the amount of $1,786,971 and reducing the transfer of HOME Investment

Partnership (HOME) funds of $1,786,971 for a total project cost not to exceed $3,326,604 and budgeting the necessary transfers 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: (Bavaro/Williams; 7/0) Resolution 2024-431 removing the original HOME Investment Partnership award in the amount of $1,786,971 and approving a First Amendment to the Permanent Local Housing Allocation Loan Agreement with Stanislaus Regional Housing Authority to increase the loan by $1,786,971 for a new total amount of $2,745,694 for the development of the Vine Street Affordable Housing Project; and authorizing the City Manager, or his designee, to negotiate and execute the Agreement.

ACTION: (Bavaro/Williams; 7/0) Resolution 2024-432 amending the fiscal year 2024-2025 multi-year fund budget to increase the transfer of Permanent Local Housing Allocation (PLHA) funds for the development of the affordable housing Vine Street project (101185) in the amount of $1,786,971 and reducing the transfer of HOME Investment Partnership (HOME) funds of $1,786,971 for a total project cost not to exceed $3,326,604 and budgeting the necessary transfers and authorizing the City Manager or his designee to take the necessary steps to implement the provisions of this resolution.

Consent

12. Consider accepting an Informational Report for the October 2024 Accounts Payable Payment Register and Void Report. (Funding Source: Not Applicable)
    - Motion accepting an Informational Report for the October 2024 Accounts Payable Payment Register and Void Report.

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

ACTION: (Bavaro/Williams; 7/0) Motion accepting an Informational Report for the October 2024 Accounts Payable Payment Register and Void Report.

Consent

13. Consider approving an Agreement with Gilton Solid Waste Management, Inc. and Bertolotti Modesto Disposal, Inc. to perform Billing and Collection Services for certain solid waste removal provided to single-family residential customers within the City limits of Modesto for a two-year Agreement with three one-year extension options. (Funding Source: Not Applicable)
    - Resolution approving an Agreement with Gilton Solid Waste Management, Inc. and Bertolotti Modesto Disposal, Inc. to perform Billing and Collection Services for certain solid waste removal provided to single-family residential customers within the City limits of Modesto for a two-year Agreement with

three one-year extension options, and authorizing the City Manager, or his designee, to execute the Agreements.

FINANCE DEPARTMENT; Jeni Martin, 209-571-5892, jmartin@modestogov.com

ACTION: (Bavaro/Williams; 7/0) Resolution 2024-433 approving an Agreement with Gilton Solid Waste Management, Inc. and Bertolotti Modesto Disposal, Inc. to perform Billing and Collection Services for certain solid waste removal provided to single-family residential customers within the City limits of Modesto for a two-year Agreement with three one-year extension options, and authorizing the City Manager, or his designee, to execute the Agreements.

Consent

14. Consider approving a Change Order to the Agreement with OpenGov Inc., San Francisco, CA for the Public Bidding Solution Subscription increasing the Agreement amount by $13,975. (Funding Source: General Fund, Capital Improvement Fund, and Utility Funds)
    - Resolution approving a Change Order to the Agreement with OpenGov Inc., San Francisco, CA for the Public Bidding Solution Subscription increasing the amount by $13,975 for a new total amount not to exceed $290,111; and authorizing the City Manager or his designee to execute the Change Order request.

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

ACTION: (Bavaro/Williams; 7/0) Resolution 2024-434 approving a Change Order to the Agreement with OpenGov Inc., San Francisco, CA for the Public Bidding Solution Subscription increasing the amount by $13,975 for a new total amount not to exceed $290,111; and authorizing the City Manager or his designee to execute the Change Order request.

Consent

15. Consider approving the First Amendment with Public Group, aka Public Surplus, Provo, UT for Online Auction Services increasing the Agreement amount by $250,000. (Funding Source: Various Fleet Replacement Funds)
    - Resolution approving the First Amendment with Public Group, aka Public Surplus, Provo, UT for Online Auction Services increasing the Agreement annual estimated amount by $50,000 to a revised annual estimated amount of $80,000 and increasing the Agreement amount by $250,000 to a new total amount not to exceed $400,000 for the five-year term Agreement; and authorizing the City Manager or his designee to execute the Amendment.

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

ACTION: (Bavaro/Williams; 7/0) Resolution 2024-435 approving the First Amendment with Public Group, aka Public Surplus, Provo, UT for Online Auction Services increasing the Agreement annual estimated amount by $50,000 to a revised annual estimated amount of $80,000 and increasing the Agreement amount by

$250,000 to a new total amount not to exceed $400,000 for the five-year term Agreement; and authorizing the City Manager or his designee to execute the Amendment.

Consent

16. Consider approving an Agreement with First Alarm Wellness, Vista, California for Behavioral Health Services for the Modesto Fire Department for a two-year Agreement with three one-year extension options, for an annual estimated amount of $32,100 and a total amount not to exceed $160,500 over five years. (Funding Source: General Fund)
    - Resolution approving an Agreement with First Alarm Wellness, Vista, California for Behavioral Health Services for the Modesto Fire Department for a two-year Agreement with three one-year extension options, for an annual estimated amount of $32,100, and a total amount not to exceed $160,500 over five years and authorizing the City Manager, or his designee, to execute the Agreement.

    FIRE DEPARTMENT; Kevin Wise, 209-572-9590, kwise@modestofire.com

    ACTION: (Bavaro/Williams; 7/0) Resolution 2024-436 approving an Agreement with First Alarm Wellness, Vista, California for Behavioral Health Services for the Modesto Fire Department for a two-year Agreement with three one-year extension options, for an annual estimated amount of $32,100, and a total amount not to exceed $160,500 over five years and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

17. Consider approving a Second Amendment with West Coast Door and Gate, Ceres, CA, for On-call Commercial Roll-up Door Maintenance and Repair Services, increasing the Agreement amount by $50,000 to a new total amount not to exceed $286,000, and extending the term of the Agreement from December 2, 2024, to December 2, 2025. (Funding Source: General Fund)
    - Resolution approving the Second Amendment with West Coast Door and Gate, Ceres, CA for the on-call Commercial Roll-up Door Maintenance and Repair Services increasing the Agreement amount by $50,000 to a new total amount not to exceed $286,000, and extending the term of the Agreement from December 2, 2024, to December 2, 2025, and authorizing the City Manager, or his designee, to execute the Amendment.

    FIRE DEPARTMENT; Kevin Wise, 209-572-9590, kwise@modestofire.com

    ACTION: (Bavaro/Williams; 7/0) Resolution 2024-437 approving the Second Amendment with West Coast Door and Gate, Ceres, CA for the on-call Commercial Roll-up Door Maintenance and Repair Services increasing the Agreement amount by $50,000 to a new total amount not to exceed $286,000, and extending the term of the Agreement from December 2, 2024, to December 2, 2025, and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

18. Consider approving an Agreement with the State of California, Office of Emergency Services to temporarily house and maintain a Type 1 HazMat Emergency Response Vehicle. (Funding Source: General Fund)
    - Resolution approving an Agreement with the State of California, Office of Emergency Services to temporarily house and maintain a Type 1 HazMat Emergency Response Vehicle and authorizing the City Manager, or his designee, to execute the Agreement.

    FIRE DEPARTMENT; Kevin Wise, 209-572-9590, kwise@modestofire.com

    ACTION: (Bavaro/Williams; 7/0) Resolution 2024-438 approving an Agreement with the State of California, Office of Emergency Services to temporarily house and maintain a Type 1 HazMat Emergency Response Vehicle and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

19. Consider approving a Purchase Agreement with Telcion Communications Group, Turlock, CA to enhance cybersecurity infrastructure for a total amount not to exceed $240,000 over three years. (Funding Source: American Rescue Plan Act Funds and Information Technology Fund)
    - Resolution approving a Purchase Agreement with Telcion Communications Group, Turlock, CA, by utilizing the Competitive Bid Process through Merced County FOCUS Agreement for a 3-year Agreement, and a total amount not to exceed $240,000, over three years; and authorizing the City Manager or his designee to execute the Agreement.

    IT; Dameon Booker, 209-571-5529, dbooker@modestogov.com

    ACTION: (Bavaro/Williams; 7/0) Resolution 2024-439 approving a Purchase Agreement with Telcion Communications Group, Turlock, CA, by utilizing the Competitive Bid Process through Merced County FOCUS Agreement for a 3-year Agreement, and a total amount not to exceed $240,000, over three years; and authorizing the City Manager or his designee to execute the Agreement.

Consent

20. Consider rejecting all bids for the Sonoma Sewer Trunk Phases 3 and 4a Projects. (Funding Source: Wastewater Fund)
    - Resolution rejecting all bids for the Sonoma Sewer Trunk Phases 3 and 4a Projects.

    UTILITIES; Cristian Ciotau, 209-571-5175, cciotau@modestogov.com

    ACTION: (Bavaro/Williams; 7/0) Resolution 2024-440 rejecting all bids for the Sonoma Sewer Trunk Phases 3 and 4a Projects.

Consent

21. Consider approving an On-Call Hydraulic Wastewater System Modeling Support Services Agreement with Carollo Engineers, Inc., of Sacramento, 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 Hydraulic Wastewater System Modeling Support Services Agreement with Carollo Engineers, Inc., of Sacramento, CA for a one-year Agreement with two one-year extension options, for an annual estimated amount of $100,000, and a total amount not to exceed $300,000 over three years and authorizing the City Manager, or his designee, to execute the Agreement.

    UTILITIES; Tim Barahona, 209-577-5485, tbarahona@modestogov.com

    ACTION: (Bavaro/Williams; 7/0) Resolution 2024-441 approving an On-Call Hydraulic Wastewater System Modeling Support Services Agreement with Carollo Engineers, Inc., of Sacramento, CA for a one-year Agreement with two one-year extension options, for an annual estimated amount of $100,000, and a total amount not to exceed $300,000 over three years and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

22. Consider approving an On-Call Hydraulic Water System Modeling Support Services Agreement with West Yost & Associates, Inc., of Davis, 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 Hydraulic Water System Modeling Support Services Agreement with West Yost & Associates, Inc., of Davis, CA for a one-year Agreement with two one-year extension options, for an annual estimated amount of $100,000, and a total amount not to exceed $300,000 over three years; and authorizing the City Manager, or his designee, to execute the Agreement.

    UTILITIES; Tim Barahona, 209-577-5485, tbarahona@modestogov.com

    ACTION: (Bavaro/Williams; 7/0) Resolution 2024-442 approving an On-Call Hydraulic Water System Modeling Support Services Agreement with West Yost & Associates, Inc., of Davis, CA for a one-year Agreement with two one-year extension options, for an annual estimated amount of $100,000, and a total amount not to exceed $300,000 over three years; and authorizing the City Manager, or his designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

Councilmember Williams acknowledged and thanked Dan and Denise Costa for organizing their 40th annual Thanksgiving event at the plaza, where they provided warm meals to over 400 individuals experiencing homelessness.

Councilmember Escutia-Braaton discussed the City's Safe Streets initiative, encouraged public engagement through ModestoSafeStreets.com, and shared updates on a redevelopment project turning the former Clarion Inn into 148 affordable housing units. She also attended the South Modesto Business United Tree Lighting Ceremony and highlighted their upcoming Posada Navideña event, which provides gifts and groceries to local families.

Councilmember Ricci addressed the rising feral cat population in Modesto, citing halted spay and neuter programs and increased veterinary costs as contributing factors. He highlighted environmental impacts on parks and wildlife areas and announced plans to collaborate with the Feral Cat Committee and the county to find solutions, inviting public involvement.

Vice Mayor Alvarez provided updates on recent activities and upcoming events in District Two. He met with the NAACP Housing Committee to discuss potential uses for the 54-acre former Muni golf course, advocating for a mixed-use development including retail, entertainment, and workforce housing. He announced his participation as a panelist for the People's Plan report presentation on December 5th, alongside other community leaders. Alvarez also highlighted his involvement in the South Modesto Business United tree lighting event and praised Supervisor Chance Condit for collaborating to quickly address trash and blight near the event site, despite jurisdictional challenges.

Mayor Zwahlen participated in the Ruby Bridges Walk to School Day at Aspire University Charter, honoring Ruby Bridges' courage and reflecting on her historic experiences. She also swore in two lateral police officers in her office to accommodate the police chief's schedule. The mayor attended a housing day event hosted by the city and county, featuring State Housing Secretary Tamika Moss and her deputy. The event included tours of the James Street Homekey project for the severely mentally ill and a pilot supportive housing program at Freewill Baptist Church. Additional engagements included the Salvation Army Kettle Kickoff and the Stanislaus County Interfaith Council Gratitude event at the Hindu Temple on Coffee Road.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on November 22, 2024.

23. Hearing to consider accepting the Capital Facilities Fees Annual Report for Fiscal Year 2023-24 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 2023-24 and making findings related to each of the fee categories.

    CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

ACTION: (Bavaro/Wright; 7/0) Resolution 2024-443 accepting the Capital Facilities Fees Annual Report for Fiscal Year 2023-24 and making findings related to each of the fee categories.

Published in the Modesto Bee on November 22, 2024.

24. Hearing to consider accepting the Fiscal Year 2023-24 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 2023-24 Annual Report of Funds Held for Future Improvements and making findings related to each security on file.

    CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

    ACTION: (Williams/Wright; 7/0) Resolution 2024-444 accepting the Fiscal Year 2023-24 Annual Report of Funds Held for Future Improvements and making findings related to each security on file.

Published in the Modesto Bee on November 24, 2024.

25. Hearing to consider a Historic Property Preservation Agreement (Mills Act Contract #13) for the State Theatre at 1307 J Street (owner: State Theatre of Modesto, Inc), Modesto Landmark Preservation Site #22. (Funding Source: Applicant Funded)
    - Resolution approving a Historic Property Preservation Agreement (Mills Act Contract #13) for the State Theatre at 1307 J Street (owner: State Theatre of Modesto, Inc), Modesto Landmark Preservation Site #22, and authorizing the City Manager or designee to execute the Agreement.

    CED; Michael Hren, 209-577-5273, mhren@modestogov.com

    ACTION: (Ricci/Alvarez; 7/0) Resolution 2024-445 approving a Historic Property Preservation Agreement (Mills Act Contract #13) for the State Theatre at 1307 J Street (owner: State Theatre of Modesto, Inc), Modesto Landmark Preservation Site #22, and authorizing the City Manager or designee to execute the Agreement.

Recessed: 7:12 P.M.
Resumed: 7:19 P.M.

NEW BUSINESS

26. Consider approving the submission of a Grant Application for the Governor's Office of Business and Economic Development (GO-Biz) Cannabis Equity Grants Program for Local Jurisdictions for an amount up to $250,000 without a local match requirement. (Funding Source: Not Applicable)
    - Resolution approving the submission of a Grant Application for the Governor's Office of Business and Economic Development (GO-Biz) Cannabis Equity Grants Program for Local Jurisdictions for an amount up to $250,000 without a local match requirement, and authorizing the City Manager, or his Designee, to submit the application.

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

ACTION: (Williams/Ricci; 3/3; Noes: Bavaro, Escutia-Braaton, Wright; Recused: Alvarez; MOTION FAILED) Resolution approving the submission of a Grant Application for the Governor's Office of Business and Economic Development (GO-Biz) Cannabis Equity Grants Program for Local Jurisdictions for an amount up to $250,000 without a local match requirement, and authorizing the City Manager, or his Designee, to submit the application.

ACTION: (Williams/Ricci; 3/3; Noes: Bavaro, Escutia-Braaton, Wright; Recused: Alvarez; MOTION FAILED) Motion to bring item back at next meeting.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:46 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
Wednesday, December 04, 2024 at 4:00 PM

Roll Call Present: Jeremiah Williams, Chair, Eric Alvarez, Vice-Chair and Rosa Escutia-Braaton, Member

Absent: None

PUBLIC COMMENTS IN PERSON

None

COMMENTS BY E-MAIL

City Clerk Nayares-Perez referenced written comments received from Mark Niskanen and stated the comments were provided to the Committee.

NEW BUSINESS

1. Consider interviewing and recommending the appointments for three full term vacancies with a term date ending December 31, 2028, and one partial term with a term date ending December 31, 2025, on the City of Modesto Planning Commission and forwarding to City Council for approval. (Funding Source: Not Applicable)
    - Motion recommending the appointment of three full term vacancies with a term date ending December 31, 2028, and one partial vacancy with a term date ending December 31, 2025, on the City of Modesto Planning Commission and forwarding to Council for approval.

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

ACTION: (Alvarez/Escutia-Braaton; 3/0) Motion recommending the appointments of Michael Arroyo, Erin Black and Naramsen Goriel for a full term with a term date ending December 31, 2028, and Hans Hauselmann for partial vacancy with a term date ending December 31, 2025, on the City of Modesto Planning Commission and forwarding to Council for approval

2. Consider interviewing and recommending the appointments for three vacancies on the City of Modesto Board of Zoning Adjustment with term ending December 31, 2028 and forwarding to City Council for approval. (Funding Source: Not Applicable)
    - Motion to recommend the appointments of three full vacancies with the date ending December 31, 2028, 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: (Escutia-Braaton/Alvarez; 3/0) Motion recommending two appointments Mark Niskanen and Minal Desal to the City of Modesto Board of Zoning Adjustment with term ending December 31, 2028 and forwarding to City Council for approval.

3. Consider accepting the resignation of Damon Robbins from the Visit Modesto Board of Directors and recommending the appointment of Brad Morad to fill the partial unexpired term ending December 31, 2025, followed by a full term from January 1, 2026, to December 31, 2029, and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion accepting the resignation of Damon Robbins from the Visit Modesto Board of Directors and recommending the appointment of Brad Morad to fill the partial unexpired term ending December 31, 2025, followed by a full term from January 1, 2026, to December 31, 2029, and forwarding to Council for approval.

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

ACTION: (Escutia-Braaton/ Alvarez; 3/0) Motion accepting the resignation of Damon Robbins from the Visit Modesto Board of Directors and recommending the appointment of Brad Morad to fill the partial unexpired term ending December 31, 2025, followed by a full term from January 1, 2026, to December 31, 2029, and forwarding to Council for approval.

4. Consider the appointments to two vacancies of the City of Modesto Citizens' Housing and Community Development Committee for a 4-year term beginning January 1,2025 through December 31, 2028, and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending the appointment of two vacancies to the City of Modesto Citizens' Housing and Community Development Committee for a 4-year term beginning January 1,2025 through December 31, 2028, and forwarding to Council for approval.

   CED; Edgar Garcia, 209-577-5211, edgarcia@modestogov.com

ACTION: (Alvarez/ Escutia-Braaton; 3/0) Motion recommending the appointment David Harris and Larry Sanders to the City of Modesto Citizens' Housing and Community Development Committee for a 4-year term beginning January 1,2025 through December 31, 2028, and forwarding to Council for approval.

5. Consider the appointments for five vacancies to the Disabled Access Appeals Board for a four-year term with a term expiration of December 31, 2028, and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending the appointments of five vacancies to the Disabled Access Appeals Board with a term expiration of December 31, 2028, and forwarding to Council for approval.

   CED; Oscar Diaz, 209-577-5885, odiaz@modestogov.com

ACTION: (Escutia-Braaton/Alvarez; 3/0) Motion recommending the appointments Monica Soria, Christine Stewart, David Townsend, David Harter, and Terry Moffatt to the Disabled Access Appeals Board with a term expiration of December 31, 2028, and forwarding to Council for approval

Committee Chair Williams recused due to conflict of interest

6. Consider the appointments for five vacancies, with a term, from January 1, 2025, to December 31, 2028 to the City of Modesto Entertainment Commission and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending appointments for five vacancies, with a term from January 1, 2025 to December 31, 2028 to the City of Modesto Entertainment Commission and forwarding to Council for approval.

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

ACTION: (Escutia-Braaton/Alvarez; 2/0/1;Williams recused) Motion recommending appointments of Dr. Tony Sillemon, Jennifer Anne (Rally) Aoyama, Ricardo R. Ortiz, Dr. Bianca Agassi and Elizabeth Buenrostro, with a term from January 1, 2025 to December 31, 2028 to the City of Modesto Entertainment Commission and forwarding to Council for approval.

7. Consider the appointments for two vacancies on the City of Modesto Landmark Preservation Commission with a term date ending December 31, 2028, and forwarding to City Council for approval. (Funding Source: Not Applicable)
    - Motion recommending the appointments for two vacancies on the City of Modesto Landmark Preservation Commission with a term date ending of December 31, 2028 and forwarding to City Council for approval.

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

ACTION: (Escutia-Braaton/ Alvarez; 3/0) Motion recommending the appointment of Brinder Singh and Harrison Power to the City of Modesto Landmark Preservation Commission with a term date ending of December 31, 2028 and forwarding to City Council for approval.

8. Consider the appointment to fill one Member-At-Large vacancy for a four-year term from January 1, 2025, to December 31, 2028, on the City of Modesto Golf Courses Advisory Committee, and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending one appointment to fill one Member-At-Large vacancy for a four-year term from January 1, 2025, to December 31, 2028, on the City

of Modesto Golf Courses Advisory Committee and forwarding to Council for approval.

PRN; Jessica Franco, 209-577-5278, jefranco@modestogov.com

ACTION: (Escutia-Braaton/ Alvarez; 3/0) Motion recommending one of Jim Spelman to fill one Member-At-Large vacancy for a four-year term from January 1, 2025, to December 31, 2028, on the City of Modesto Golf Courses Advisory Committee and forwarding to Council for approval.

9. Consider the appointment of two City of Modesto representatives to the Tuolumne River Regional Park Citizens Advisory Committee (TRRP CAC) through December 31, 2028, and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion recommending the appointment of two members to the Tuolumne River Regional Park Citizens Advisory Committee (TRRP CAC) through December 31, 2028, and forwarding to Council for approval.

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

ACTION: (Escutia-Braaton/ Alvarez; 3/0) Motion recommending the appointment Emmanuel Becerra and Jim Bishop to the Tuolumne River Regional Park Citizens Advisory Committee (TRRP CAC) through December 31, 2028, and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 6:11 P.M.

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP
2001-40 Del Puerto Room.
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, December 09, 2024 at 4:00 PM

Roll Call: Present: Committee Member Ricci, Vice-Chair Williams, Chair Escutia-Braaton

PUBLIC COMMENTS IN PERSON

None.

SUBMITTING COMMENTS BY E-MAIL

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEMS 1-2; (Williams/Ricci; 3/0)

CONSENT

Consent
1. Consider an Agreement with the State of California Office of Emergency Services to temporarily house and maintain a Type 6 Fire Engine and its associated equipment and forwarding to Council for approval. (Funding Source: General Fund)
    - Motion recommending an Agreement with the State of California Office of Emergency Services to temporarily house and maintain a Type 6 Fire Engine and its associated equipment and forwarding to Council for approval.

FIRE DEPARTMENT; Jerardo Avila, 209-572-9590, javila@modestofire.com

ACTION: (Williams/Ricci; 3/0) Motion recommending an Agreement with the State of California Office of Emergency Services to temporarily house and maintain a Type 6 Fire Engine and its associated equipment and forwarding to Council for approval.

Consent
2. Consider the Third Amendment to the Agreement for the Operation of the King-Kennedy Memorial Center with the West Modesto Community Collaborative to amend

the Agreement to a month-to-month basis until July 1, 2025, and forwarding to Council for approval. (Funding Source: General Fund)

- Motion recommending the Third Amendment to the Agreement for the Operation of the King-Kennedy Memorial Center with the West Modesto Community Collaborative to amend the Agreement to a month-to-month basis until July 1, 2025, and forwarding to Council for approval.

PRN; John Skeel, 209-577-5216, jskeel@modestogov.com

ACTION: (Williams/Ricci; 3/0) Motion recommending the Third Amendment to the Agreement for the Operation of the King-Kennedy Memorial Center with the West Modesto Community Collaborative to amend the Agreement to a month-to-month basis until July 1, 2025, and forwarding to Council for approval.

NEW BUSINESS

3. Consider an Ordinance amending Municipal Code Section 3-2.1401.1 to determine and designate speed limit changes and forwarding to Council for approval. (Funding Source: Police Department Fund 1600)

- Motion recommending an Ordinance amending Section 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to speed limits and forwarding to Council for approval.

PUBLIC WORKS; Max Navarro, 209-571-5116, manavarro@modestogov.com

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

ADJOURNMENT

This meeting adjourned at 4:20 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 10, 2024 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: Darrell Cummings, Christ Community Church

City Clerk's Announcements: Written communications were received and forwarded to Council.

Declaration of Conflicts of Interest: None.

Reports from Closed Session: No reportable action.

ELECTION ITEM

1. Consider approving the Certificate of Canvass of Votes from the November 5, 2024 Election. (Funding Source: General fund)
   CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

   ACTION: (Escutia-Braaton/Williams; 7/0) Resolution 2024-446 of the Council of the City of Modesto Confirming the Canvass of the Regular Municipal Election which was held in the City of Modesto on November 5, 2024 and Declaring the Results of Said Election and such other matters as provided by law.
2. Oath of Office of reelected Modesto City Councilmembers, Rosa Escutia-Braaton, Chris Ricci, and David Wright and the Modesto City School Board Members, John Ervin III, Abel Maestas, and Homero Mejia. (Funding Source: Not Applicable)
   CITY CLERK; Diane Nayares-Perez, 209-577-5398, dnayaresperez@modestogov.com

   ACTION: City Clerk Nayares-Perez administered the Oath of Office to reelected Modesto City Councilmembers, Rosa Escutia-Braaton, Chris Ricci, and David Wright

and the Modesto City School Board Members, John Ervin III, Abel Maestas, and Homero Mejia.

PUBLIC COMMENT IN PERSON

- Natali Gutierrez spoke regarding item 13, on behalf of the Park Youth Committee, expressed strong support for advancing the Parks and Recreation Master Plan in Modesto. She emphasized the importance of safe, accessible parks for the community, especially children and youth, and offered to collaborate on the plan, drawing from their work on the Tuolumne River Regional Master Plan.

- Terry Johnson, representing the NAACP Modesto Stanislaus, urged the Council to approve the new Cannabis Equity Grant application. He highlighted the grant's potential to help underserved communities, particularly those affected by past cannabis laws, by providing up to $250,000 to support job creation and business development. He emphasized the importance of the grant for improving the lives of underprivileged individuals and asked the Council to vote in favor, noting the application deadline of the 16th.

- Dr. Samuel White Ephraim, chairperson of the NAACP in Stanislaus County, expressed concern about the Council's vote on the Cannabis Equity Grant, particularly the split vote of 3 to 3. He urged Council Members to reconsider their decision, drawing parallels to past programs that impacted marginalized communities. He criticized the continued shifting of goals and called for transparency regarding any potential conflicts of interest, questioning whether financial gain influenced the vote. He also suggested that the Department of Justice review the situation due to potential Civil Rights violations. Ephraim emphasized the importance of approving the grant for the community and urged those who opposed it to reconsider their stance before the December 16th deadline.

- Wendy Bird requested that the City Council call a Special Meeting to reconsider the vote on applying for Part 2 of the California Equity Funding, with a deadline of December 16th. She emphasized the urgency, noting that without approval, the city would miss out on funding for a year, as the next opportunity wouldn't open until October. She explained that the funding could provide an additional $250,000 and that the second part of the grant was closely tied to the first. She highlighted the work already done by the city in setting up the program and preparing participants and urged the Council to allow staff to apply for the grant, stressing that this was merely a request to apply and not a conflict of interest.

- Derek Castle congratulated Council Members Escutia-Braaton and Wright on their election and thanked Council Member Ricci for his continued service. He then addressed the issue of homelessness, acknowledging the Modesto Gospel Mission for extending its overnight winter warming center through March, and the Salvation Army

for offering a similar service. He emphasized the importance of these efforts, as many cities do not provide such care for their unsheltered populations. While these actions were positive, he pointed out that there would still be around 400 people unsheltered after March. He called for additional dignity-style housing and the use of allocated funds to purchase bridge housing cabins. He also praised the new program for families, which was going well, and expressed hope that in 2025, the City would be able to purchase cabins for individuals currently sleeping on the streets and in parks.

- Samuel Tavak spoke to the Council about a personal matter involving the prosecution of a pedophile in Modesto. He described how his daughter had been abused by a person who had previously been jailed but was allowed back into the home by her mother, where the abuse continued. He expressed outrage that the abuse was not properly addressed when his daughter came forward to CPS, and he criticized the response she received. He asked the Council to assist with the case and prosecution.

- Gladys Williams urged the Council to reconsider their decision on the Cannabis Equity Program after a tie vote at the previous meeting. She highlighted her long involvement with the program and emphasized that the second grant, which could provide up to $250,000, required no matching funds and was designed to help those adversely affected by past cannabis laws. She argued that applying for this grant was an opportunity to support minorities seeking to enter the cannabis industry, promoting equity in the community. She also expressed disappointment that such a straightforward decision had not been approved and urged the Council to reconsider their vote, praising CED Staff for their efforts in promoting the program.

- Eric Washington spoke about his negative experience with the Cannabis Equity Program, expressing frustration over what he perceived as a setup for failure. He questioned the purpose of the program if participants were not provided enough support to succeed, pointing out that others in business could easily access grants and loans, while people like him faced additional hurdles. He felt that the system was unfair and racially biased, arguing that the limited funding provided for startup costs was not enough and that the process was too burdensome. He suggested that, instead of participating in the program, he might be better off finding investors on his own. Washington concluded by expressing his belief that the system was stacked against people like him and that the City was resistant to change.

- La Price Reynolds expressed disappointment over the decision not to move forward with funding for the program, explaining that he required approximately $174,000 for equipment and other associated costs. He noted he was still in the process of organizing finances and mentioned prior comments from a board member about supporting participants in starting their businesses. He questioned why the city was unwilling to provide the funding needed to help them progress, particularly since it could encourage investor interest. He also raised concerns about members recusing themselves from votes due to family connections. He urged the Council to reconsider their actions,

emphasizing the importance of the community and the program over personal relationships.

- Michael Baldwin addressed the Council congratulating them on their reelection and emphasizing Modesto's diversity and the Council's reasonableness. He urged the Council to approve filing an application related to the cannabis industry, stressing that the vote was not about individuals or favoritism but about submitting the application before the deadline to avoid wasting taxpayer resources. Baldwin highlighted the lack of African American-owned cannabis dispensaries in the area and referenced historical inequities in marijuana-related offenses and business opportunities for African Americans and Latinos. He appealed to the Council's sense of fairness and equity, expressing confidence they would unanimously vote to move the application forward.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 3-14, 17-18: (Wright/Alvarez; 7/0)

CONSENT

Consent
3. Consider approving the minutes for the December 3, 2024 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes for the December 3, 2024 Council Meeting.

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

ACTION: (Wright/Alvarez; 7/0) Motion approving the minutes for the December 3, 2024 Council Meeting.

Consent
4. Consider approving the Mayor's appointments to the City of Modesto Standing Committees, and City Council Liaison Committees; and appointing a Vice Mayor for the 2025 calendar year. (Funding Source: Not Applicable)
    - Motion appointing Council Member Bavaro as Vice Mayor for the 2025 calendar year.
    - Motion approving the appointments to the Standing Committees and City Council Liaison Committees for the 2025 calendar year.

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

ACTION: (Wright/Alvarez; 7/0) Motion appointing Council Member Bavaro as Vice Mayor for the 2025 calendar year.

ACTION: (Wright/Alvarez; 7/0) Motion approving the appointments to the Standing Committees and City Council Liaison Committees for the 2025 calendar year.

Consent

5. Consider approving the Sixth 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 December 31, 2025. (Funding Source: Not Applicable)
    - Resolution approving a Sixth Amendment to the Joint Exercise of Powers Agreement between the City of Modesto and the County of Stanislaus for Emergency Dispatch Services, amending Section 5.1 extending the expiration date to December 31, 2025, and authorizing the City Manager or his designee to execute the Amendment.

    CITY MANAGER; Scotty Douglass, 209-577-9149, sdouglass@modestogov.com

    ACTION: (Wright/Alvarez; 7/0) Resolution 2024-447 approving a Sixth Amendment to the Joint Exercise of Powers Agreement between the City of Modesto and the County of Stanislaus for Emergency Dispatch Services, amending Section 5.1 extending the expiration date to December 31, 2025, and authorizing the City Manager or his designee to execute the Amendment.

Consent

6. Consider approving a First Amendment to the Professional Services Agreement with Seer World, Inc, Roswell, Georgia for urban planning and project management support increasing the Agreement by an amount not to exceed $815,348. (Funding Source: General Fund)
    - Resolution approving the First Amendment to the Professional Services Agreement with Seer World, Inc, Roswell, Georgia for urban planning and project management support increasing the Agreement by an amount not to exceed $815,348 to a new total amount of $1,465,748, and authorizing the City Manager, or his designee, to finalize and execute the First Amendment.
    - Resolution amending the fiscal year 2024-2025 multi-year fund budget to establish the transfer out from unassigned General Fund balance to the Urban Planning and Redevelopment Project–101638 in the amount of $815,348 and budgeting the necessary transfers and project discretionary budget and authorizing the City Manager or his designee to take the necessary steps to implement the provisions in this resolution.

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

    ACTION: (Wright/Alvarez; 7/0) Resolution 2024-448 approving the First Amendment to the Professional Services Agreement with Seer World, Inc, Roswell, Georgia for urban planning and project management support increasing the Agreement by an amount not to exceed $815,348 to a new total amount of $1,465,748, and authorizing the City Manager, or his designee, to finalize and execute the First Amendment.

    ACTION: (Wright/Alvarez; 7/0) Resolution 2024-449 amending the fiscal year 2024-2025 multi-year fund budget to establish the transfer out from unassigned General Fund balance to the Urban Planning and Redevelopment Project–101638 in

the amount of $815,348 and budgeting the necessary transfers and project discretionary budget and authorizing the City Manager or his designee to take the necessary steps to implement the provisions in this resolution.

Consent

7. Consider approving a Modesto Forward Grant Agreement with the Modesto Improvement Partnership, Inc, (MIP) for Downtown Beautification not to exceed $700,000. (Funding Source: American Rescue Plan Act Funds)
    - Resolution approving the Modesto Forward Grant Agreement with Modesto Improvement Partnership, INC., to fund a Downtown Beautification Program for a total amount not to exceed $700,000 and authorizing the City Manager or his designee to execute the Agreement.

    CED; Trevin Barber, 209-571-5566, tbarber@modestogov.com

    ACTION: (Wright/Alvarez; 7/0) Resolution 2024-450 approving the Modesto Forward Grant Agreement with Modesto Improvement Partnership, INC., to fund a Downtown Beautification Program for a total amount not to exceed $700,000 and authorizing the City Manager or his designee to execute the Agreement.

Consent

8. Consider accepting the Monthly Investment Report for September 2024. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for September 2024.

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

    ACTION: (Wright/Alvarez; 7/0) Motion accepting the Monthly Investment Report for September 2024.

Consent

9. Consider accepting an Informational Report on the September and October 2024 Grant Applications and Awards. (Funding Source: Not Applicable)
    - Motion accepting an Informational Report for September and October 2024 Grant Applications and Awards.

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

    ACTION: (Wright/Alvarez; 7/0) Motion accepting an Informational Report for September and October 2024 Grant Applications and Awards.

Consent

10. Consider accepting an informational update on the American Rescue Plan Act spending plan and approving a Memorandum of Understanding between the City of Modesto and Modesto Fire Department to implement the Fire Station 1 Enhancement Program. (Funding Source: American Rescue Plan Act)

- Motion accepting an Informational Report update on the American Rescue Plan Act spending plan.
- Resolution approving a Memorandum of Understanding between the City of Modesto and Modesto Fire Department to implement the Fire Station 1 Enhancement Program; and authorizing the City Manager or his designee to execute the Memorandum of Understanding.

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

ACTION: (Wright/Alvarez; 7/0) Motion accepting an Informational Report update on the American Rescue Plan Act spending plan.

ACTION: (Wright/Alvarez; 7/0) Resolution 2024-451 approving a Memorandum of Understanding between the City of Modesto and Modesto Fire Department to implement the Fire Station 1 Enhancement Program; and authorizing the City Manager or his designee to execute the Memorandum of Understanding.

Consent

11. Consider approving the submission of a Grant Application for the Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant (AFG) for an amount up to $1,340,820 with a local match requirement of up to 10%. (Funding Source: General Fund)
    - Resolution approving the submission of a Grant Application for the Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant (AFG) for an amount up to $1,340,820 with a local match requirement of up to 10%, and authorizing the City Manager, or his designee, to execute and submit all documents necessary for the completion of the Grant Application.

    FIRE DEPARTMENT; Kevin Wise, 209-572-9590, kwise@modestofire.com

    ACTION: (Wright/Alvarez; 7/0) Resolution 2024-452 approving the submission of a Grant Application for the Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant (AFG) for an amount up to $1,340,820 with a local match requirement of up to 10%, and authorizing the City Manager, or his designee, to execute and submit all documents necessary for the completion of the Grant Application.

Consent

12. Consider approving the purchase of mobile and portable radios to Motorola Solutions, Inc., San Diego, CA, for a total amount not to exceed $999,953. (Funding Source: Various Funds)
    - Resolution approving the Competitive Bidding Process from Houston-Galveston Area Council, with Motorola Solutions, Inc., San Diego, CA, for the purchase of Mobile and Portable Radios, for a total amount not to exceed $999,953; and authorizing the Purchasing Manager or her designee to issue the Purchase Order.

POLICE; Jessica Smart, 209-572-9500, smartj@modestopd.com

ACTION: (Wright/Alvarez; 7/0) Resolution 2024-453 approving the Competitive Bidding Process from Houston-Galveston Area Council, with Motorola Solutions, Inc., San Diego, CA, for the purchase of Mobile and Portable Radios, for a total amount not to exceed $999,953; and authorizing the Purchasing Manager or her designee to issue the Purchase Order.

Consent

13. Consider approving an Agreement with Berry, Dunn, McNeil, & Parker LLC, Portland, ME, to prepare the Parks and Recreation Master Plan for total amount not to exceed $421,685. (Funding Source: Measure H)
    - Resolution approving an Agreement with Berry, Dunn, McNeil, & Parker LLC, Portland, ME, to prepare the Parks and Recreation Master Plan for an amount of $383,350, plus $38,335 for additional services, if needed, for an Agreement total amount not to exceed $421,685, and authorizing the City Manager, or his designee, to execute the Agreement.

    PRN; Diane Sheatsley, 209-577-5418, dsheatsley@modestogov.com

    ACTION: (Wright/Alvarez; 7/0) Resolution 2024-454 approving an Agreement with Berry, Dunn, McNeil, & Parker LLC, Portland, ME, to prepare the Parks and Recreation Master Plan for an amount of $383,350, plus $38,335 for additional services, if needed, for an Agreement total amount not to exceed $421,685, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

14. Consider approving the Plans and Specifications for the Tuolumne River Regional Park (TRRP) Picnic Area B Renovation Project, accepting the Bid and Awarding a Construction Contract to Sinclair General Engineering Construction, Inc., of Oakdale, CA., in the amount not to exceed $376,978. (Funding Source: Various Fund)
    - Resolution approving the Plans and Specifications for the Tuolumne River Regional Park (TRRP) Picnic Area B Renovation Project, accepting the Bid and Awarding a Construction Contract to Sinclair General Engineering Construction, Inc., of Oakdale, CA., in the amount of $342,707, authorizing $34,271 for contingency (if needed), for a total payment amount not to exceed $376,978, and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution amending the Fiscal Year 2024-25 Capital Improvement Program budget to fund Project #101478 (TRRP B Improvements) in an amount not to exceed $125,034 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/Alvarez; 7/0) Resolution 2024-455 approving the Plans and Specifications for the Tuolumne River Regional Park (TRRP) Picnic Area B Renovation Project, accepting the Bid and Awarding a Construction Contract to Sinclair General Engineering Construction, Inc., of Oakdale, CA., in the amount of $342,707, authorizing $34,271 for contingency (if needed), for a total payment amount not to exceed $376,978, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Wright/Alvarez; 7/0) Resolution 2024-456 amending the Fiscal Year 2024-25 Capital Improvement Program budget to fund Project #101478 (TRRP B Improvements) in an amount not to exceed $125,034 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.

Removed from Consent

15. Consider approving the Plans and Specifications for Tuolumne River Regional Park River (TRRP) Pavilion and Learning Theater Project, accepting the Bid and Awarding a Construction Contract to Westside Landscape & Concrete, Inc. of Newman, CA., for a total amount not to exceed $597,159. (Funding Source: Various Funds)
    - Resolution approving the Plans and Specifications for the Tuolumne River Regional Park (TRRP) Pavilion and Learning Theater Project, accepting the Bid and Awarding a Construction Contract to Westside Landscape & Concrete, Inc. of Newman, CA., in the amount of $552,925 authorizing $44,234 for contingency (if needed), for a total amount not to exceed $597,159, and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution amending the Fiscal Year 2024-25 Capital Improvement Program budget to fund Project #101135 (TRRP River Pavilion) for a total amount not to exceed $64,002 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/Williams; 6/1; Noes: Ricci) Resolution 2024-457 approving the Plans and Specifications for the Tuolumne River Regional Park (TRRP) Pavilion and Learning Theater Project, accepting the Bid and Awarding a Construction Contract to Westside Landscape & Concrete, Inc. of Newman, CA., in the amount of $552,925 authorizing $44,234 for contingency (if needed), for a total amount not to exceed $597,159, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Wright/Williams; 6/1; Noes: Ricci) Resolution 2024-458 amending the Fiscal Year 2024-25 Capital Improvement Program budget to fund Project #101135 (TRRP River Pavilion) for a total amount not to exceed $64,002 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.

Removed from Consent

16. Consider approving the Plans and Specifications for The Awesome Spot Playground, Phase 1A, accepting the Bid and Awarding a Construction Contract to Westside Landscape & Concrete, Inc. of Newman, CA., for a total amount not to exceed $812,755. (Funding Source: Various Funds)
    - Resolution approving the Plans and Specifications for The Awesome Spot Playground, Phase 1A, accepting the Bid and Awarding a Construction Contract to Westside Landscape & Concrete, Inc. of Newman, CA., in the amount of $738,868 authorizing $73,887 for contingency (if needed), for a total amount not to exceed $812,755 and authorizing the City Manager, or his designee, to execute the Agreement.

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

    ACTION: (Wright/Zwahlen; 6/1; Noes: Ricci) Resolution 2024-459 approving the Plans and Specifications for The Awesome Spot Playground, Phase 1A, accepting the Bid and Awarding a Construction Contract to Westside Landscape & Concrete, Inc. of Newman, CA., in the amount of $738,868 authorizing $73,887 for contingency (if needed), for a total amount not to exceed $812,755 and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

17. Consider approving the price increase of Purchase Order 216608 for Napa Ford, Napa, CA by $50,404 for three Ford Police Responder Pickups for a revised total amount not to exceed $216,968. (Funding Source: Fleet Replacement Fund)
    - Resolution approving the increase of Purchase Order 216608 with Napa Ford, Napa, CA for three Ford Police Responder pickups by $50,404 from $166,564 for a revised total amount not to exceed $216,968, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order price increase.

    PUBLIC WORKS; Larry Devereaux, 209-342-2214, ldevereaux@modestogov.com

    ACTION: (Wright/Alvarez; 7/0) Resolution 2024-460 approving the increase of Purchase Order 216608 with Napa Ford, Napa, CA for three Ford Police Responder pickups by $50,404 from $166,564 for a revised total amount not to exceed $216,968, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order price increase.

Consent

18. Consider approving a three month extension of the lease with Juana Monreal and Jose Solis, individuals doing business as Liz Andrews Furniture, for the City-owned property located at 131 9th Street. (Funding Source: Wastewater Fund)
    - Resolution approving a three-month extension of the lease with Juana Monreal and Jose Solis, individuals doing business as Liz Andrews Furniture, for City-

owned property located at 131 9th Street, and authorizing the City Manager, or his designee, to execute the lease amendment.

UTILITIES; Cristian Ciotau, 209-571-5175, cciotau@modestogov.com

ACTION: (Wright/Alvarez; 7/0) Resolution 2024-461 approving a three-month extension of the lease with Juana Monreal and Jose Solis, individuals doing business as Liz Andrews Furniture, for City-owned property located at 131 9th Street, and authorizing the City Manager, or his designee, to execute the lease amendment.

COUNCIL COMMENTS & REPORTS

Council Member Ricci expressed enthusiasm for local comedian Sal Trujillo's appearance on The Late Show with Stephen Colbert and praised the Modesto Police Department for significantly reducing catalytic converter thefts, noting a drop from 421 cases in 2021 to 42 this year. He also highlighted the department's past success in combating car theft, moving Modesto out of the top 50 worst locations for such crimes. Regarding the Equity Grant issue, Ricci advocated for another vote, emphasizing the importance of using state grant money to support new local businesses. He concluded by requesting a Special Meeting to address the matter.

Vice Mayor Alvarez congratulated his colleagues on their reelection and reflected on the challenges and responsibilities of serving on the Council, noting the demanding nature of the work and its impact on personal life. He addressed public comments regarding his recusal from a vote related to the Equity Program, explaining that he acted out of an abundance of caution due to a family member’s potential interest in the program. He emphasized his commitment to ethical leadership and expressed frustration over public accusations made without prior communication or discussion with his office. He highlighted his extensive research on the equity program, particularly regarding arrest rates for people of color in targeted ZIP codes, and reaffirmed his decision to recuse himself to uphold ethical standards.

Council Member Escutia-Braaton reflected on the accomplishments of the City Council over the past year, emphasizing the unity and commitment of the group in making tough decisions for the benefit of Modesto. She expressed gratitude for the opportunity to serve with her colleagues and appreciation for the trust placed in them by constituents to continue their work. Acknowledging that decisions are not always perfect, she affirmed the Council's dedication to achieving positive outcomes for the City. Escutia-Braaton thanked Vice Mayor Alvarez for his service and congratulated Council Member Bavaro on his upcoming role as Vice Mayor. She also commended the Mayor for her leadership and expressed optimism for the work ahead.

Mayor Zwahlen shared her gratitude for being invited to participate in the Veterans Nursing Scholarship Award, a scholarship she received herself in 1975. She reflected on her career as a registered nurse and her continued connection to the community through this program. She also highlighted the recent parade in Modesto, praising its success and

the efforts of everyone involved, including her husband, who helped decorate their truck. Zwahlen noted the joy the event brought to children and the importance of creating magical moments for the community.

ACTION: (Ricci/Williams; 3/3; Noes: Wright, Escutia-Braaton, Bavaro; Recused: Alvarez) Motion for a Special Meeting to bring back failed item 26 from the December 3, 2024 meeting.

CITY MANAGER COMMENTS & REPORTS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:45 P.M.

All Closed Session Matters heard prior to the 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): Josh Hauselmann v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ18827281

John Heilman v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ8940740

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
2001-40 Del Puerto Room
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, December 16, 2024 at 4:00 PM

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

PUBLIC COMMENTS IN PERSON

None.

SUBMITTING COMMENTS BY E-MAIL

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEMS 1-4 (Wright/Escutia-Braaton; 3/0)

CONSENT

Consent
1. Consider an Agreement with Alliant Insurance Services Inc., Irvine CA as broker of record for Employee Benefit Plans for an amount not to exceed $490,000 over five years and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion recommending a Sole Source Agreement with Alliant Insurance Services Inc., Irvine CA as the broker of record for Employee Benefit Plans for a three-year Agreement with two one-year extension options, with an annual estimated amount of $98,000, and a total amount not to exceed $490,000 over five years; and forwarding to Council for approval.

HUMAN RESOURCES; Dawn Kelley, 209-577-5490, dkelley@modestogov.com
ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending a Sole Source Agreement with Alliant Insurance Services Inc., Irvine CA as the broker of record for Employee Benefit Plans for a three-year Agreement with two one-year extension options, with an annual estimated amount of $98,000, and a total amount not to exceed $490,000 over five years; and forwarding to Council for approval.

Consent
2. Consider an Agreement with Employers Choice Screening (ECS), Santa Fe Springs, CA to conduct Pre-Employment Background Checks for an amount not to exceed

$125,000 over five years and forwarding to Council for approval. (Funding Source: Various Funds)

- Motion recommending an Agreement with Employers Choice Screening (ECS), Santa Fe Springs, CA to conduct Pre-Employment Background Checks for a three-year Agreement with two one-year extension options, for an estimated annual amount of $25,000 and total amount not to exceed $125,000 over five years and forwarding to Council for approval.

HUMAN RESOURCES; Dawn Kelley, 209-577-5490, dkelley@modestogov.com

ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending an Agreement with Employers Choice Screening (ECS), Santa Fe Springs, CA to conduct Pre-Employment Background Checks for a three-year Agreement with two one-year extension options, for an estimated annual amount of $25,000 and total amount not to exceed $125,000 over five years and forwarding to Council for approval.

Consent

3. Consider an Agreement with University of Massachusetts (UMass) Global for an Employee Leadership Development Program in a total amount not to exceed $295,000 over five years and forwarding to Council for approval. (Funding Source: Various Funds)

    - Motion recommending the Agreement with UMass Global for an Employee Leadership Developmental Program for a two-year Agreement with three one-year extension options, for an annual estimated amount $59,000 and a total amount not to exceed $295,000 over five years; and forwarding to Council for approval.

    HUMAN RESOURCES; Wanda King, 209-571-5125, wking@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending the Agreement with UMass Global for an Employee Leadership Developmental Program for a two-year Agreement with three one-year extension options, for an annual estimated amount $59,000 and a total amount not to exceed $295,000 over five years; and forwarding to Council for approval.

Consent

4. Consider the Plans and Specifications for the Bret Harte Neighborhood Strengthen & Replace Water Mains Phase 1B Project; a Construction Contract with Mid Cal Pipeline & Utilities, Inc., of Merced, CA in the amount of $1,731,369, plus 15% in contingency (if needed), for a total payment amount not to exceed $1,991,075; and an Engineering Support during Construction Agreement with Siegfried Engineering, of Modesto, CA in the amount of $29,800, plus $2,980 in additional services (if needed), for a total payment amount not to exceed $32,780 and forwarding to Council for approval. (Funding Source: Water Fund)

    - Motion recommending the Plans and Specifications for the Bret Harte Neighborhood Strengthen & Replace Water Mains Phase 1B Project, and a Construction Contract with Mid Cal Pipeline & Utilities, of Merced, CA in the

amount of $1,731,369, plus 15% in contingency (if needed), for a total payment amount not to exceed $1,991,075 and forwarding to Council for approval.

- Motion recommending an Engineering Support during Construction Agreement with Siegfried Engineering, of Modesto, CA, for the Bret Harte Neighborhood Strengthen & Replace Water Mains Phase 1B Project in the amount of $29,800, plus $2,980 in additional services, if needed, for a total amount not to exceed $32,780 and forwarding to Council for approval.
- Motion recommending amending the Fiscal Year 2024-25 Capital Improvement Program Budget in the amount of $678,500 to be transferred into the Project from Water Reserves to fund the Bret Harte Neighborhood Strengthen & Replace Water Mains Phase 1B Project and forwarding to Council for approval.

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

ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending the Plans and Specifications for the Bret Harte Neighborhood Strengthen & Replace Water Mains Phase 1B Project, and a Construction Contract with Mid Cal Pipeline & Utilities, of Merced, CA in the amount of $1,731,369, plus 15% in contingency (if needed), for a total payment amount not to exceed $1,991,075 and forwarding to Council for approval.

ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending an Engineering Support during Construction Agreement with Siegfried Engineering, of Modesto, CA, for the Bret Harte Neighborhood Strengthen & Replace Water Mains Phase 1B Project in the amount of $29,800, plus $2,980 in additional services, if needed, for a total amount not to exceed $32,780 and forwarding to Council for approval.

ACTION: (Wright/Escutia-Braaton; 3/0) Motion recommending amending the Fiscal Year 2024-25 Capital Improvement Program Budget in the amount of $678,500 to be transferred into the Project from Water Reserves to fund the Bret Harte Neighborhood Strengthen & Replace Water Mains Phase 1B Project and forwarding to Council for approval.

NEW BUSINESS

5. Consider establishing the creation of a new Fund to track the Opioids Settlement Proceeds and Opioids Spending Plan as defined by the State of California Department of Health Care Services (DHCS) and forwarding to Council for approval. (Funding Source: Settlement Proceeds)
    - Motion recommending the creation of a new Fund, 1890 – Opioid Settlements Fund, to track the Opioids Settlement Proceeds and Opioids Spending Plan as defined by the State of California Department of Health Care Services (DHCS), and forwarding to Council for approval.
    - Motion recommending amending the Fiscal Year 2024-2025 Multi-Year Operating Budget to establish projects for the Opioids Spending Plan based upon the settlement amounts listed above, and forwarding to Council for approval.

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

ACTION: (Escutia-Braaton/Wright; 3/0) Motion recommending the creation of a new Fund, 1890 – Opioid Settlements Fund, to track the Opioids Settlement Proceeds and Opioids Spending Plan as defined by the State of California Department of Health Care Services (DHCS), and forwarding to Council for approval.

ACTION: (Escutia-Braaton/Wright; 3/0) Motion recommending amending the Fiscal Year 2024-2025 Multi-Year Operating Budget to establish projects for the Opioids Spending Plan based upon the settlement amounts listed above, and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 4:19 pm.

Attest: _____
Reyna Mendoza, Deputy City Clerk